CONGRESSIONAL RECORD:

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THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-THIRD CONGRESS, FIRST SESSION.

ALSO

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CONGRESSIONAL RECORD,

FIFTY-THIRD CONGRESS, FIRST SESSION.



the Arab and silently steal away. They have no purpose of living here, and still less of dying on this side of the Pacific. Wherever they are located they breed dissensions, trouble, and strife. They are aliens to us in language, in customs, and in laws. We should not permit the introduction of any element into our body politic that will not assimilate and become a part of the same.

This the coolie never will do. He builds no schools, he erects no public buildings, he does nothing but work cheaply and as rapidly as possible that he may return to his native land and live in idleness. Men who have thoroughly studied this question regard their further coming as a detriment to the labor of our country. A system of underpaid wages is always a system of fraud and deceit. There is something so honorable in work, there is something so noble in industry, that the ingenuous mind regards injustice to the toiler with mingled feelings of indignation and contempt. In this age, and, more than all, in this Republic, it is a moral felony which the high chancery of a just

God will fully avenge. [Applause.]
Mr. Speaker, I shall avail myself of this opportunity to very briefly refer to a matter outside of the present discussion. Now and then, and more especially of late, in one or two magazines of the East and in a newspaper or two whose vision has never reached the other side of the Alleghanies, that the West has entirely too much representation in proportion to her popula-tion and development. As far as this House is concerned, we receive the same proportion of representation in the West that the other districts throughout the country do, and I believe if the vote upon which I have the honor to be elected is examined. it will show as many, if not more, votes than that east for any other member upon this floor, and I cheerfully invite examination upon that point.

But the criticism is not so much applied to the House as it is But the criticism is not so much applied to the House as it is that those States have the two Senators that are guaranteed to them by the Constitution; but I think, Mr. Speaker, if they would examine that side of the question they will find that these Senators represent interests that are as great as any Senator on this side of the Alleghanies represents. These gentlemen who are engaged in making these criticisms need to broaden their views. Nothing is more clear than that the interests of the results views. Nothing is more clear than that the interests of the people of the West are directly and positively the interests of the people of the East. We are not only your fellow-citizens, but your cus-When we are rich you prosper, when we are poor you tomers. Who suffer with us.

Sir, I am glad I represent a Western constituency. I rejoice that I have been honored with their suffrages. These are brave, bold, manly, and energetic people, who have blazed the mere pathway of the pioneer into a magnificent highway, and built on the other side of the Rocky Mountains an empire for you and for me. The men who are engaged in criticising them are merely the descendants of those who built commonwealths in the past, while I have the honor, sir, to represent those who create commonwealths and have been busily engaged in building States.

Mr. Speaker, the question of emigration is a grave and im-

Mr. Speaker, the question of emigration is a grave and important one, and especially that portion which relates to coolie labor. Had the Chinese emigrated to the eastern shores of this country instead of its western, it is my judgment they would have produced a revolution long since, because you can not place in any portion of this country a hundred thousand laborers who make their purchases from their own country, and what money they have left from every dollar they carn is sent to their own country for an accumulation that they can return upon. And it has only been on account of the unexcentional conditions of the has only been on account of the unexceptional conditions of the Pacific coast that we have been enabled to stand this drain for twenty years. And so I say this question is a grave one. We have to the east of us 300,000,000 of discontented people and to the west of us 400,000,000 of uneducated and unchristian races.

Upon this our native land meet these two great streams, the one white and the other yellow, and it has been said by someone "they can not flow peacefully upon parallel lines, but as the translucent waters of the Mississippi and the yellow flood of the Missouri mingle, the greater and clearer stream is stained and flows polluted to the sea." Let us then perform our duty without regard to politics, with courage and with conscience in de-fense of the honest labor of this country. Let us do justice, and under no circumstances forget our duty and our obligations to

our native land. [Applause.]
Mr. Speaker, I have listened with the greatest pleasure to my able friend from Massachusetts, Mr. Morse. I have also paid the closest attention to the able gentleman from Massachusetts, Mr. Draper; also to my friend Mr. McCall, from the State of Massachusetts. I also paid strict attention to the very able and scholestic continuous from Massachusetts. and scholastic gentleman from Massachusetts, Mr. EVERETT, whose learning and logic I do honor; and as the debate proceeded I could not help but think that the grand old Commonwealth of Massachusetts, perhaps unwittingly, was engaged in

an effort to destroy everything which makes the Western coun-

try prosperous. hen the silver debate was up, they then attacked one of our great products. Now, when we are seeking to give labor to our fellow-citizens, and to our own flesh and blood, Massachusetts is again here endeavoring to deprive us of that privilege. there will be passed through yonder portals a bill which, if I am not mistaken, will place the raw materials and products of the great West upon the free list. Then again Massachusetts will be found, as she has been for a hundred years, here seeking protection for her manufacturing industries and the placing on the free list our barley, our hops, lead, lumber, and wool; and as this debate has proceeded I could not help thinking of a similar scene that occurred in the House of Representatives fifty years ago. Then John Randolph of Roanoke, in a speech of great force, denounced New England and New England institutions. The grand old man, known as the Bald Eagle of Rhode Island [Tristam Burges] rose to reply, and in the closing remarks upon the proposed tariff legislation he said:

The policy of the gentleman from Virginia calls him to a course of legislation resulting in the entire destruction of one part of this Union.

Mr. Speaker, the policy of the gentleman from Massachusetts calls them to a course of legislation that destroys absolutely one portion of the Union.

Mr. MORSE. Will the gentleman allow me?
Mr. WILSON of Washington. Not until I get through, and then I will yield to the gentleman with pleasure. I have only a few moments left of my time.

Then he goes on to say:

Mine own romantic country, must we leave thee? Beautiful patrimony of the wise and good; enriched from the economy, and ornamented by the labor and perseverance of two hundred years—must we leave thee, venerable heritage of ancient justice and pristine faith?

We must leave thee if the policy of the gentleman from Virginia is enforced.

We must leave thee to the demagogues who have deceived and sold us and to the remnants of the Penobscots, the Pequods, the Mohicans, the Narragansetts; that they may lure back the far retired bear from the distant forest, again to inhabit in the young wilderness growing up in our flour ishing fields and spreading with briars and brambles over most pleasant

Mr. Speaker, must we leave our country to the Courd' Alenes, the Spokanes, the Nez Perces, to the Yakimas and the Columbias, that they, too, may lure back the retired bear from the

distant forest to roam over our fruitful fields?

When this character of legislation shall come to pass, may not the great West again become a lair for wild beasts and for savthe great West again become a lair for wild beasts and for savages; the graves of our parents be polluted, and the places made
holy by the first footsteps of pioneers become profaned by the
orgies of barbarous incantation. The evening wolf shall again
howl on our hills and the echo of his yell again be heard around
our waterfalls; the owl at noonday may roost on the high alture
of devotions, "and the fox will look out of the window" upon
the utter devolution away hy localestion as her beauty the utter desolution caused by such legislation as has been at-tempted in this Congress against the great West. In that hour tempted in this Congress against the great West. In that hour the gentlemen who have spoken against our interests can rise in their places and exclaim truthfully as old Tristam Burges did, in reply to John Randolph: "Hodie, hodie, Carthago delendo—to-day, to-day, the great West has been destroyed." Mr. DINSMORE was recognized.

Mr. MORSE. Mr. Speaker, I ask the gentleman to yield me a minute to ask the gentleman from Washington a question.

Mr. DINSMORE. Mr. Speaker, I have no objection to the gentleman from Massachusetts asking the gentleman from Washington a question, but I prefer that he should ask it after I get through. I will say to the gentleman that I would gladly extend

through. I will say to the gentleman that I would gladly extend to him any courtesy in my power, but, as he knows, the time when this debate is to end has almost arrived, and another gentleman is to follow me upon whose time I must not trespass.

Mr. Speaker, I had not intended to take any part whatever in

this discussion, and I do not feel that anything I may say will add much to the force of what has already been said by gentle-men in the debate upon the pending measure. But it has ocmen in the debate upon the pending measure. But it has occurred to me, sir, considering the wide range which the discussion has taken, the very extended scope which has been given to the debate, that it would be well for the House to come back to a practical consideration of the actual question which is be-

We have heard a great deal that has been entertaining, interesting, admirable in the way of declamation and oratory, but it seems to me that the proposition offered for our consideration is very plain, simple, and practical, and one that we should deal with without entering upon such a wide field of discussion. We have heard learned dissertations upon international comity, upon treaty relations, upon the power and force of treaties when in conflict with statutory laws, and on the costitutional limitations upon such laws as the one which the Committee on Foreign Af-

fairs has reported a bill to amend.

We have listened to gentlemen in their efforts to make this a party question, and I must say that I was somewhat amused a moment since when my friend from Washington [Mr. WILSON] and the gentleman from Massachusetts [Mr. Morse] met almost in an embrace, though differing so widely upon the question presented for the consideration of the House, simply because they had come to the conclusion that the Democratic party could not be trusted as to the exclusion of the Chinese, the silver

question, or anything else. [Laughter.]
I say, Mr. Speaker, that these arguments and orations have been very entertaining and perhaps instructive, indeed they have been instructive; but what I would call attention to is that they are not pertinent to the question before the House. I listened with a great deal of pleasure to the distinguished chairman of the Committee on Foreign Affairs [Mr. McCreary of Kentucky] in his dissertation on the force of treaties. I was greatly entertined by the most admirable speech of the gentleman from Mississippi [Mr. HOOKER], and followed with pleasure his thrilling sentences when he expressed, with fervid eloquence, his admiration of the great Chinese Empire with its ancient traditions, its civilization, and its institutions so far antedating those of our own country.

I have heard with much interest the denunciations by other gentlemen in their vigorous attack upon the Geary law, which is a law in force upon the statute books of our country. But what is a law in force upon the statute books of our country. But what is proposed, Mr. Speaker, to this House? If there had been a bill brought here by the Committee on Foreign Affairs to repeal the Geary law, then much that has been said would have been entirely pertinent and forcible in this discussion. But no such measure is proposed to the House. There is no measure here proposing to repeal the law which bears the name of my brilliant and able friend from California [Mr. GEARY].

A bill has been reported to the House simply to extend the time provided in that law for the registration of the Chinese who are resident in this country and who desire to be protected by this Government, and to that bill certain a mendments are

by this Government, and to that bill certain amendments are offered by the gentleman from California. One of those amendments, it may be unnecessary for me to state, provides for the interpretation of the term "merchant" as used in the law. Another provides for means of identifying those Chinese who are resident in this country and who claim the protection of the Government of the United States. Another appertains to the arrest and detention of Chinese who have been held to be viola-

tors of the law.

Now, Mr. Speaker, I desire to say that I am in the fullest sympathy with the bill as reported by the Committee on Foreign Affairs. I voted for it in the committee and I propose to vote for it in the House. I shall do so because, whatever may be the influences that have been brought to bear upon those Chinese who are living in this country, however many of them-there may be who are here in violation not only of law but of treaty, what-ever statements may have been made to them, and however far they may have gone indisregard of the laws of the United States, I believe that there are very many of these people whose minds have been influenced by the idea that this law would be held to be inoperative, to be unconstitutional and void, and who for that

reason did not register under the law.

this Government, Mr. Speaker, can afford to be generous and extend the time within which they must register. But I. for one, desire that they should be required to register and identify themselves as lawful residents in the United States; and if they fail in this, that they should be deported from this country. I would not be understood as being in the slightest sense unfriendly to the Chinese. I am not so. On the contrary, I have many reasons for feeling kindly toward them. I have been associated in official relations most pleasantly with many of the Chinese officials. There is a great deal in their character which I admire, and I join with other gentlemen here in admiration of the civilization of China in many respects. But theirs is not our civilization, their God is not our God, nor theirs our people.

While I respect them, while I find much in the Chinese character to admire, the question is not whether we are friendly to the Chinese, but shall we protect American citizens against im-

migration coming into this country which is inimical to our interests, which comes in conflict and competition with American labor? That is the question. Are we entitled to resort to a law which will be effective in ridding ourselves of undesirable immigration and protecting our own labor from that of foreign countries? I would not extend the inhibition to the Chine alone, but would extend it to pauper labor from every country on the face of the earth.

But, Mr. Speaker, I wish to speak for a few moments upon the inter-relations of the two governments upon this subject. There has been an understanding between us. The Government of the

United States is not trying to force upon China something contrary to her wishes. The Government of the United States may

not be justly declaimed against by her own citizens and by honorable Representatives in this House as "unjust," "unchristian," "inhuman," "cruel."

We are in this Congress attempting only to carry out the provisions of the treaty and the Geary law, which is in conformity with it, and we now propose to make a generous concession to the subjects of China, which country is of friendly declarated. subjects of China, which country is on friendly relations with us founded upon treaty, and to extend the time in which they may register. I will say there are some things in the law as now in force which I find objectionable to me; but they are not under consideration here. There are provisions in that law for which I never would have voted if I had been a member of Congress at the time it became a law, but so long as they remain unrepealed they must be recognized as binding. And the purpose of this bill is not to repeal.

bid is not to repeal.

We are not asked to repeal the Geary law nor any of its provisions in the bill under consideration to-day. There is a simple proposition submitted to the House; and that is, the Geary law being law in force upon the statute books of the United States, shall we extend the time which it provides for the registration of Chinese, and which has already ended; and if so shall we add the amendments to the law which are suggested by the gentlement from California [Mr. Grappy] for the purpose of making the man from California [Mr. Geary] for the purpose of making it more efficacious and enforcing it successfully? Because, Mr. Speaker, if we have a law, the way to put that law in force and make it respected, is to provide such machinery for its enforce-

ment as will make it effective.

If the Chinese in the United States come to understand that we have a law that can not be evaded, that it can and will be enforced, they will comply with its provisions. Moreover, the effect upon our native and citizen laborers will be equally salutary and will cause them to refrain from those acts of outrage and violence which have too often disgraced our country. There have been many occurrences of riot and violence in each country against the people of the other that are deeply regretted by

both Governments respectively.

What are the relations between the Chinese Government and the United States Government on this question? I desire to call attention to the negotiations which have taken place between these two Governments. In the first place, let me read from the treaty of 1880, which was solemnly entered into, signed, and ratified by the respective powers. That treaty makes this provis-

ion in Article I:

Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States or their residence therein affects or threatens to affect the interests of that country, or endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, finitation, or suspension of immigration; and immigrants shall not be subject to personal maltreatment or abuse.

Now, here in 1880, the two Governments agreed between each other that the United States Government might "limit, regulate, or suspend" the coming of Chinese laborers to this country. What does the Geary law do? Does it seek to do more? I admit there are provisions in that law which seem to me harsh in their nature; but the United States Government has never undertaken to do anything except to "regulate, limit, and suspend" the coming of Chinese laborers into this country. The doors of our country are open and will continue to be open to the scholars, the students, the scientists, the merchants, the visitors from ars, the students, the scientists, the merchants, the visitors from China, and to her young men coming to this country to study our institutions and receive such lessons as will be beneficial to them in their native land. But there can be no question that we have a right under the treaty to "limit, regulate, and suspend" Chinese immigration.

Now, Mr. Speaker, the Geary law was passed, and whether or not it is just in its provisions, whether or notit is constitutional, is a question we are not here to deal with to-day. The courts will deal, they have dealt, with the constitutional questions involved. We deal to-day with the measure presented from the Committee on Foreign Affairs, which is a proposal to extend the time within which under the Geary law Chinese residents of this country may register and identify themselves as residents, as distinguished from those who come here in violation

of our laws and the provisions of the treaty itself.

Negotiations were entered into to revise the treaty of 1880, to form a new treaty. Not only that, but the proposed treaty was actually negotiated and signed under the express instructions of the two Governments respectively; but that treaty was not ratified by the Chinese Government. Now, let us examine for a few moments the deliberations and the negotiations that took place

between our Government and the Government of China for whose officials I have the highest respect; and I desire to say that some of them are great men of broad mind, good heart, and generous of them are great men of broad mind, good heat, and generous states manship. I desire to reiterate that I have no inimical feeling toward the Chinese Government or its people. I know that every word uttered by me on this floor will be conveyed to gentlemen resident in that country whom I have the honor to consider my friends.

I would have them to understand that I cherish friendly feeling for them as a prople and a nation, but I speak as an Amering for them as a people and a nation, but I speak as an American in behalf of his own people, for the protection of American citizens and in their interest. No Chinese ever comes to this country to find a permanent abode. He only seeks a temporary residence for profit. No labor is ever done by him here that might not be performed by our own people. Every dollar he earns is a wage taken from American laborers, who must eat

carns is a wage taken from American haborers, who must care bread by the sweat of toil; so many of whom are now out of employment and longing for the means of honest support.

Our religions, our civilizations, our morals, our manners of life are all dissimilar; there is no homogeneity between us. We can never assimilate such a population. Our laborers would not be admitted in China. Our people are not admitted for trade in that country except in a few ports that are open to us, while the whole United States is open wide with all of its cities, towns, and villages to the merchants of China. May we not, then, reserve labor for our own people?

Mr. Speaker, there has been a perfect understanding between the two governments with reference to what has been done on this question. Now, let us look to the correspondence and negotiations between the authorized agents of the two governments. In the first place, sir, I would submit for the consideration of the House the communication which was submitted to the United States minister, Mr. Charles Denby, by the foreign office at Peking. Here is the language of that official paper which was deliberately prepared by the authorized officers of the Chinese Government, and submitted for the consideration of the United States Government through its minister, its accredited agent at the seat of government in Peking.

Now China, of her own accord, proposes to establish a system of prohibi-tion, that those laborers who have not been to the United States will be strictly prohibited from going thither.

This is China talking now.

Nor any Chinese laborer who has returned to China from the United States, where he has no property or family, will be allowed to go back thither to run the risk of treading on the ground of danger. With regard to the Chinese laborers now remaining in the United States and that class of Chinese entitled by treaty to come and go of their own free will and accord, it is hoped that they will forever be treated according to treaty stipulations.

Has anybody proposed to treat them otherwise?

These are the outlines of the plan proposed for the prohibition of the Chinese laborers, but the detailed and minute provisions of the regulations relating to the same will be communicated to you for your information after they have been discussed and decided upon by the Chinese minister at present accredited to your Government.

This communication was in January, 1887. Now, let us see what the Chinese minister in Washington communicated to the United States Government in pursuance of the same subject and purpose. He says in an official note to Mr. Bayard, the then Secretary of State, in Murch, that is to say, the March following January, 1887, when the other memorandum was submitted to Mr. Denby at Peking, the following:

to Mr. Denby at Peking, the following:

In your note of the 12th January last an inhibition was proposed of the immigration of Chinese laborers into the United States for a term of years, and a discussion together of measures for carrying out the same was suggested, so that when agreed to they might be communicated to the Senate for consideration. And in reply of the 15th January last I said I had also several things to propose for your excellency's consideration.

Now, I have, in conformity with the instructions from the foreign office, carefully drawn out in detail certain provisions in connection with the proposed prohibition and restriction of the coming of the Chinese laborers into the United States, and the proper protection of the Chinese that are now in the United States, which I send herewith to your excellency, so that we may together discuss the same, in the hope that, when they are agreed upon, you may communicate the same to the Senate and I to the foreign office, for their respective consideration; and upon their approval by the latter the decree of my sovereign will be asked for the permission to have them supplemented to the treaty of November 17, 1880, in order that they may be faithfully carried out by both Governments.

Now, mark you, Mr. Speaker, this antedates the Geary law.

Now, mark you, Mr. Speaker, this antedates the Geary law. It is in pursuance of a desire on the part of the two Govern-ments, mutually entertained, to put in force provisions limiting and restricting Chinese laborers from emigrating to the United States; and the Chinese minister in Washington under the ex-press direction and instructions of his home government submitted to the Secretary of State the following proposals:

The proposed provisions are as follows:

1. China, having of her own accord prohibited the immigration of its subjects into the United States, will do so from time to time in such manner as may be required by circu-stances, there being no necessity for fixing a certain period for that purpose.

2. No Chinese laborer who has never been to the United States shall be permitted to go thither. Any such laborer who shall be detected in attempting to go to the United States by fraudulently making use of a return ticket and

by personating the name of the person mentioned therein will be visited with

a heavy fine.

2. Any Chinese laborer who has returned to China from the United States cannot go thither again unless he really has there his family or relations, money, or property, or accounts contracted through him pending settlement. But before he embarks for the United States he must furnish to the consul-general at San Francisco, for his examination, a full statement setting forth the names of the members of his family or relations, the locality where he has his money or property, and the names of the parties connected with the pending accounts.

But following this, September 17, 1887-that is the following But following this, September 17, 1887—that is the following September—Mr. Denby, our minister in China, a distinguished diplomat himself, a man of ability, impressed with a sense of the responsibility resting upon him, and putting aside any little influences that might operate in his favor with the Government to which he was accredited, there in its court, surrounded by its courtiers and by rival foreign diplomatists from other countries, presented the case of the United States, and this letter gives the details of his interview with Marquis Tseng, one of the most distinguished diplomatists in China, and others of the Tsung Li Yamen, the marquis (now dead) being second only in ability as a statesman perhaps to the great vicercy, Li Hung Chang. It is as follows:

[Mr. Denby to Mr. Bayard.]

[Mr. Denby to Mr. Bayard.]

No. 701.]

LEGATION OF THE UNITED STATES.

Peking, September 17, 1888. (Received November 2.)

Sire: I have the honor to report that some days ago five ministers of the Yamen, to wit, Marquis Tseng, San Yû-Wen, Heñ Yung-I, Llao Shou-Heng, and Hei Chén, sent cards asking for an interview to-day.

I. of course, assented. Four came to the legation at 3 o'clock and remained until after 5. They stated the object of their visit to be to learn whether I had any information as to the passage of a bill by Congress absolutely excluding all Chinese from the United States. They said that they had received adispatch stating that Congress, being angry over the alleged rejection of the treaty, had resorted to this measure. I answered that I knew nothing about any bill having passed.

I said that China, and not the United States, had proposed the new treaty; that China had stated what should be the provisions thereof, and the views of China had been literally adopted by the framers of the treaty; that the conduct of China in refusing to ratify the treaty was unjust and indefensible.

has china had stated what should be the provisions thereof, and the views of China had been literally adopted by the framers of the treaty that the conduct of China in retuising to ratify the treaty was unjust and indefensionated to the conduct of China had not refused to ratify the treaty as unjust and indefensionated the conduct of China had not refused to ratify the treaty. She was simply considering the question. I said she had allowed it to go out to the world that she had rejected the treaty. It was so reported in the London papers, the Chinese papers, and everywhere in Pekin. In thus acting China was going back on its own express orders and directions; that the chinese going back on its own express orders and directions; that the treaty of 1889 was to exclude Chinese laborers; that the treaty of 1880 was to exclude Chinese laborers; that the treaty of 1880 was to exclude Chinese laborers; that the treaty of 1880 was to exclude Chinese laborers; that the treaty of the treaty of twenty years; that this constituted the only difference between the treaties except so far as the latter favored China in other clauses; that China had known since 1880 that the influx of Chinese laborers would not be tolerated in the United States; that there was not the slightest use of endeavoring to cover up or disguise this plain question; that we were not acting like Australia and certain British provinces in America, levying a per capita tax on Chinese passengers in ships; but that we announced openly our policy to be that the immigration of Chinese laborers must stop, and departing laborers could not return except under the conditions stated in the new treaty. I said that it was worthy of consideration whether the old treaty was not stringen legislation would be enacted. I said the only thing to do was to have present the shift of the provision whether the old treaty was not stringent legislation would be enacted. I said the only thing to do was to immediately ratify the new treaty; that the new treaty was attached at home

CHARLES DENBY.

Now, I have referred to these matters in order that the House may understand-because that is what I want to impress upon the House-the mutual understanding and desire of the two Governments upon this subject, as expressed through their accredited agents; and China has professed that it is her desire to do that which Congress has already done.

I am willing, I am desirous to extend the time in which the

Chinese may register; but I favor also the amendment proposed by my friend from California Mr. Geary], adopting a more effica-cious means of identification of the registered resident. We are told that that is objectionable. What is required? Simply that they shall go to the proper officer designated by the United States Government when they register, and deliver to him a photograph when he receives his certificate of registration.

Now, that photograph has become a great bugaboo. They say it is a mark of indignity, a badge of insult, of disrespect.

Mr. Speaker, why should it be considered so? The statements made by my distinguished friend from California [Mr. GEARY] with reference to the difficulty of identifying a Chinaman are certainly just. It is no reflection upon them; it is no dishonor to them that they in their general appearance resemble each other more than our people, but they have not the distinguishing features of the Angio-Saxon race. The Chinese are all alike. They have an uniform complexion, uniform hair, uniform eyes, uniform dress, and we do know, and it is shown here in this correspondence which I have not taken the time to read, that there has been a traffic and a trade in the city of Hongkong in these certificates of registration, which have been bartered by returned Chinese to their fellows coming to this country who have no right to come upon our soil. Now, what we desire to do is to prohibit that; and I say it is no indignity to a Chinaman to ask him to present his photograph.

It has been said to him by designing persons, the Six Com-panies or their representatives—whose occupation I sincerely hope will soon be gone, because theirs is no honorable employ ment—it has been stated to him, I say, that these photographs are marke of dishonor, that they are to constitute a "rogues' gallery," a "blacklist." Mr. Speaker, such a statement, such an interpretation is wholly unwarranted. On the contrary, the reverse is true, because when a man presents his photograph, which he gets at small expense, it is filed, and is the best evidence procurable that that man is a bona fide resident of the United States, who, by the permission of the Government, is entitled to remain here and to receive its protection.

He stands in contradistinction to the Chinaman who sneaks in over the border from Canada, or who comes in in substitution for some other man who has gone back to Canton, or Shanghai, or some other Chinese city. I say this is a list of honor rather than of dishonor, and it seems to me that there can be no reasonable objection to it. In my humble judgment it is absolutely necessary to make this law practicable and capable of enforce-

Now, Mr. Speaker, I remarked a moment ago that I would not make the laws of exclusion applicable alone to the Chinese; and I regret that there seems to be a discrimination against the Chinese in comparison with the people of other countries; but I hold it to be, at this time, of the highest importance that we shall protect the labor of our country against pauper immigration, from whatever clime it may come, and having put the hand to the plow I would not look back. It is right and just, and it is a part of the province of this Government to protect its own citizens.

Why, the gallant gentleman from New York [Mr. SICKLES] the other day said that the Chinese in New York compete with nobody except washerwomen. Mr. Speaker, has it come to this, forsooth, because women are washerwomen they are not as much entitled to the protection and fostering care of the Government as if they held a more conspicuous position in society? Are these poor women who earn their living at the washtub not entitled to more consideration from this Government than the Chinese laborer who comes here without our consent, contrary to and in defiance of our laws? If we have sentiment or sympathy let it be for the poor men and women, those who stand laboring under the shadows of the palaces of the "four hundred" of New York; while the princely owners waste their millions in luxurious living, let us defend those who by their labor earn the bread of life for themselves and their children.

For men must work and women must weep, When there's little to earn and many to keep.

And not only must men work, but women must work while they weep; and the labor of all should be as fruitful as we can make it. We should not countenance that class of immigration which tends to corrupt or to put out of work our own people. We should enact laws which are just for its exclusion. [Applause.]
A distinguished member has said in this debate that it has

ever been the proud boast of Americans that America is a home for the oppressed of all nations. In the early days of the Republic, when our forefathers needed men and women to populate this great continent and subdue its wild forests and prairies to agriculture and industry, there was motive for such a boast. It was an advertisement, thrown into the columns of the world, offering employment and wealth to such as would come and assist in a great work.

Mr. Speaker, I think it is time to withdraw that advertisement. Our public lands are practically gone; there is not enough left to make homes for those already here and their children. I would not shut out those who come with good intent to be of us and our citizenship and who come under the tongue of good report with something as earnest of thrift and worthiness, but to the increasing hordes of paupers and vagabonds, communists, agrarians, anarchists, and incendiaries that annually teem upon our shores I would call a halt, lest the "oppressed" of other lands become the oppressors of this.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. DINSMORE] asks unanimous consent to insert certain documents in his speech. Is there objection? [After a pause.] The

Chair hears none.

[Mr. CAMINETTI addressed the House. See Appendix.]

During the course of the delivery of the above remarks the time of Mr. CAMINETTI expired and was extended. Mr. CAMINETTI. I ask unanimous consent, Mr. Speaker, to

extend my remarks in the RECORD.

There was no objection.

Mr. CAMINETTI. I desire to offer the amendment that was suggested by the argument of my colleague from California [Mr. MAGUIRE].

Mr. McCREARY of Kentucky. It can be considered as offered.

The SPEAKER pro tempore. The Chair will state that there

is no amendment here.

Mr. McCREARY of Kentucky. Mr. Speaker, after five days of debate I rise to make the closing speech on the bill under consideration. I shall be brief, because sufficient time has already been consumed in debate, and also because there is not much to answer, as the speeches made by the opposition have been mainly against Chinese emigration and Chinese habits, and these questions are not raised by the bill which I had the honor to introduce. I only seek to do that which will benefit our people and our country, and at the same time be fair and just

In 1892 I voted for the Geary act. I desired then and I desire now to encourage American labor, and do all in my power to advance the interests of American laborers and protect them from millions of Chinese who would rush to this country if there were no laws to prevent their coming. They do not worship our God; they do not assimilate with our people; they generally are inimical to our institutions, and in a century they would not advance our civilization and add to our science, art, or literature, but would only impoverish American laborers and drive them from the country which they have helped to make the fairest, the best, the greatest, and the grandest in the world.

While I say this in regard to preventing the Chinese from

coming to our country, my feelings of humanity, my devotion to justice, my desire to maintain the good name of my country make me also say with earnestness that I can not vote to drive out of our country as outlaws 85,000 human beings who were in-vited here, and who were encouraged by treaties and by laws of United States to come and locate on American soil, without giving them a fair chance to register and prove their residence. I believe it is the duty of every man to do what honor and conscience dictate. I could not believe and I would not believe I was faithfully discharging my duty as a Congressman if, without giving them a fair chance to comply with the law, I helped to use legislative power in this Christian and civilized age to banish and expel from my country nearly 100,000 persons who were misled or deceived by those in whom they had confidence and thereby prevented from registering, and on whose duty to register the highest court in our land showed a division and doubt that should appeal to every representative to hesitate be-fore imposing the sentence of banishment.

I have voted for every act passed by Congress since 1884 to ex-clude and prevent Chinese laborers from coming to the United States, and I am as much in favor of excluding them from our country as any Representative from California or from any other State in the Union. The question, however, is not now the pre-vention of Chinese laborers from coming to the United States. Laws already passed are ample and sufficient to prevent Chinese laborers from coming to our country, although the debate for the last five days has often sounded like we were debating the question of Chinese exclusion rather than the question of Chinese registration.

Tearing away the network which fancy and oratory have woven around the pending bill, and stripping it of prejudice and passion, it simply amends the Chinese exclusion act passed May 5, 1892, known as the Geary act, by extending the time from the passage of this bill six months in which Chinese now in the United States may register and obtain certificates of residence. It also amends the act so as to define the meaning of the word "laborer," and strikes out the word "white," in the Geary act, and allows one credible witness other than Chinese to prove that the applicant for a certificate was a resident of the United

States on the 5th of May, 1892.

One-eighth of all the Chinese in our country registered in the twelve months allowed them for that purpose; seven-eighths of them were misled and did not register because they were advised by able attorneys and by the chief officers of the Six Companies, to which they belonged, that the Geary act was unconstitutional and that registration was not necessary and that the tutional and that registration was not necessary, and that the Supreme Court of the United States would decide that the act was repugnant to the Constitution of the United States. When the Supreme Court on the 15th day of May, 1892, rendered a decision declaring the act of 1892 constitutional the time for registration had expired. These deceived persons, many of whom had resided in our country for a quarter of a century, should have another chance. Surely sixty-five millions of people can afford to be generous and just to less than one hundred thousand

The object of the Geary act was not to drive out the Chinese already here, but to give them the means of proving their right to remain by registering and proving their residence in the United States. So full and explicit is that act on this subject that it provides that if by accident, sickness, or other cause they are prevented from registering in the time allowed by law, they can by proper evidence secure the privilege of registration.

I have listened to all the speeches of Representatives opposed to the bill, and I have failed to hear a single argument to justify Congress in refusing to give the Chinese laborers in our country six months' additional time in which to register. I believe cry six months additional time in which to register. I believe Chinese laborers will register and comply with the law if allowed the additional time, and if they fail to comply with the law they should be deported without delay. The cost of the deportation of 85,000 Chinese laborers, according to the report of the Secretary of the Treasury, would be \$7,000,000; therefore, it will not only be just to Chinese persons, but wise economy to pass the pending bill and save millions of dollars to the United States.

The pending bill is so mild in its provisions and so manifestly The pending bill is so mild in its provisions and so manifestly just, that I have been surprised that certain gentlemen opposed it so earnestly. Indeed, I have sometimes wondered whether they were masquerading or in earnest. The Administration has not been spared in this debate and assaults have been made on the President and some of his Cabinet officers which I know are utterly unjust and unwarranted. In all ages men have tried to make themselves famous by assaulting famous men. History has repeated itself in this Hall in the last few days. President Cleveland needs no defense by me. His able, patriotic, fearless, and repeated itself in this Hall in the last few days. President Cleveland needs no defense by me. His able, patriotic, fearless, and faithful discharge of the great duties that devolved on him made a grateful people elect him last November by a larger popular vote and by a larger electoral vote than any man ever received before in the history of the world at a free election, and he is now by his courage, fidelity to duty, and statesmanship proving that he is entitled to equal rank among the ablest and worthiest of his prodecessors who have held the great office of President. President.

I have coretadly examined the acts of the Administration as regards the enforcement of the law of May 5, 1892, and I say with emphasis that the Administration, with the facilities it has at command, with the money that has been appropriated, with the intent and meaning of the act as clearly interpreted, with the proposed legislation pending in Congress extending the

the proposed legislation pending in Congress extending the time for registration, has acted wisely and properly and done all that should have been done.

The decision of the Supreme Court declaring the Chinese exclusion act constitutional was not made until the 15th of May, 1893. A motion was immediately made for a rehearing of the case, and this motion was overruled by the court, but not until it had been announced that the President would call Congress together in extraordinary session. Public sentiment and the dictates of humanity and justice pointed unceringly to the granting of further time to Chinese laborers in which they could register and prove their residence, and there was no doubt of such a result in the public mind.

Soon after the meeting of Congress the Committee on Foreign

Soon after the meeting of Congress the Committee on Foreign Affairs, at its first meeting held to consider the question, showed that it was unanimously in favor of extending the time. The sum of \$25,000 only was found to be available in the Treasury to enforce the act of 1892. This sum amounted to almost nothing, as \$7,000,000 were required to deport \$5,000 Chinese laborers. It was deemed best, therefore, by those charged with the execution of the laws, to arrest and deport such Chinese laborers who recently came into the United States from Canada and other border countries as were known to be violators of the law, and await action by Congress as regards those who are residents of the United States on the 5th of May, 1892. The report of the

Assistant Secretary, Hamlin, shows that 152 persons were de-ported during the last fiscal year. In almost every case where a Chinese laborer was arrested

almost every case where a Chinese laborer was arrested under section 6 of the Geary act, he petitioned for a writ of habeas corpus, and when, on a hearing, the court refused the writ of habeas corpus, he appealed to the Supreme Court of the United States, and under the Revised Statutes of the United States, sections 763, 764, 765, as well as under rule 34 of the Supreme Court of the United States, the custody of the prisoner could not be disturbed conding the supremed disturbed pending the appeal.

It is not necessary for me to enlarge my statement about the Administration. It is clear that such action has been taken as regards the enforcement of the Geary act as will be indorsed by fair, just, and humane men.

Mr. Speaker, I desire the time to be extended as provided in the pending bill for the registration of Chinese laborers, and I wish every proper safeguard to be contained in the bill. Several amendments have been offered and are now pending. I have no objection to the amendment defining the meaning of the word "merchant," and I have no objection to the amendment requiring the deportation of Chinese laborers, to be executed by the United States marshal of the district within which such order is

United States marshal of the district within which such order is made with all convenient dispatch. I have never believed that it was necessary to require that the certificate provided for in the bill should contain the photograph of the applicant.

The seventh section of the Geary act gives to the Secretary of the Treasury authority to require the photograph if he so desires. I have confidence in the opinions of Representatives from California and other States where Chinese are numerous, and if the members of the House believe that each certificate should contain the photograph of the applicant I shall not object.

the members of the House believe that each certificate should contain the photograph of the applicant I shall not object.

I see that my time is out and that the hour has arrived to commence voting on the bill and pending amendments. I therefore conclude by expressing the earnest hope that we will follow the dictates of humanity, justice, and honorable economy, and pass the pending bill with the amendments I have indicated. The SPEAKER. The hour of 3 o'clock having arrived, the previous question is now considered as operating by order of the House upon the pending amendments and upon the bill.

Mr. CAMINETTI. I ask unanimous consent that the amendment which I have sent to the desk may be considered as pend-

ment which I have sent to the desk may be considered as pend-

The SPEAKER. The gentleman from California asks unanimous consent that the amendment sent up by him during his remarks may be considered as pending. Is there objection?

Mr. DINGLEY. I think that before giving consent we should hear the amendment read.

The SPEAKER. The Clerk will read the amendment.

The Clerk read as follows:

Add to section 1, at the end thereof, the following:
"Provided, That no Chinese person heretofore convicted in any court of the
States or Territories, or of the United States, of a felony shall be permitted to
register under the provisions of this act; but all of such persons who are now
subject to deportation for failure or refusal to comply with the act to which
this is an amendment, shall be deported from the United States, as in said
act, and as in this act provided, upon any appropriate proceedings new pending or which may be hereafter instituted."

The SPEAKER. Is there objection to regarding this amendment as pending. [A pause.] The Chair hears none. The question will be first upon the provision offered by the gentleman from California [Mr. LOUD] as an amendment to the amendment of his colleague [Mr. GEARY]. The Clerk will read the amendment of the gentleman from California [Mr. LOUD].

The Clerk read as follows:

Amend the amendment by adding the following:

"...d provided, That upon complaint, under oath, by any citizen of the
United States, made before a United States judge, stating that any Chinese
person is in the United States unlawfully, a warrant for the arrest of such
Chinese person shall be issued by said judge and the said person shall be
subjected to all of the provisions of this act and the act to which this is an
amendment, the same as if he had been arrested thereunder by a customs
official, collector of internal revenue or his deputies, United States marshal or his deputies."

The question below the provision had a constant of the constan

The question being taken upon Mr. Loud's amendment to the

amendment, it was rejected.

The SPEAKER. The question now recurs on the amendment offered by the gentleman from California [Mr. GEARY], which will be read.

The Clerk read as follows:

The clerk read as follows:

The term "merchant" as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor,

except such as was necessary in the conduct of his business as such mer-

except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.

Such order of deportation shall be executed by the United States marshal of the district within which such order is made, and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail.

The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence, and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Chinaman makes application.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury.

The question being taken, the amendment of Mr. GEARY was agreed to; there being ayes 120, noes 10.

The SPEAKER. The question is now upon the amendment of the gentleman from California [Mr. Caminetti], which was read a few moments ago.

The amendment was agreed to.

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Pennsylvania [Mr. Mahon] as a substitute for the bill.

The Clerk read as follows:

offered by the gentleman from Pennsylvania [Mr. MAHON] as a substitute for the bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That, in addition to conforming to all present requirements of law regulating immigration it shall be the duty of the master or commanding officer of any steamer or sailing vessel to take from all Chinese and other allen immigrants embarking on said steamer or sailing vessel a statement sworn to by said immigrant, before the United States consul or consular agent to examine all persons presenting said statement, under oath, as to the truth fulness of the facts set forth in said statement. And if upon said examination he is satisfied said statement be true he shall so certify same on said statement, and without said certificate said statement shall not be received by the master or commanding officer of any steamer or sailing vessel, or by any customs officer or officer in charge of place of entry into the United States. Said statement shall give his or her full name, age, and sex; whether married or single; the calling or occupation: whether hole to read or write; the nationality; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the seaport or landing; whether having a taket through to such final destination; whether the emigrant has paid his or her own passage, or whether it has been paid by other persons or by any corporation, society, municipality, or government; whether in possession of money, and, if so, how much, which may be used in payment of passage; whether going to join a relative, and if so, what relation, and is now there going to join a relative, and if so, what relation, and his name and address: whether ever before in the United States, and, if so, when and where; whether ever in a prison or almshouse or supported by charity; whether the possess or or alming very proported by charity; whether ever in a prison or almshouse or supported by charity and when the stat

with any contagious disease, and be not an ex-convict of an infamous crime or misdemeanor involving moral turpitude, such person may be accepted as a passenger.

"Sec. 3. That all Chinese and other alien immigrants shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each immigrant head of a family shall be given a ticket, on which shall be written his or her name, the name of his wife, and names of his minor children, a number or letter designating the list, and his number on the list for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the officer first or second below him in command, taken before the United States consul, or consular agent at the port of departure, before the salling of said vessel, to the effect that be has made a personal examination of each and all of the passengers named therein, and that he has caused the surgeon of said vessel salling therewith, to make a physical examination of each of said passengers, and that from his inspection and the report of said surgeon, he believes that no one of said passengers is an idiot or insane person, or a pauper, or likely to become a public charge, or suffering from a loathsome or dangerous contagious disease, or a person who has been convicted of a felony, or other infamous crime or mischengers in the United States and that also, according to the best of his knowledge and belief, the information in said list or manifest, concerning each of said passengers named therein, is correct and true.

"Sec. 4. That the surgeon of said vessel salling therewith shall also sign each of said lists or manifests before the departure of said vessel, and make coath or affirmation in like manner before said consul or consular agent, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the best of his more coath or a

his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said passengers: if no surgeon sails with any vessel bringing alien immigrants, the mental and physical examination and the vertications of the lists or manifests may be made by some competent surgeon employed by the owners of the vessel, said appointment to be approved by the United States consul or consular agent, and duplicate copies of said lists to be retained by the consul or consular agent.

"SEC. 5. That in the case of the failure of said master or commanding officer of said vessel to deliver to the said inspector of immigration lists or manifests, verified as aforesaid, containing the information above required as to all Chinese and other alien immigrants on board, there shall be paid to the colle tor of customs at the port of arrival the sum of \$1.000 for each immigrant qualified to enter the United States, concerning whom the above information is not contained in any list, as aforesaid, or said immigrant shall not be permitted to enter the United States, but shall be returned as now provided by law.

formation is not contained in any list, as aforesaid, or said immigrant shall not be permitted to enter the United States, but shall be returned as now provided by law.

"SEC. 6. That it shall be the duty of every inspector of arriving Chinese and other alien immigrants, as well as customs officers and other officers of the United States in charge of place of entry, to carefully examine each one, and if he shall find that he or she is unable to read or write except children under the age of 17 years; that the passage has been paid by any person other than the person, him or herself, or in case of minors or married women by any person other than the head of the family, or guardian of minors, or that it has been paid by any company, corporation, government, or society; or who does not possess, if a single man over age of 21 years, the sum of \$500; if a single woman over age of 21 years, the sum of \$500; if the head of a family, the sum of \$500; or that such person is in an unsound mental or physical condition, or has ever been in prison for any infamous crime or misdemeanor involving moral turpitude; or that any such person has been in an almshouse or supported by charity within tire years; or that he or she is coming under any contract, expressed or implied, to perform labor in the United States; or that he or she is a polygamist or anarchist or socialist, then, and in either of the above cases, he shall cause them to be returned as provided by law: Provided, however. That nothing herem shall prevent the reception of minors under 17 years of age, who are coming to this country to join their parents, when they possess a certificate from the clerk of a court of record showing that the parents are law-abiding citizens and perfectly able to care for such children: or any dependent member of a family who possesses a certificate from the clerk of a court of record showing that the relatives in the United States are residents and citizens of the country no State from which said certificate was issued, and that they hav

ssenger.
SEC. 7. That it shall be the duty of every inspector of arriving Chinese or

meanor involving moral turpitude, such person may be accepted as a passenger.

"Sec.7. That it shall be the duty of every inspector of arriving Chinese or other alien immigrants and all customs officers and other officers of the United States in charge of place of entry to detain for a special inquiry, under section 1 of the immigration act of March 3, 1891, every person who may not appear to him to be clearly beyond doubt entitled to admission, and all special inquiries shall be conducted by not less than four officials, acting as inspectors, to be designated in writing by the Secretary of the Treasury or the Superintendent of Immigration for conducting special inquiries; and no Chinese or other alien immigrant shall be admitted upon special inquiries; and no Chinese or other alien immigrant shall be admitted upon special inquiries; and no Chinese or other alien immigrant shall be admitted upon special inquiries; and no Chinese or other alien immigrant shall be admitted upon special inquiries; and no Chinese or other alien immigrant shall be subject to appeal by any dissenting inspector to the Superintendent of Immigration, whose action shall be subject to review by the Secretary of the Treasury, as provided in section 8 of said immigration act of March 3, 1891.

"SEC. 8. And it shall be the duty of all Chinese laborers within the limits of the United States who shall neglect, rath, or refuse to comply with the provisions of this respective districts within six months after the passage of this act to ra certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, rath, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of sald six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed, and adjudged to be, unlawfully within the United States, and to the satisfaction of said united States, whose duty it shall be so order that h

tinued.
"SEC. 9. All Chinese or other alien immigrants coming into the United States by railroads or otherwise shall file said statement with the United States officer in charge of the port or place of entry, and said Chinese or other alien immigrants shall be subject to sections 6 and 7 and all of the provisions of this law and all other laws not repealed by this act so far as the visions of this law and an other laws not repeated by this act so far as the same is applicable.

"Smc. 10. This act shall take effect in forty days from the time same be-

comes a law.
"SEC. II. All acts or parts of acts inconsistent herewith are hereby repealed."

The question being taken on the proposed substitute of Mr. MAHON, it was rejected.

The bill as amended was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER (having put the question on the passage of the The ayes seem to have it.

Mr. LOUD. I call for a division.

The question being again taken, there were -ayes 167, noes 9.

Mr. LOUD. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint as tellers the gentleman from California, Mr. LOUD, and the gentleman from Kentucky, Mr. McCREARY. The tellers will take their places.

The House again divided; and the tellers reported-ayes 178,

So the bill was passed. On motion of Mr. McCREARY of Kentucky, a motion to reconsider the last vote was laid on the table.

FORM OF ENGROSSING AND ENROLLING BILLS, ETC.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask consent to introduce a resolution at this time for reference to the joint commission. It may be that jurisdiction of the subject-matter is with the Committee on Printing. But we desire to have it go to the joint commission, with leave to report.

The SPEAKER. The Clerk will report the title of the resolution.

lution.

The Clerk read as follows:

House concurrent resolution to dispense with the present form of engrossing and enrolling bills and joint resolutions, and directing the use of printed copies for the same.

The SPEAKER. Is there objection to the request of the entleman from Tennessee that this resolution be referred to the joint commission, to report at any time?

There was no objection.

SAFETY OF NATIONAL BANKS.

Mr. COX. Mr. Speaker, I desire to call up for present consideration the bill (H. R. 2344) for the better control and to promote the safety of national banks.

The bill was read at length.

Mr. COX. Mr. Speaker, this bill was under consideration be-fore the House a few days ago, and at the request of the gentle-man from Kentucky having charge of the Chinese bill, which we have just disposed of, I yielded to him for the consideration of

that proposition.

I do not desire to go into any extended explanation of the matter further than I did on the occasion referred to, and I do not think that there can be any serious objection or any kind of difficulty in understanding the propositions now submitted. will be proper for me to say here and now that the object of this bill is not to inaugurate any sort of a financial system or any financial idea whatever. It has no relevancy at all to the issuance of currency or to the general principles of banking. It makes no change in the financial system whatever in any respect. It is only a measure of safety and protection, as I shall presently show.

The sole object of the bill is to prevent the officers of national banking institutions-presidents, vice-presidents, and cashiers, or other officers of the bank-by a combination, to absorb the assets of the institution and prevent them from destroying the bank, which has been the result so far as national banks have been concerned in over two-thirds of the cases where these banks have failed. It was never intended as a financial measure. It refers solely to the administrative duties of the officers of the bank, and while it is not difficult to impose certain restrictions on the officers of the bank and yet preserve the bank, the committee, with the exception of one member, unanimously report the bill after mature deliberation, and not only recommend its passage, but in the last Congress it was considered and passed the House, was amended in the Senate, whereby it went into confer-

ence, and there it ended. Now, the points in the bill are these: Recognizing the fact and the truth, which can not be denied, that national banks have been broken generally because of speculations engaged in by the president, vice-president, and cashier of the institution, the committee deem it important that some such provision as this should be incorporated into law. Let me illustrate the fact that the banks have been broken by such a process by calling your attention to only two or three recent instances. The Fidelity Bank tion to only two or three recent instances. The Fidelity Bank of Cincinn it affords one illustration. There was another at Boston which furnishes a later illustration, and two banks in Philadelphia, as you all remember. In my own district we had a very severe illustration of it, where the cashier by certain manipulations absorbed all of the assets of the bank.

Now, as that is the root of the evil, what is the proposition of the bill? Simply that when any officer, employé, or servant of the bank makes an application for borrowing the funds of the bank such application shall be made in writing. That shall be submitted to the directors of the bank, and, of course, very often the applicant for the loan of the fund is a director of the bank. In that event he is excluded from any consideration of the application. Whenever, therefore, a director, officer, employé, or servant of the bank makes an application for a borrowing of the funds of the bank, he must make that application, as I have said,

in writing. When he does that the application is addressed to the directors of the bank, and is entered on the minutes of the bank, and the votes of the directors are recorded as to the ap-

plication, yea and nay.

Now in the country banks it is very difficult sometimes to get the board of directors together so as to consider an application for a loan. To obviate that trouble we provide in this bill that the executive committee of the bank, and they all have them in the country banks—that the application shall be made to that committee in writing, and when the application is mide that committee shall report their action upon it to the next meeting of the board of directors, and when that is done it is made a mat-

ter of record on the minutes of the bank.

Now let us stop here for one moment and see what is the purport and object of that. It is to prevent the president, vice-president, eashier, or any other officer of a bank, through nego-tiations of their own, from obtaining the funds of the bank with-out publicity and notoriety to the directors of the bank. The object of the provision with reference to the executive committee is to carry out the same thing, and in case the application is made to them, they shall report it back to the directors of the bank, and that report becomes a part of the record of the minutes of the bank, so that every director can see what is proceeding in the bank.

Now, will you allow me to say here, before I pass from that branch of this bill, that in substantially all these bank failures to which I have referred they have grown out of the fact of the officers of the bank making applications for loans, and so obtaining the funds of the bank. That is generally done through the application of the president or the vice-president, with the concurrence of the cashier; and very often he is into the trans ection. currence of the cashier; and very often he is not the translection. The result is that before the directors know what has become of the funds of the bank they have certain paper there which represents the funds; but when they come to investigate it, it is a responsibility only of the officers of the bank. That is exactly what has occurred here in many instances.

Now, another idea in this bill is in the same line. Of course I do not mean to say you can legislate honesty into the officers of a bank, but you can throw such restrictions around them as to make it your difficult for them to accomplish, a wrong object.

a bank, but you can throw such restrictions around them as to make it very difficult for them to accomplish a wrong object. Even if that is done, it will accomplish good. This proposition also provides that the cashier of a bank when he is called on for a report to the Comptroller of the Currency shall show in a separate schedule—not the ordinary one upon which the reports are made—the liability of every officer, or employe, or servant of the hand, whether that liability is incompared as a single controller. the bank, whether that liability is incurred as principal, surety,

indorser, or otherwise.

Now, what is the object of that? It is that the attention of the Comptroller may be called to the condition of the bank, to show whether or not the officers of the bank are absorbing the funds. The moment that is done the Comptroller has ample power. There is no trouble upon that proposition. Then it follows as the next idea that if these cashiers, presidents, vice-presidents, or directors make applications for loans, we excuse the publication of that liability in the general reports of the bank. It is obvious to every one why that is done. It is because no director or business man wants his private business published in a newspaper, to show how much money he has borrowed or how much he has loaned. Further than this, the overdrawing of an count by an officer or servant of a bank is absolutely prohib-

That is the general outline of the bill. Now, in order that I may be explicitly understood, before I go further, I will yield to

any question that may be propounded to me.

Mr. CANNON of Illinois. The gentleman states that the prohibition of the making of loans to officers of the bank also applies to directors, if I understand him?

Mr. COX. Yes.
Mr. CANNON of Illinois. Now I want to call the gentlemen's attention to the language of the bill to see whether that is true

That no national banking association shall make any loan to its president, its vice-president, its cashier, or any of its clerks, tellers, bookkeepers, agents, servants, or other persons in its employ until the proposition to make such a loan, stating the amount, terms, and security offered therefor, shall have been submitted in writing by the person desiring the same to a meeting of the board of directors of such banking association, or of the executive committee of such board, if any, and accepted and approved by a majority of those present constituting a quorum.

Now, later on in the same section a director by name is pro-hibited from making an overdraft; and it seems to me that the restriction, in the language of the first section, might not apply to directors. Very possibly it does apply, but I want to bring that matter to the gentleman's attention.

Mr. COX (reading):

No such association shall permit its president, its vice-president, its cashier, or any of its directors, or any of its clerks, tellers, bookkeepers, agents,

servants, or other persons in its employ to become liable to it by reason of overdrawn account.

Mr. DINGLEY. But the first part of the section does not apply to directors

Mr. CANNON of Illinois. The word "director" is not mentioned in the first section along with the other officers of the

I catch your point. You think the word "director" ought to be included in the first section.

Mr. CANNON of Illinois. From the statement the gentleman made he evidently thought that directors were included. It seems to me they were not. I think they ought not to be included, I will say to the gentleman, but I wanted to see whether they were included or not.

Mr. COX. Let us see now:

That no national banking association shall make any loan to its president, its vice-president, its cashier, or any of its clerks, tellers, bookkeepers, agents, servants, or other persons in its employ——

Mr. LANE. The word "director" ought to be included.
Mr. COX. I have no objection in the world to include the

word "director."

Mr. CANNON of Illinois. I do not think it ought to be there.

I do not know but what the gentleman's language was wide enough to cover what the gentleman stated as the intent of the bill, and that they were to be included. I wanted to find out whether they were included.

Mr. COX. You are perfectly right in your understanding of my idea of it, that it includes the director, he being an officer. Mr. CANNON of Illinois. A director might be an officer, but not the president or vice-president.

Mr. COX. He can not be a director unless he is a stockholder

of the bank.

Mr. CANNON of Illinois. Of course, he has to be a stockholder

to be a director.

Mr. DINGLEY. I want to call the attention of the gentleman to the report. It seems that whoever drew the bill and the report did not intend the director to be included. In the report you quote from the Comptroller:

It would be unwise to forbid an association to loan or to discount for its several directors, as they are usually selected from among the leading men of the various branches of business for the reason that they possess information of great value in passing upon paper offered by those in some line of trade with themselves.

Mr. COX. Will you pardon me, I did not catch the part you

were calling attention to.

Mr. DINGLEY. I am referring to the report. You quote from a part of the report of the Comptroller of the Currency, in which, while recommending the passage of a bill like this, he expressly says that the director should not be included; and therefore it is evident that whoever drew the bill did not intend to include the directors.

Yes, I see the gentleman's point, and now I will Mr. COX.

answer him

Mr. HEARD. The gentleman from Maine quotes the report of the Comptroller of the Currency to show that the directors

should not be prohibited from borrowing.

Mr. DINGLEY. I gave no opinion in the matter.

Mr. HEARD. I simply desire to say that the idea that I have of the Comptroller's allusion in his report to the directors is this, that it would be unwise, perhaps, to prohibit the directors from borrowing from the bank, but I think it would be perfectly proper to subject their paper to the same scrutiny as that of any other party applying for a loan; in other words, why should their paper be accepted without being scrutinized just the same

as the paper of any other person?

Mr. DINGLEY. I am not making any point upon that matter; I am simply calling attention to the fact that this bill does not include directors, as shown by the report.

Mr. HEARD. Therefore, I desire to say, that I agree with the gentleman from Tennessee, who says that it was his opinion that the director is included, and that if it does not include directors it should. My judgment is that that is a point that should be secured, so as to prevent the directors, the men who are the trustees for the stockholders, from loaning money of the depositors without the proper safeguards.

Mr. COX. You can see the extent of the bill in a moment when you get started right. Let me call the attention of my friend for one moment to this statement of the Comptroller:

It would be unwise to forbid an association to loan or to discount for its several directors, as they are usually selected from among the leading men of the various branches of the business, etc.

You catch the point there. Now, this bill does not prohibit loans to them; and what the Comptroller meant was to repel the idea that you would prohibit the directors from borrowing money, or the officers. Now, then, what does this bill prohibit? While I think that the language is broad enough to cover all the officers, and that it would be nonsense to say that the presi-

dent could not borrow, or that the vice-president could not borrow, or that none of the employés could borrow, none of servants could borrow, unless certain things were done, and then exclude the directors. The idea in the bill is that it covers the exclude the directors. The idea in the bill is that it covers the whole of the parties who have any connection with the bank.

Mr. DINGLEY. You would have to amend it to include the

Mr. COX. I would not object to that, and that is what it means, as I think; but there is no use quibbling upon a point when we can agree upon an idea.

Now, let me pass to another point suggested by the gentleman from Illinois [Mr. CANNON]. I think his idea was that the direc-

tors ought to be excluded.

Mr. CANNON of Illinois. I think the directors ought to be excluded. I think the bill is right as it reads, but the gentleman stated to the contrary.

Mr. COX. I am very sorry that I misled the gentleman, but I know the bill is intended to cover every one connected with

Mr. CANNON of Illinois. Including the directors?
Mr. COX. Including the directors.
Mr. CANNON of Illinois. In all its provisions?

Mr. COX. Yes, sir. Mr. DINGLEY. That ought to be understood, because the

point is a very important one.

Mr. VAN VOORHIS of New York. Mr. Speaker, I move to amend by inserting the word "directors" in the fourth line.

Mr. COX. Wait a moment. While I am satisfied from examination of the language of the bill that it is all right, I do not a make a calible about a word and I am willing that on

desire to make a quibble about a word, and I am willing that on the third page of the bill, where it recites the president, the vice-president, and cashier, the words "or any director" shall be inserted.

Following that there is another point to which I call attention. On page 3, line 14, after the word "unpaid," I would insert the words "by the aforcsaid parties." That makes the provision more clear and definite. On the same page, in line 16, after the word "require," I would insert the words "or permit."

when you make these changes, I think there will be no difficulty in understanding clearly the purpose of the bill. The object, as I said before, is not to put forward any financial idea. The bill is intended simply to cure a very serious evil, which I can illustrate by stating that in my own district we have a national bank where the cashier and other officers have seemed to absorb all the funds. What we are trying to do is to put such restrictions upon that kind of operation as to prevent its being carried on, and to make whatever is done open and patent to the

There is no special financial idea in the bill, no idea of extending or of curtailing the rights, powers, or privileges of national banks. Every man must see the propriety and importance of a law which shall provide that the depositors and the stockholders, who have no representation except through the directors of the bank, shall be protected by every kind of restriction that will tend to prevent the illegitimate absorption of the funds.

Mr. DINGLEY. I see that the word "agents" is used here.

What does that mean in connection with a bank?

Mr. COX. Well, that is put in as a mere matter of precaution. I do not know how a bank could have an agent in the technical sense of the word, but there can be no harm in leaving that there so as to cover all the parties connected with the bank.

Mr. DINGLEY. Would it cover the case of a national bank

undertaking to place the loan of a municipality, and which should appoint an agent in one or more cities for the sale of the

bonds?

Mr. COX. Where the bank undertakes to make such a loan? Mr. DINGLEY. Not where the bank undertakes to make the loan, but where it undertakes to sell the bonds.

Mr. COX. The only way that could be worked would be by re-discounting. That would go through the officers of the bank, be-cause when they undertake to make a rediscount of a note it has

to be indersed by the proper officers.

Mr. DINGLEY. The gentleman misunderstands me. My question is this: Supposing that a national bank undertakes to place bonds which have been issued by a municipality, and, for that purpose, appoints agents at different places, would such agents be included within the provisions of this bill?

Mr. COX. I think not.

Mr. DINGLEY. You think the word "agent" here would not cover that case?

Mr. COX. I think it would not.

Mr. CANNON of Illinois. What does this language mean: "Or other persons in its employ?" Does that include the attornev of a bank? Yes, sir. Mr. COX.

Mr. CANNON of Illinois. I mean its attorney at law.

Mr. COX. If the attorney at law loans himself to the officers of the bank to become the straw man for the indorsement of their paper in order to obtain the funds, I think he ought to be included as much as anybody else.

Mr. CANNON of Illinois. Suppose he accepts a retainer?

Many of the banks retain their attorneys by the year.
Mr. COX. Suppose he does; this would not apply to him.
Mr. CANNON of Illinois. Well, he would be in the employ

of the bank. Yes; but the object of this provision is to protect Mr. COX. the banks, and when an attorney becomes a straw man for the benefit of the cashier, or of any officer of the bank, then he ought to be reached by law.

Mr. CANNON of Illinois. Suppose he himself wants to bor-

Mr. COX. That is all right. Mr. CANNON of Illinois. But would he come under this pro-

Mr. CANNON of Illinois. But would be come under this provision of your bill?
Mr. COX. Certainly he would.
Mr. CANNON of Illinois. As well as any other person who might be employed in the bank?
Mr. COX. Certainly; all who act as straw men for the benefit of any officer connected with the bank. The object is to cut officer than the strain of the content of the conte the opportunity for any agent, attorney, officer, or servant of the bank from obtaining money as a loan until the application for the loan is duly submitted. Now, if we exempt the attorney of the bank from the operation of this provision, is it not obvious at once that the whole pith of the bill is destroyed? That seems

to me very plain.

Mr. CULBERSON. I would like to know whether the first section of this bill is designed to affect the statute which limits the amount of money that may be loaned to any one person.

Mr. COX. It has no such effect.

Mr. CULBERSON. I think the language of the provision ought to be guarded, because the bill now provides that whenever the person makes his application for a loan, stating the amount, and offers his securities, which are accepted, the bank must loan him the money. Mr. COX. No.

Mr. CULBERSON. That is the effect of the language as it

Mr. COX. Allow me to say to the gentleman— Mr. CULBERSON. I understand what the existing law is on this subject. It provides that no loan shall be made to any one person for more than 10 per cent of the amount of the capital stock of the bank. But here you provide that any director may borrow to any amount, there being no limitation or specifica-

Mr. COX. There is where I differ with the gentleman en-

Mr. CULBERSON. There is no limitation upon the provision

Mr. COX. It was never contemplated that this bill should change the existing law at all, so far as concerns the percentage of the capital stock that might be loaned to any one person.

Mr. CULBERSON. I do not suppose there was any such intention; but that such is the effect of the language is evident to

my mind.

Mr. COX. Now, let us see what the bill provides on this sub-

That no national banking association shall make any loan to its president, its vice-president, its cashier, or any of its clerks, tellers, bookkeepers, agents, servants, or other persons in its employ until the proposition to make such a loan, stating the amount, terms, and security offered therefor, shall have been submitted in writing by the person desiring the same to a meeting of the board of directors of such banking association, or of the executive committee of such board, if any, and accepted and approved by a majority of those present constituting a quorum.

Now the language-and I trust my learned friend from Texas

will allow me to differ with him—

Mr. CULBERSON. Certainly.

Mr. COX. That language never did contemplate the idea that the loan made to a director should be greater than that allowed

Mr. CULBERSON. I am perfectly satisfied that it was not the intention of the committee to remove the limitation in that respect. But I think some limiting language ought to be inserted to proclude the construction to which the provision is

Mr. COX. I have no objection to any limitation which may

be deemed necessary for that purpose.

Mr. HEARD. I suggest that there be added after the word "quorum" these words: "and then not in excess of the amount now allowed by law

Mr. CULBERSON. That would meet the difficulty.

Mr. COX. I have no objection to any amendment of that kind. If we can agree upon the objects to be accomplished by the bill, I am not disposed to quibble about the language.

Mr. HALL of Missouri. Will the gentleman yield to me a moment?

Mr. COX. Yes. sir.

Mr. HALL of Missouri. I would like to reply for a moment to the gentleman from Illinois [Mr. CANNON] in regard to the question whether this provision would apply to an attorney of the bank. I can not agree with my colleague on the committee that the bill contemplates a case of that kind.

My recollection of the rule of legal construction, especially in regard to criminal statutes, is that where certain individuals are named or specified and there follows a general clause, that general clause never includes any more than is embraced in the individual specification. If that be the correct rule of construction (and it seems to me there can be no mistake on that point), then this provision could not include any other persons than those specified—"the president, vice-president, cashier, or any of its clerks, tellers, bookkeepers, agents, or servants." The general clause which is added, "or other persons in its employ," is similar to that which we frequently find in criminal statutes,

and must be treated as not enlarging the individual specification.

A MEMBER. Why not then strike it out?

Mr. HALL of Missouri. I do not see that does any good or any harm. A general clause of that kind is very commonly in-

any harm. A general clause of that kind is very commonly in-serted in statutory provisions, but it does not extend their scope. Mr. MARVIN of New York. The question has been asked here as to the meaning of the word "agent." Now, that term, in its usual acceptation in banking business, is understood as meaning the redemption agent or city correspondent of a country He is called the agent of the country bank, and generally has in his possession a large amount of the money of the country bank to meet drafts upon it.

Mr. COX. You mean the correspondent of the bank.
Mr. MARVIN of New York. The correspondent of the bank.
Now, there is apparently a crudity in this bill in inserting that
word "agent" among those who may be the borrowers of the

Mr. COX. So far as regards the correspondent of a bank, this bill has no application to him whatever.

Mr. MARVIN of New York. I suppose it is not intended to have.

Mr. COX. Not at all. The person with whom a bank deposits its money for the purpose of meeting drafts upon it—just as in our country we send money for convenience to New York-a person receiving money in that way is not technically the agent of the bank; he is simply a depositary of the money of the bank upon which it may check.

Mr. MARVIN of New York. But every one of these banks receiving deposits in this way from a country bank allows interest on such deposits-becomes a creditor of the country bank.

Mr. COX. Suppose that is so; it does not change the relation between the home bank and its correspondent.

Mr. MARVIN of New York. The city bank is in effect a borrower from the country bank and pays it interest.

Mr. COX. My dear sir, every man who puts a dollar in a national bank is in one sense of the word a loaner to the bank.

Mr. MERCER. Will the gentleman allow me to interrupt him

Mr. MERCER. Will the gentleman allow me to interrupt him just there? You provide here that the president, vice-president, cashier, or any clerk, teller, or other official of the national bank shall not make any loan except under certain conditions. Now, what, let me ask, is there to prevent the president's wife or the vice-president's wife from doing just that thing?

Mr. COX. My dear sir, when we undertake to legislate on the men we may just as well let the women go by.

Mr. MERCER. Still, there is no way to prevent that, as far as i can see.

as I can see.

Mr. COX. No, sir: I do not know of any good bank that would take a married woman's note for money when they knew the

Mr. HOPKINS of Illinois. Does not that question show the utter futility of this kind of legislation?

Mr. COX. I think not. You can not legislate to meet every

Mr HOPKINS of Illinois. Of course not. But it strikes me that in order to meet exceptions existing here and there, it is not a wise plan to undertake to fix a general rule. Now, let me

Mr. COX (interrupting). I know exactly the way my friend's mind runs. Let me ask him a question now: Do you know of any national bank that was ever broken by the wife of the president or of the vice-president drawing the money of the bank?
Mr. HCPKINS of Illinois. I am not discussing that.

Mr. COX. But that is just what I am discussing. I am discussing the way these banks get broken, and I am trying to get you down to that point. We propose to apply a remedy here.

Mr. HOPKINS of Illinois. From your statement, if this bill be adopted, a dishonest president, vice-president, or director

can not wreck the bank; but now suppose you put in your pro-hibition against all of these dishonest officials and say they cannot do it, what then is to prevent its being done by the sisters,

cousins, aunts, and wives?

Mr. COX. I can hardly assume that if the president of a bank is dishonest the whole family is dishonest. That is going a lit-

tle too far.
Mr. HOPKINS of Illinois. But my point is this

Mr. COX. Oh, I know your point.
Mr. HOPKINS of Illinois. That with four or five thousand national banks all over the country the administration of these banks in the main has been honest, economical, and for the best interests of the public.

Mr. COX. I am not criticising the action of the banks at all

in that regard

Mr. HOPKINS of Illinois. Is it not a vicious principle in legislation, when you find an exception, to undertake to make a general law that will apply? You undertake here to apply a rule to all of the banks throughout the country because some individual has been dishonest.

Mr. COX. Is that a question or a speech?
Mr. HOPKINS of Illinois. Well, if the gentleman can not answer it, it does not make any difference what you call it.

Mr. COX. The gentleman need not be anxious about a question of that sort. I will answer it. When I can not answer a question I will tell you so frankly.

The proposition here is not to hamper the bank in its opera-

There is not a depositor in the United States who would not approve the law, or any honest director of a bank who would oppose it. Now, whenever a director wants to borrow money he ought not to object to make his application in writing. What is the object of doing that? It is that the directors when they meet shall have notice of the application, and I do not see how any man who proposes to deal honestly with his fellow-men can ect to a provision of that sort. But the gentleman from Illinois knows that we can not make laws which will apply to every

im ginable contingency. You recognize that as well as I do?

Mr. HOPKINS of Illinois. Yes, sir.

Mr. COX. Now, we have regulations as to the directors of the national banks. For instance, we have a regulation of the national-bank act as to the directors, that no man shall be a director who does not own \$1,000 worth of unencumbered stock in the bank. What was the object of that requirement? To make a responsible director, to make the interests of the director in the bank coincide with his other business interests. Now, when he goes to borrow the money of the bank (and some banks have adopted this rule regardless of this law), he makes his application in writing, and it is put on the minutes of the bank. Those voting "aye" are recorded as such, and those voting "no" on the application are also recorded. The obligation is thus placed on the directory, and the responsibility is upon them, just as was intended by their appointment. There surely can be no objection to that.

Mr. HOPKINS of Illinois. The gentleman has stated that we can not by legislation meet all exceptions.

Mr. COX. Yes, sir. Mr. HOPKINS of Illinois. Mr. HOPKINS of Illinois. Now, this is my point; you can not make a dishonest man honest by this kind of legislation, and if you attempt to cover a class of directors, presidents, or officers of banks by your legislation they will circumvent it in the manner suggested by my friend from Nebraska [Mr. MERCER], or in some other manner, and the only effect of the legislation will be to impair the operations of honest banks and hamper honest bank officials.

Mr. COX. Now, hold on a minute. When you make that kind of assertion you ought to say who it will affect. Now, who does this hamper?

Mr. HOPKINS of Illinois. Why, any restrictions that you

apply tend to hamper them.

Mr. COX. Oh, that is a general statement—

Mr. LOCKWOOD. I will answer the gentleman's question.

Mr. COX. That is very kind of the gentleman from New

Mr. LOCKWOOD. It hampers in this way. You upset the whole present system of discounting in the national banks throughout the country, so far as the large cities and large banks are concerned. This hampers the bank in another way, that in order to put out a loan to a director or officer of a bank, you have got to get your board together and wait a long enough

you have got to get you.

time to do that.

Mr. COX. I beg the gentleman's pardon. He is mistaken.

Mr. LOCKWOOD. You have got to submit your proposition
to your board of directors or to your finance committee.

Mr. COX. To the executive committee, in the absence of

Mr. LOCKWOOD. Now, men do not want to borrow money

from national banks, as a rule, in large cities, only at the very hour that they want it.

Mr. HOPKINS of Illinois. That is the point exactly.

Mr. LOCKWOOD. When a man has to wait a day or two, which it will take nine times out of ten if this bill passes, the man does not want the money, because the occasion has passed; and although he may come to the bank and put up the best collateral, although he may put up United States bonds, he can not get the money when he wants it. You have destroyed the present banking system, so far as the loaning of money and the discounting of money and the di counting of paper is concerned in large cities, and the banks are hampered as much to day as they can be and make any money for their stockholders.

Mr. COX. I have listened to you very patiently. Will you

do the same to me?

Mr. LOCKWOOD. I will do it gladly.

Mr. COX. Your proposition is that the objection to the bill lies in the fact that the man who applies for the money can not get it at once. Is not that it? Mr. LOCKWOOD. How is he going to get it until the di-

rectors can be called together?

Mr. COX. There is not a well-organized bank in the United States that does not have its executive committee, which meets

every day in the week.

Mr. LOCKWOOD. I would beg very much to differ with the gentleman. I know a great many banks whose executive committee does not meet oftener than once every three or four or

five days. Mr. COX.

Mr. COX. You are talking about your directors.
Mr. LOCKWOOD. No; about the executive or finance committees. That is true of almost every bank in the city of New

York and other large cities.

Mr. COX. Who passes on the soundness of the paper?

Mr. LOCKWOOD. The president and cashier, nine times out

Mr. COX. Who are they? Mr. LOCKWOOD. They are officers of the bank, but they

Mr. LOCK WOOD. They are officers of the bank, but they are not the finance committee or executive committee.

Mr. COX. That is the way you get your binks broken. The president and cashier of the bank can combine to discount certain paper and pass it through the bank, and that is the way you break your banks.

Mr. LOCKWOOD. Let me ask you a question right there.
Mr. COX. No, wait until I state my point. Take the Fidelity
Bank in Cincinnati. What broke it? The cashier, president,
and vice-president drew out its funds—just absorbed them. and vice-president drew out its funds—just absorbed them. Take the Spring Garden Bank, in Philadelphia I think it was. We examined that case last winter. What broke that? The president got all the funds. Take the bank in Boston. What broke that? The officers absorbed the funds. Now, does any gentleman mean to say that on account of the question of convenience, the director, cashier, or president of a bank can not be subjected to the largel postniction that the hard hards. subjected to the leg il restriction that when he wants to borrow the money of a bank he shall make his application to the directors and let them know about it?

Mr. HOPKINS of Illinois. Right there, if the gentleman will permit me, take those officers ou have mentioned, and if they are bound to get the money of the bank, if they can not get it themselves under the restrictions of a bill of this kind, if they are dishonest, why would not they loan the money to their wives,

or their cousins, or their aunts?

Mr. COX. I think I have said enough about the wife question. Now, let me ask you one question. Do you mean to be understood that a director, president, or vice-president of a bank ought to be permitted to absorb the funds of the depositors with-

out putting any restrictions upon him?

Mr. HOPKINS of Illinois. No, sir; not at all.

Mr. COX. That is exactly the purport of your objection.

Mr. HOPKINS of Illinois. No, I recel any such insinuations, and in the cases you have mentioned the men have been sent to the penitentiary

Mr. COX. The Boston gentleman is to-day much more at liberty than the gentleman and myself.

Mr. HOPKINS of Illinois. Before I get through on this point, I want to ask you this question: You are passing this law for the benefit of the stockholder, are you not?

Mr. COX. Yes, for the benefit of the stockholder and the de-

ositor.

Mr. HOPKINS of Illinois. It is primarily for the stockholder.

Mr. COX. It is primarily for the depositor. Why, of course,
is. I do not think you have caught the force of the bill.

Mr. HOPKINS of Illinois. I think I understand it perfectly.

Mr. COX. I do not mean to say that in any but the kindest

Mr. HOPKINS of Illinois. Under the existing law the stock-holders select the board of directors every twelve months.

Mr. HOPKINS of Illinois. The stockholders have full power pelect the men who shall control the banks. Why do not you to elect the men who shall control the banks. give them the same power that you do with other corporations, in woolen mills, steel mills, and the like. Why not give the board of directors the power to control the business?

Mr. COX. I do not want to undertake, in answer, to make a financial discussion. Does not the gentleman know that when the Government of the United States charters a corporation that it has a perfect right to put restrictions upon its administration? Mr. HOPKINS of Illinois. I am not disputing that.

Mr. COX. That is all I am doing—to make your directors, presidents, and vice-presidents act honestly.

Mr. HEARD. Will the gentleman allow me?

Mr. HEARD. Will the gettleman allow mer
Mr. COX. Certuinly.
Mr. HEARD. The object of this bill is to limit the opportunities of these officers to steal, if they should not be honest.
Mr. COX. Exactly.

Mr. COX. Exactly.
Mr. HEARD. I want to say further, that if all these banks' boards of discount do not meet often enough it is no hardship to require them to have the necessary meetings. They can genrequire them to have the necessary meetings. They can generally very easily manage to have their executive committee meet to pass upon paper, and they ought to do it for the security of their depositors.

Mr. Lockwood addressed the Chair.
Mr. COX. I have got the floor. Let me say to my friend there
I am connected with a bank, and a nation d bank, in a little town
of 3,000 inhabitants, and when the gentleman talks about his big banks and that they can not hold meetings I will tell you how we manage it. When the cashier has a note presented to him for discount he sends out and gets three members of the executive committee, submits it to the committee, and they pass upon it.
Mr. HOPKINS of Illinois. But you could not do that in a city
like Buffalo or Chicago.

Mr. COX. Do you mean to say that in the larger cities there

are more opportunities for dishonesty?

Mr. HOPKINS of Illinois. Not at all. You take a bank like
the First National Bank of Chicago and you can not have these meetings.

Mr. COX. Can not you get three of the board together? Why I venture the assertion that your president is not out of the bank ten hours out of the twenty-four.

Mr. LOCKWOOD. I want to make the suggestion that it is not an easy matter in cities to get the directors of a bank to meet to pass upon a piece of paper like that.

Mr. COX. Do they not require meetings of the directors reg-

ularly in the city binks?

Mr. LOCKWOOD. It is not an easy matter to get the directors of a bank together, and I undertake to say right here that if you were to compel three of these directors, as a financial committee, to meet and pass upon every note, as you say you do in your bank, you could not get them together; you could not get a director of a national bank in the city of New York, or in the city in which I live.

Mr. COX. Just wait one moment—

Mr. LOCKWOOD. They could not spare the time.

Mr. COX. And you can not fail to see when I tell you how it works. Suppose a man goes there and makes an application for a loan. It may be that he will have to have it at once, at that a loan. It may be that he will have to mave to hour. The cashier of the bank sends out for the executive com-

mittee, calls the executive committee together-

Mr. LOCKWOOD. We have got no executive committee.
Mr. COX. Or, he sends for a majority of the directors and
lays the paper before them.
Mr. LOCKWOOD. They may be 10 miles away, and he can
not get them. They have other business that they are attending to. They may be in New York or in Philadelphia.
Mr. COX. Then do you think that the depositors should run

the risk of losing their money for the accommodation of the of-ficers of the bank?

Mr. LOCKWOOD. Who has any more interest than the president? He is the largest stockholder in the bank and liable not only for the amount of his stock, but for an equal amount in excess of that.

The man most interested in the bank is the depos-

itor.
Mr. BINGHAM. Will the gentleman permit an inquiry?

Mr. COX. With pleasure.
Mr. BINGHAM. What paragraph of this bill includes direc-

Mr. COX. I think the original language of the bill included them, but they are now included by amendment.

Mr. BINGHAM. Now, I want to put this practical proposi-

tion to the gentleman—Mr. COX. That is right. That is the kind of question I like.
Mr. BINGHAM. I am a director of a bank—

Mr. COX. So was I, until sent here.
Mr. BINGHAM. I do not say that I am personally; but I am

simply putting my proposition in that way.

Mr. COX. Well, I was a director of a bank.

Mr. BINGHAM. I am a director of a bank and I am also a stockbroker, doing a large stockbroking business. The mar-ket is an active market. At 1 or 2 o'clock in the day my customers come in and buy large amounts of stocks and sell large amounts of stocks. Between 2 and half past 2 o clock I have to take the securities that I have bought for my customers on a margin (the universal way of doing such business) and go to the banks and borrow \$100,000, \$200,000, \$30,000, often larger amounts, for which I give the best gilt-edged collateral in the market. Now, how am I to do that business if I have to wait for a quorum. Three o'clock comes, and if I have not placed my stock and secured my customers and covered my margins, what

am I to do? I put that to the gentleman as a business proposition.
Mr. DOOLITTLE. Stop stock gambling. [Laughter.]
Mr. BINGHAM. Oh, it is not stock gambling. I have described a very ordinary transaction in New York, or Philadelphia, or Chicago, or any of the other large cities where such transactions often cover millions of dollars.

Mr. COX. I am aware of that. But what ought that man to

do, that broker who wanted the money, and what ought the eishier to do in a good solvent, well-regulated bank? When the broker comes and makes his application for a loan to meet the transactions of the day, they ought to get the executive board together; and I never saw a bank in my life, even in the rural districts, where you could not get an executive board of two members together.

Mr. BINGHAM. You can not do it in the great cities.

Mr. COX. Why not?

Mr. BINGHAM. Because the men are engaged in their regular vocations. A directorship in a bank is not a paying employment.

Mr. COX. Is not banking a vocation?

Mr. BINGHAM. A director is paid no salary.

Mr. COX. He gets his salary in the way of dividends and

Mr. BINGHAM. That is the interest upon his money.
Mr. COX. Can you tell me of any case where they could not

get two members of the board together?

Mr. BINGHAM. I say they do not do it.

Mr. COX. Oh, I know they do not do it; but could they not

Mr. LANE. They can make their president and a clerk their executive committee Mr. BINGHAM. Supposing they disagree?

Mr. LANE. Suppose any committee disagree? Mr. WADSWORTH. If any of those men are dishonest you

are left just where you are now.

Mr. COX. Except that when the president or cashier goes to

borrow money—
Mr. WADSWORTH. He acts on his own loan.
Mr. COX. No. The application is filed in the minutes and it is known. Before I pass from the question of the gentleman from Pennsylvania [Mr. BINGHAM], I want to say that I have never heard of a national bank president being engaged in the brokerage business. It would be a very suspicious circumstance to find one so engaged.
Mr. BINGHAM. To find a director of a bank in the brokerage business?

business?

Mr. COX. No; the president of a bank. Mr. MEYER. Would not the provisions of this bill be prohibitory for a gentleman circumstanced as the gentleman from Pennsylvania [Mr. BINGHAM] has described? Could be obtain any lo in at all if he should have the misfortune to be a director of the bank?

Mr. COX. Oh, no. It is not intended to prohibit him from

obtaining a loan.
Mr. MEYER. He might make a loan, but he could not pos sibly be permitted to overdraw, no matter how good his collat-Mr. COX. And that is exactly right. No officer of a bank should be permitted to overdraw.

Mr. MEYER. But is it not apparent that the director of a

bank has no executive functions? His function is merely adbank has no executive intections. His function is merely atvisory, and that being so, why should he, if he is a client of the bank, be treated worse because he happens to be a director than any ordinary patron of the bank would be treated?

Mr. COX. There is no reason except that he is a trustee under

the law. Every court in the United States has decided that he is a trustee or a quasi trustee. Now, when he comes to borrow he makes his application in writing, and there is a record of it. The only difference between the manner of dealing with him and the manner of dealing with any other patron of the bank is that his application is brought home to the knowledge of the directors. And it is done privately. Nobody knows about it but them.

And when gentlemen reflect a moment on what has happened in banking matters within the last six or eight months they must recognize that this is one of the wisest provisions that can be incorporated in our laws. And it will not hurt anybody in

the world who is trying to be honest.

Mr. MEYER. I agree with the gentleman that every safeguard should be thrown around the operations of our banks; but it seems to me that this bill, in the proper and natural construction of its language, will discriminate against a man simply

because he is a director of the bank.

Mr. COX. We do not undertake to do anything of that kind.

Mr. MEYER. It absolutely prohibits a director from arranging for an overdraft by the deposit of securities which would be accepted from an ordinary customer of the bank. Allow me to read that portion of the bill.
Mr. COX. The gentlems

Mr. COX. The gentleman need not do so. The provision simply is that wherever an officer of the bank is concerned he

can not overdraw.

Mr. MEYER. Allow me to read from page 2, beginning at

No such association shall permitits president, its vice-president, its cashier, or any of its directors, or any of its clerks, tellers, bookkeepers, agents, servants, or other persons in its employ to become liable to it by reason of over-drawn account.

That is what I stated-that no director or other Mr. COX.

officer is allowed to make an overdraft.

Mr. MEYER. But suppose a broker, who happens to be a director of the bank, finds himself toward the close of the day in want of a large amount of money, as has been illustrated by the gentleman from Pennsylvania. He goes to the bank and asks permission to overdraw, but though he may offer to deposit collateral securities the value of which is twice the amount of the

lateral securities the value of which is twice the amount of the proposed overdraft, yet under this clause he is prohibited under such circumstances from securing the overdraft.

Mr. COX. Why is that so?

Mr. MEYER. Because the provision distinctly states—

Mr. COX. I am asking the gentleman as to the reason of the provision. His conclusion in regard to the construction of this bill is right; the column to provision when the construction of the state of the construction of the state of the column to the construction of the state of the column to the construction of the column to the construction of bill is right; the only controversy between him and myself is whether the proposition of the bill is right or wrong. I say it is right. When the man overdraws, whose money does he get from the bank? As a rule it is the money of the depositors; and the directors have the custody of that money as trustees. why should we confer upon an officer of the bank the power of absorbing the funds of innocent depositors upon whose money the bank is making its profits?

Mr. BINGHAM. Why does not the gentleman extend the

provision to stockholders as well as directors?

Mr. COX. Why, sir, the stockholder, unless he is a director of the bank, has but one function to perform, and that is to vote for directors.

Mr. BINGHAM. I agree to that proposition; yet the stockholder of a bank generally has a larger privilege than the ordinary borrower.

Mr. COX. But the stockholder is not a trustee for the depositors of the bank.
Mr. BINGHAM. Yes; he always is.

Mr. COX. The stockholder?
Mr. BINGHAM. If I am a stockholder of a bank, I have a closer relation with the bank than the mere depositor.

Mr. COX. The law has settled the proposition that so far as the directors are concerned they are quasi trustees for the bank. Who ever heard of a stockholder being regarded as a trustee for the bank? If that were so, I would not be a stockholder of any bank on earth. The stockholder delegates his power to the di rector of the bank, and that is the end of his function in the matter. Now the object of the law is that when the director assumes his duties as such he shall not abuse them.

Mr. BINGHAM. One question. The gentleman has had bank-

ing experience as he states

Mr. COX. Not much.
Mr. BINGHAM. Is it not a fact that if I am a large stockholder in a bank of which you are a director, you are more disposed to discount my notes than the notes of a man who is not a stockholder? Is not that a fact in practical life?
Mr. COX. I think that is true; but I think that is one of the

evils of the present system.

Mr. BINGHAM. It is human nature.

Mr. COX. Human nature is pretty bad in some respects and pretty good in others. Our personal interests generally control us in matters of that sort. I concede that when a man owns the majority of the stock he has power to elect himself a director or other officer, and in this way may exercise great power. Now, if we put no restrictions on him by law, what becomes of the interests of the depositors?

Mr. BAILEY. No person, under the existing law, can borrow more than 10 per cent of the capital stock of the bank.
Mr. COX. That is a fact. But one person may own nine-

tenths of the stock. Now, suppose a stockholder elects himself as a director, and by means of his power as an officer makes a big loan to himself, where is the security for your depositors?

Mr. BINGHAM. The matter would be disposed of according

to the regular rule.

Mr. COX. The regular rule, as we propose now to make it, will be that he shall make his application regularly, so that the minutes of the bank will show what has become of the money. And the history of national banks in this country shows that in two-thirds of the cases where they have become insolvent the money has been stolen by the officers.

Mr. BINGHAM. Not quite as large a percentage as that.
Mr. COX. Well, the Comptroller says about two-thirds.
Mr. HALL of Missouri. The Comptroller says in almost every instance

Mr. COX. Now, Mr. Speaker, my object in presenting this bill I have explained sufficiently and clearly—
Mr. BAILEY. Will the gentleman allow me a question?
Mr. COX. With pleasure.

Mr. BAILEY. Is it not true that in almost every instance where a bank becomes insolvent the officers have violated the law on the statute books? Is not that the case in nearly every instance?

Mr. COX. I answer affirmatively; for here to-day, in this crisis, there is hardly a national bank officer in the United States that is not indictable for violation of the law.

Mr. CANNON of Illinois. Mr. Speaker, it is now half past 4 o'clock, I will say to the gentleman from Tennessee, and it is evident he can not complete the bill to-night. I suggest that, if it with his gentleman here were a vident here. if it suits his convenience, he move an adjournment and let this matter come up to-morrow.

Mr. COX. I am perfectly willing to be governed by the judg-

Mr. COX. I am ment of the House.

Mr. CANNON of Illinois. I will make the motion if the gentleman does not desire to do it.

Mr. COX. Personally I have no objection, but I hear some

objection from other members around me. Still, it looks to me as if we ought to dispose of this bill in a few minutes.

Mr. CANNON of Illinois. It seems to me that you can not complete it to-night. I wish to yield a part of my time to the gentleman from Nebraska [Mr. HAINER] and other gentlemen, and it is now, as I have said, half past 4 o'clock.

Mr. SPRINGER. You might go on for an hour longer this

evening.

Mr. COX. I submit to the gentleman that to-morrow we will take a vote on the bill at 2 o'clock.

Mr. CANNON of Illinois. Well, I do not know. A discussion of the matter may make us desire not to vote on it at that time. The morning hour may consume a considerable length of time. Of course the gentleman has it in his power to call the previous question at any time that he chooses.

Mr. COX. I do not desire to cut any one off. I think the discussion will strengthen the bill.

Mr. CANNON of Illinois. For the purpose of testing the sense of the House I move that we now adjourn.

Mr. COX. I think we could be approximated to be a control of the sense of the House I move that we now adjourn.

Mr. COX. I think we ought to go on until 5 o'clock at least. The motion of Mr. CANNON of Illinois was rejected. Mr. CANNON of Illinois. Now, Mr. Speaker, if I can have the attention of the House for a few minutes I think I can get

I have certainly no desire to antagonize any legislation that will amend the law where it is now at fault. But while that is true, I submit to the gentleman from Tennessee that there is no legislation that will keep a thief from stealing provided he has the opportunity to steal; and I submit further to him that the national-bank law as it now stands is quite sufficient, and the penalties are quite sufficient, to secure, first, the depositors, and secondly, the stockholders, against loss, provided the law is complied with, and that a failure to comply with the law will, if the

law be enforced, now subject the officer or director to punishment. But, sir, the objection I have to this legislation, the objection that occurs to my mind is that it will not be any more effective in protecting the public than the present law, while at the same time it will embarrass honest men in the prosecution of the or-

dinary business affairs of the country.

Mr. BRYAN. Will the gentleman allow a question?

Mr. CANNON of Illinois. Yes.

Mr. BRYAN. I understand your objection is this, that the present laws, if lived up to, are sufficient to protect the bank?
Mr. CANNON of Illinois. Yes.
Mr. BRYAN. And that when the law says a bank shall not

loan more than a certain amount of its deposits, that that affords a sufficient protection to the depositors?

Mr. CANNON of Illinois. Certainly.
Mr. BRYAN. Then what is the use of having an examination of the banks by an officer of the Government authorized by law to make such examination to see if the officers live up to the

Mr. CANNON of Illinois. Ah! but that is a matter of admin-

istration.

Mr. BRYAN. Is not this in the same line? Mr. CANNON of Illinois. No, this is not a matter of admin-

istration, but of legislation.

Mr. BRYAN. But is it not enacted for the same purpose that bank examinations are ordered, to compel the officers of the bank to live up to the law?

Mr. CANNON of Illinois. No; this is making additional law.

They have laws already on the statute books which protect the

banks and the depositors.

Now, I think the law, as I said before, is quite sufficient. Let me refer to that for a moment. A national bank is organized and the stock is taken and paid for. The stockholder becomes liable to every depositor to the amount of his stock and as much more. Then the stockholders meet and they create the direc-tory, and the directors, after their election, create the officers of the bank.

Now, I undertake to say that in the case of the Fidelity Bank of Cincinnati, in the case of the Spring Garden Bank, and in the case of the Boston bank, the parties have been indicted and convicted, and lately were or now are in the penitentiary.

Mr. COX. In the case of the Boston bank the president has

been acquitted, and is as clear and clean of any difficulty as you

or I.

Mr. CANNON of Illinois. My recollection was that some of the officers of that bank were convicted.

Mr. BINGHAM. Did not Secretary Carlisle make a thorough examination into that case?

Mr. COX. No; the examination of that bank was made by the Committee on Banking and Currency in the last Congress.

Mr. BINGHAM. Did not Secretary Carlisle go there?

Mr. COX. Why, no; the bank was broken, and the whole thing occurred before Mr. Carlisle went into office.

Mr. BINGHAM. Not as Secretary of the Treasury, but did he not go there in connection with the matter?

Mr. COX. I have stated my understanding of the matter?

Mr. CANNON of Illinois. My recollection was that the officers of that bank had been convicted; but let that be as it may, no breach of trust or theft in one case or a dozen cases is sufficient excuse for a general rule covering between four and five thousand banks, and covering substantially the banking busi-ness of a country of 65,000,000 of people. The bill-holder is always secure in case of failure, and the depositor is almost invariably secure. Very rarely indeed does the depositor lose a dollar. So far as I know, during this present almost unexampled depression the depositors of failed banks either have been or

depression the depositors of failed banks either have been or are to be paid in full.

Mr. COX. Let me direct the attention of the gentleman to the point. It is conceded, so far as the bill-holder is concerned, that he is protected under our laws. Now you come to the depositor, and how do you make his deposit good? It is by an assessment on the stockholders, who are liable for the amount of stock hydroribed, and for a require appears besides.

stock subscribed, and for an equal amount besides.

Mr. CANNON of Illinois. Yes.

Mr. COX. Now, here are a number of stockholders, fifty or a hundred of them, entirely outside, who have no connection with the actual conduct of the business of the bank. The president and directors run that. Now, suppose the cashier of the bank steals the money. I call it stealing because that is about as good a word as I know of—

Mr. CANNON of Illinois. Yes.

Mr. COX. You make your assessment on these stockholders who have nothing to do with the conduct of the business, and that is the way you make the depositors good? Now, my proposition is to cut off the president, vice-president, cashier, and other officers from the chance to steal under the form of loaning the money to themselves without the directors knowing any thing about it.

Mr. CANNON of Illinois. The gentleman's proposition is to enact this legislation for the benefit of the stockholder. The

bill-holder is secured.

Mr. COX. And the depositor, in the way I have stated.
Mr. CANNON of Illinois. The depositor is secured—
Mr. BRYAN. How?
Mr. CANNON of Illinois. He is secured first by the ca

He is secured first by the capital, second by the surplus, and third by an assessment on the stock-

bolders equal to the amount of their stock.

Mr. BRYAN. Take the case in our city, where the stock was owned largely by the president and cashier, and where the president took the money. After he took it his stock was worthless,

because he had borrowed more than the amount of his stock, or rather taken it from the bank, and he was not good for any part of the 100 per cent, because nothing could be collected from him; and instead of the \$300,000 nominal capital being there as security for the depositors, the men who had borrowed the money from the bank being themselves the holders of the stock, when you could not collect their debts from them you could not collect the extra hundred per cent.

Mr. CANNON of Illinois. Has there been any loss to the de-

positors of that bank?

Mr. BRYAN. They have been paid 10 per cent, so far. We

Mr. BRYAN. They have been paid 10 per cent, so far. We do not know what else they will get.
Mr. CANNON of Illinois. The gentleman knows whether the understanding is that they will be paid or not?
Mr. BRYAN. It is not expected that they will be paid in full. Mr. HAINER of Nebraska. It is not expected that they will get 25 per cent of their deposits.
Mr. CANNON of Illinois. What was the capital of that bank? Mr. BRYAN. Three hundred thousand dollars.
Mr. CANNON of Illinois. The gentleman has stated one case where he says there is doubt whether the depositors will be paid or not. That is one bank, with \$300,000 capital; but there are between four thousand and five thousand banks scattered throughout the length and breadth of the country, and because there out the length and breadth of the country, and because there was a theft in the one bank that he speaks of he would apply was a their in the one cank that he speaks of he would apply rules, which it seems to me are onerous, to the whole banking business of the country, while, it makes no difference how onerous the rules may be made, if the man was a thief he would steal the money and cheat the depositors; and you might pile Pelion on Ossa, and the thief will still steal. In the mean time the honest men, who constitute nine hundred and ninety-nine out of a thousand, and more, are to be embarrassed constantly in the transaction of the husiness of the country.

transaction of the business of the country.

Mr. BRYAN. Will the gent'eman answer me this question?
Is not that true in every other department. Do not we compel men to put their deeds and mortgages upon record to protect

Mr. CANNON of Illinois. Oh, certainly; the record of instruments constitutes notice in the absence of pedal possession.

Mr. COX. The Comptroller himself states that nearly every one of the broken national banks has been broken by stealing the funds of the bank.

Mr. CANNON of Illinois. Precisely; but where one cent has

been lost that way to depositors—
Mr. BRYAN. Something like \$10,000,000 has been lost to de-

positors since national banks were organized.

Mr. CANNON of Illinois. I am not aware of the amount: but even that is a very small loss, indeed, when you consider that there are several billions of deposits, active deposits, for over thirty years.

Mr. SPRINGER. Two billions.

Mr. SPRINGER. Two billions.
Mr. COX. I beg the gentleman's pardon.
Mr. SPRINGER. One billion nine hundred million.
Mr. BRYAN. Is it not well to protect against that?
Mr. CANNON of Illinois. I will say further, Mr. Speaker, if I can have attention of the House—
Mr. WILSON of Washington. Will the gentleman allow me to as him a question if it is not an interruption?
Mr. CANNON of Illinois. It is no interruption. I will answer the gentleman's question.

swer the gentleman's question.

Mr. WILSON of Washington. I do not know that it will be exactly germane to this bill. Would it not be a good thing that one-half of 1 per cent paid to national banks shall be deposited as a protection to the depositors, in the event that the bank should

Mr. CANNON of Illinois. The gentleman now specks of a proposition which it seems to me might well be considered by the Committee on Banking and Currency; one that would be

good in its operation.

Mr. COX. The gentleman will allow me to say that it is considering it; but this bill has nothing on the earth to do with

Mr. BAILEY. That is a guaranty business.

Mr. COX. That is the guaranty business.
Mr. CANNON of Illinois. Mr. Speaker, who makes the director? The stockholder. He is the creator. The director

I hope the gentle-the bank. It is the may be a large stockholder or a small one. I hope the man sees the point, if he wants to protect the bank. duty of the stockholder to look after his business, to look after his bank, and to look after his directory.

Mr. COX. I dislike to interrupt the gentleman, but he will

Mr. CANNON of Illinois. I am not criticising the bill, except in a friendly spirit, as to what I fear would be the operation of the bill.

Mr. COX. Now, you say let the stockholder look after his

bank. Let me say to you that is what this bill means. Here is a man who has put his money in the bank in good faith, and we say he has the right to turn to the minutes and see what is contained there. He does so, and he sees that the directors are When he sees that he begins to be susborrowing the money. picious, and if you do not confer this power and authority by this bill there is no record in the minutes of the bank and the stockholder never sees the directors are borrowing the money. The very thing you are talking about I am trying to reach.

Mr. CANNON of Illinois. I think I have an idea of a stock-

holder of a bank. He has not only a duty to perform, but he has a right to be informed of the condition of his bank. It is his duty to meet and to learn the condition of the bank annually; to make a complete and full examination of all the papers, and the condition of the bank. Now, the gentleman speaks about the conduct of the country banks. I do not think they would be very greatly embarrassed by this legislation. It is true that,

85 far as I know, but few country banks have what is known as executive committees or a board of discounts.

Mr. COX. Most all of them.

Mr. CANNON of Illinois. They have not in my section of the country, though they may have them in the gentleman's section of the country. They generally pick out a man for president who is a prudent and cautious man, connected with the bank, to look after it. He is presumed to be honest, and he is generally, really and fairly, able to understand the credit of the people who apply for money. He acts in a minute, and can yes or no. He can say in a minute whether he will discount a note. It is not a question of a day or a week, it is not a question of a written application, not to be laid before the board of directors, but it is "yea" or "no." yes" or "no."

And it that bank retains its business, it must necessarily be yes "or "no" at the time the application is made. Otherwise, in the sharp competition that exists, the competing bank gets the business. But so far as the country banks are concerned. I do not see that they are to be much embarrassed by this legislation. Some friction no doubt it would beget. Where a director would desire a discount, if he needed it to-day he might have to wait until to-morrow, or for two days, or until next week, or he might go to the rival bank or somewhere else and make his

discount, because he could not afford to wait.

But I do believe that this legislation would cause very great difficulty in places where large amounts of business are done. I live some 125 miles south of Chicago. I know something of the way business is conducted in that city, and it is substantially the same as in Buffalo, New York, Cincinnati, Philadelphia, and other large business centers. In those places the transactions are very large, and if any officer or all the officers of a bank, or anybody in the employ of a bank, or every director of a bank, before he can get an accommodation, must make application in writing, stating what the security is, and if then the executive board or the board of directors must meet and pass upon that application, after consideration, must pass upon it by a yea-and-nay vote which is to be spread upon the record before the discount can be had, I undertake to say that there is no bank in any great financial center that will make the discounts it ought to make to its customers in the ordinary course of business least to such of its customers as happen to be directors of the

bank or in its employ.

Mr. COX. The bill does not require that when the application is made to the executive board it shall be approved by the The executive board makes its report of the applidirectors. cation to the directors and a record is made of the transaction. Now, I venture to say that you can not find a bank in Chicago that has not an executive board that can be got together in fif-

teen minutes.

Mr. CANNON of Illinois. I have some little practical knowledge about the way such things are done in the Chicago banks; not a great deal, for I am not a banker, but I have done more or less banking business.

A MEMBER. On the other side of the counter.

Mr. CANNON of Illinois. Yes; on the other side of the counter, as the gentleman says. I have borrowed money in

Chicago and I may do so again.

A MEMBER. You can't do it now. [Laughter.]

Mr. CANNON of Illinois. I have borrowed at times larger sums than I could borrow on my individual credit. How did I do it? I stepped into one of those great banks and said, "I have such and such security as collateral and want so much money," and I always got my answer at once. Applications for accommodation do not wait the action of boards of directors day after day

Mr. SPRINGER. Your collaterals were good. That is what

helped you out. [Laughter.]
Mr. CANNON of Illinois. Yes; the security was good. the gentleman [Mr. Cox] says now that a man who is in the

employ of any of these banks, or who is a director in a bank, shall not have that privilege. All I have to say is that, in my shall not have that privilege. All I have to say is that, in my opinion, this legislation will drive away those people who are desirable as customers of those banks and will send their business to rival banks in which they have no interest, or will drive them out of any connection with the banks.

In the mean time the gentleman may enact his law, he may put in the strongest safeguards and penalties that he can discover, and after he has made them tenfold stronger than his bill proposes to make them, he will be exactly where he started. That is, if a thief gets into a position of trust or profit he will steal and take the chances, as such men have done in the past. But you say he will go to the penitentiary. Well, so he will under the present law. And while the thief will continue to steal, this legislation will embarrass the legitimate business of

the country.

We have a Comptroller of the Currency who has ample powers now, and let me say that in the main the representative Comptrollers of the Currency who have filled that great office have been valuable and efficient officers, commencing with Hugh McCullough and including the present incumbent of the office, one of the most valuable Comptrollers, in my opinion, so far as Lam able to judge, that we have had. The law is sufficient now, in my opinion, judge, that we have had. The law is sufficient now, in my opinion, for this purpose, and he is executing it. The law is sufficient to give him knowledge of whether any bank is good or bad. He can have the form of the reports changed in order to get more information. He has added to the requirements of such reports.

The banks are now required to report five times a year, there must be a definite report as to the very kind of liability which the gentleman seeks to reach by this provision. There is no question in the world that the Comptroller has the right now, under existing law, to require a report upon that point, and he may go further and require it to be published if he chooses. see no objection to the publication, and it seems to me that the Comptroller of the Currency, in a wise administration of the law,

might require such publication.
In addition to that, he sends out his bank examiners at least once a year; and he can call from time to time for special reports. What we want is a thorough, vigilant administration of the law. I do not aim to cast stones at anybody who has held that great office of Comptroller of the Currency. I say again that in the main the administration of that office has been wise; and in my judgment it is wise now. Mr. HALL of Missouri. Will th

Will the gentleman allow me a sin-

gle suggestion? Mr. CANNO

Mr. CANNON of Illinois. Certainly.

Mr. HALL of Missouri. As I understand, the gentleman has no criticism to offer upon this bill except that it tends to embarrass the directors or other officers of the bank in obtaining ordinary loans from the bank.

Mr. CANNON of Illinois. That it tends to embarrass the or-

dinary business of the country.

Mr. HALL of Missouri. Now, the provision of which the gentleman complains will not affect anyone except the directors or other officers. These persons being alone subjected to the operation of this proposed law, does not the gentleman think it wise to have a provision of this kind so that these bank officers may know that when they want to borrow money they must

make written application two days beforehand?

Mr. CANNON of Illinois. I have just stated in substance that no man doing a great business in a city like Chicago, in the stock market or on the board of trade, or in dry goods, in wheat, in corn, or a thousand other products, can tell two days beforehand what amount of money he may need to transact his busi-

ness on a given day.

Mr. HALL of Missouri. Conceding that this limitation will impose some inconvenience upon this single class of people—the directors or other officers of the bank—suppose there may be some little inconvenience to them in requiring this written application for a loan to be made two days beforehand—will not this inconvenience be counterbalanced by the good that may spring from such a safeguard, especially in view of the fact stated by the Comptroller of the Currency in his report that in almost every instance the investigation of the affairs of an insolvent bank has disclosed the fact that the directors or other officers have too freely used the funds of the bank for their own purposes? Is it not wise for us to impose this requirement upon these comparatively few individuals in order that we may protect the mil-lions of stockholders and depositors?

Mr. CANNON of Illinois. In my judgment, no; because the provision will not secure the protection which is sought. There has not been a word, so far as I have been able to find, from the present Comptroller of the Currency recommending the passage of this bill. During the recent panic and depression that officer has had wonderfully grave and onerous duties to perform. He has not yet made his report. You bring in here a bill of this kind without a word of commendation or recommendation from him in favor of its passage. So far as I know, it does not appear to have been referred to him.

Preceding Comptrollers did recommend it.

Mr. COX. Preceding Comptrollers did recommend it.
Mr. CANNON of Illinois. Now, the whole burden of the song
in favor of this measure—the only practical reason offered in its favor-is that it is calculated to protect, not the bill-holder, not

the depositor, but the stockholder.

Mr. HALL of Missouri. The stockholder and the depositor.

Mr. CANNON of Illinois. The depositor is substantially protected anyhow. It has been stated here that during thirty years, with all the enormous deposits which have been made during

with all the enormous deposits which have been made during that time, the whole loss to depositors has been only \$10,000,000. I have not looked into the matter, but it seems to me probable that the real amount is less than that.

Mr. BRYAN. Just a little less.

Mr. CANNON of Illinois. Let that be as it may, the amount of loss to the depositors has been comparatively very small. There has been a much larger amount of loss, no doubt to the stockholders whose stock has been swept away by the failure of banking institutions, and who, besides, have had to nay assessed. banking institutions, and who, besides, have had to pay assess-

Mr. COX. Let me ask the gentleman who got that ten millions

of the depositors' money?

Mr. CANNON of Illinois. I really do not know. Mr. COX. About eight millions of it went to the officers of

the banks, and that is just what we are now trying to prevent.

Mr. CANNON of Illinois. And the officers of the banks, in banks, in the main, went to the penitentiary. And so they would again if you amend the law. I think that is a sufficient answer. You make the law to catch a thief, and you embarrass honest men and do not prevent the thief from pursuing his operations. the trouble.

Mr. COX. If it will suit the gentleman from Illinois to conclude his remarks in the morning, I will move that the House

now adjourn.

Mr. CANNON of Illinois. That will suit me very well, and I

will yield for that motion.

Mr. COX. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

CHANGE OF REFERENCE.

Underclause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 3947) for the relief of James P. McIntire, removing charge of desertion; and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows: By Mr. FYAN: A bill (H. R. 4004) to return money to settlers

on Government lands—to the Committee on the Public Lands. By Mr. PHILLIPS: Λ bill (H. R. 4005) to provide for the coinage of silver dollars and for maintaining them at par—to the

Committee on Coinage, Weights, and Measures.

By Mr. STONE of Kentucky by request): A bill (H. R. 4006) to provide a mode for the consideration of certain awards of the Court of Claims—to the Committee on Claims.

By Mr. FLYNN: A bill (H. R. 4007) for the admission of Oklahoma Territory as a State into the Union-to the Committee on the Territorie

By Mr. HUDSON: A bill (H. R. 4008) to prohibit the further issue of bends—to the Committee on Ways and Means.

By Mr. DURBOROW: A joint resolution (H. Res. 77) conferring diplomas upon designers, inventors, and expert artisans-to the Committee on Appropriations.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 4009) for the relief of Frank J.

Metcalf—to the Committee on Claims.

By Mr. HOOKER of Mississippi: A bill (H. R. 4010) for the relief of the heirs of Mrs. Eliza McCay, of Mississippi—to the Committee on War. Claims.

net of the heirs of Mrs. Eliza McCay, of Mississippi—to the Committee on War Claims.

By Mr. MEYER: A bill (H. R. 4011) for the relief of C. Augusta Urquhart—to the Committee on War Claims.

By Mr. OUTHWAITE: A bill (H. R. 4012) for the relief of Thorwald Olsen—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 4013) to release and turn over to Mrs. Mary O. Augusta certain property in the District of Columbia—to the Committee on the District of Columbia.

By Mr. VAN VOORHIS of New York: A bill (H.R.4014) granting a pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, late of the United States Army, retired to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Article XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CRISP (by request): Petition of the Nebraska Annual Conference of the Methodist Church, asking the repeal of the Geary law—to the Committee on Foreign Arfairs.

By Mr. DALZELL: Three several petitions of window-glass workers of the Twenty-second Congressional district of Pennsylvania, against any change in the tariff schedule on glass bottles—to the Committee on Ways and Means.

vania, against any change in the tariff schedule on glass bottles—to the Committee on Ways and Means.

By Mr. MAGUIRE: Petition of the Granite Cutters' Union of San Francisco, of the Plasterers' International Union, of the Carpenters and Joiners' Union, of the Stonecutters' Union, and of the Painters and Decorators' Union, all of San Francisco, Cal., in favor of the immediate enforcement of the Geary exclusion act—to the Committee on Foreign Affairs.

mediate enforcement of the Geary exclusion act—to the Committee on Foreign Affairs.

By Mr. O'NEILL of Pennsylvania: Memorial of the cigar manufacturers of the city of Philadelphia, in favor of a reduction on leaf tobucco suitable for cigar wrappers from \$2 to \$1 per pound—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of 150 employes of the Holmes & Edwards Silver Company, of Bridgeport, Conn., praying that no change be made in the existing tariff by the Fifty-third Cougress—to the Committee on Ways and Means.

SENATE.

TUESDAY, October 17, 1893.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday a proceedings was read.

Mr. DOLPH. Mr. President, I rise to suggest some inaccuracies in the Journal of the proceedings of yesterday. There are, in my judgment, numerous inaccuracies. One I will call attention to, found on page 2545 of the CONGRESSIONAL RECORD.

The Presiding Officer. The Senator from Montana suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to

The names follow, which I will not read.

The Presiding Officer. Forty-two Senators having answered to their names, a quorum of the Senate is not present.

I think that is incorrect. It is true there were but forty-two Senators who answered to their names, but there were more than forty-two Senators present in the Chamber—more than a quorum here.

At6:30 last evening, when the Senator from South Dakota [Mr. Pettigrew] suggested the lack of a quorum, stating that there were but 31 Senators present, the Presiding Officer stated, after

the roll call:

Forty-two Senators have answered to their names. A quorum of the Sen-

Forty-two senators have shawered to their mainers and at is not present.

Mr. VOORBEES, I move that the Sergeant-at-Arms be directed to request the presence of absent Senators.

Mr. BLACKBURN, Mr FRYE, and Mr. MARTIN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum is present.

Then I offered the following order:

Then I offered the following order:

Mr. Dolph. I desire to offer an order for the action of the Senate.

The Presidence Officer. The proposed order will be read.

The Secretary read as follows:

"Whereas on the call of the Senate just had Senators Allen and Kyle were present in the Senate Chamber and did not answer when their names were called; and whereas they are still present:

"Ordered, That the names of said Senators Allen and Kyle be recorded in connection with said roll call to show their presence."

The Senator from Nebraska [Mr. ALLEN] said:

I suppose that under the rules of the Senate a Senator who does not answer his name upon a call of the roll is absent. I do not know of any reason why my distinguished friend should select me and the Senator from South Dakota as the objects of his displeasure.

It is sufficient to state that the Chair ruled that this was a res olution which must go over under objection. I did not think so, I thoughtit was an order and pertained to that relicall, and must necessarily be considered, if at all, in connection with it. But it has gone over one day; and I now raise the point of order that the Journal is incorrect in not showing the presence of the Senators named in the preamble of the order, whose names I asked to have entered; the remark of at least one of the Senators named, the Senator from Nebraska [Mr. ALLEN], showing he

was still in the Senate Chamber

Mr. President, the business of the Senate presents to the country an extraordinary spectacle. We were summoned on the 7th of August by the President of the United States to deal with the question of the purchase of silver bullion and asked to repeal the purchasing clause of what is known as the Sherman act.

Mr. MORGAN. And to deal with the tariff.
Mr. DOLPH. Very little was said about the tariff. The tariff was relegated to the rear. We have been in session over ten weeks, with a Democratic majority. We have twenty-six Senators on this side of the Chamber who are understood to be in favor of repealing the purchasing clause of that act, and are ready to follow the chairman of the Finance Committee in any measure suggested to bring a vote upon the question. us have been up without sleep for from thirty to thirty-six hours at one time, and we have held extraordinarily long sessions of the Senate and have been unable to reach a vote. It has become apparent that if Senators can talk indefinitely, if they can read from books and read newspaper articles without limit, and the Senators to a vote the product of the senators are to be senated by the senators are to be senators. ate is not to amend its rules or to put some different construction on its present rules than has heretofore been placed upon them, we must drift down the current of endless talk without accomplishing any result.

I think I may say for the great majority of the twenty-six Senators on this side of the Chamber who are in favor of repeal-ing the purchasing clause of the Sherman act that they would be willing to vote and to cooperate with the political majority in the Senate to secure some rule to limit debate, notwithstanding it may happen that such a rule might work against them in measures which may come up at the present session of Congress to which they are not committed and which they do not favor.

Mr. President, look at the ridiculous position the Senate occupies before the country. A Senator will rise in his place in this Chamber and suggest the lack of a quorum. Immediately a roll call is ordered, and he and others do not answer to their names, and the Presiding Officer announces that no quorum is present, although there is a quorum. The Senators are in their seats, as is obvious to every Senator on the floor. Then, as there is no quorum announced as present, the chairman of the Committee on Finance rises and moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators. Why, what a farce, when there are enough Senators in the Chamber and present who do not answer to their names to make a quorum, to sind the Sergeant-at-Arms out to request the attendance of absent Senators

What a ridiculous position the Senate occupies in sending out the Sergeant-at-Arms to request the attendance of absent Senators when it will not insist that the Sergeant-at-Arms shall use the force necessary to bring Senators to the bar of the Sen

Go a step further. Suppose he brings them. Suppose we direct the Sergeunt-at-Arms to request the attendance of absent Senators. Suppose they refuse to obey the request and we au-thorize him to bring them in, and he brings them in, and they stand here mute before the Senate and refuse to answer to their names or to vote, and the Senate takes no steps to deal

with them.

Mr. President, that is disorderly conduct. It is a violation of the spirit of the rules of the Senate. That course is bringing the Senate into disrepute in the country and bringing scandal upon the Senate. I am myself getting very tired of this sort of thing. I think it is about time that the Senate shall show a little backbone, because it has never had any on such questions. tions. Since I have been here it never has had any. If a Senator refuses to vote, let him be dealt with. If a Senator refuses to answer a roll call of the Senate, then I think it is the duty of the Chair to order his name entered; and at the very first good opportunity I have I shall so move, and if the Chair does not order it I shall appeal to the Senate and have a vote. If Senators are present and do not vote, I think it is the right of the Senate to order it. And now, upon the question of the approval of the Journal, I ask that my order of yesterday be considered, so that the question as to who were present on that roll call may be de-

termined before the Journal is approved.

Mr. HARRIS. I am sorry the Senator from Oregon is tired, and being tired I think the best remedy would be to sit down and rest. [Laughter.] It would be a relief to him and to the

Now, the scolding of this morning and criticism of the Journal is not merited by any existing fact. The Journal recites the proceedings of the Senate of yesterday and recites them accurately. The whole point of the Senator's discussion is that in violation of the rules of this body the Presiding Officer shall, regardless of the roll call, look around, hunt up, and see if he can not count somebody whom the roll call does not show has answered. When

the Senate determines that the Presiding Officer shall look over the body and count for himself to ascertain who is here and who is not here, make your rules that way, and the Presiding Officer will doubtless execute them, whosever he may be; but until some rule authorizes that proceeding the Senator from Oregon and the rest of the world had just as well recognize the fact that no man who will ever occupy that chair will assume any such authority

Mr. DOLPH. Mr. President, I have often wondered what would become of the Senate and the country if the Senator from Tennessee should happen to die. He supposes that he embodies all knowledge on parliamentary subjects and almost everything

in the Senate.

Mr. HARRIS. That will largely depend upon whether the

Mr. HARRIS. That will largely depend upon whether the Senator from Oregon will survive.

Mr. DOLPH. I submit this morning with as much grace as possible to the correction which has been administered by the venerable Senator. The present proposition is not that the Chair venerable Senator. The present proposition is not that the Chair shall count members to make a quorum. The present proposition of mine is that my order of yesterday is in order before the minutes are approved, and that the Senate itself can order that those Senators who were on the floor, as the RECORD shows they were, those Senators who everybody knows were on the floor at the time the roll call was had, shall not be entered as having responded to the roll call, but that their names shall be entered in the record in connection with the roll call to show that they were present. That is all there is of it; and it is a matter which the Senate has a right to decide upon.

were present. That is all there is of it; and it is a matter which the Senate has a right to decide upon.

Mr. BUTLER. It seems to me that the Senator from Oregon has had a little tough experience on that line in the past. I should be very glad to ask him if he did not once try to induce some newspaper men to answer questions.

Mr. DOLPH. Unless the Senator wants me to violate the rules of the Senator had better not each tree in public to do see

rules of the Senate he had better not ask me in public to do so.

The matter to which he refers was executive business.

Mr. BUTLER. Not at all; it was discussed in open session.

Mr. DOLPH. I think not. I think the Senator is mistaken. I think the Senator is talking about something he should not talk about in open session. I never claimed that the Senate had any backbone. That is not the first instance in which the Senate has shown it had no backbone. They authorized me to pro-

ceed and then backed squarely down.

Mr. BUTLER. I have no desire to violate any of the rules about secret sessions, but my recollection is that that matter was discussed in open session. The Senator from Oregon showed a good deal of backbone at that time, but his backbone gave way, and I think his backbone will give way now when he attempts to coerce a brother Senator on this floor to conform to his arbitrary rule. There is no authority in the Presiding Officer and there is no authority in the Senate to do what he wants done and when the tries are supported by the tries are supported by the support of the senate to do what he wants to the support of the senate to do what he wants to support of the support of t done; and when he tries to accomplish that purpose I think the session will be prolonged very much beyond a reasonable limit. It is quite unnecessary for the Senator to get up and lecture Senators upon this floor who are at least his equals so far as the Senate is concerned. When he attempts to apply the lash and to apply arbitrary rules he will find resistance in a quarter

where he least expects it.

Mr. FAULKNER. I ask unanimous consent to make a brief Mr. FAULKNER. Task unanimous consent to make a orientestatement of the parliamentary position of the question now presented to the Chair, as I was in the chair at the time the ruling was made to which the Senator from Oregon refers.

The VICE-PRESIDENT. The Chair will hear the Senator

from West Virginia. Mr. FAULKNER.

As I understand the Senator from Oregon, he presents the question, first, that the Journal should be cor rected, because of an inaccuracy which appears upon the face of it as to facts which took place in yesterday's session. In order to sustain a correction of the Journal, he must show that facts are not accurately stated in the Journal; and in order to show that he must convince the Presiding Officer and the Senate, on a motion to correct the Journal, that it was the duty of the Chair to act upon the suggestion made yesterday evening that two persons occupying the positions of Senators upon this floor were present in the Chamber when the roll was called and did not answer to their names, and that under the rules of the Senate it was the duty of the Presiding Officer to have the names of those Senators recorded as present and to count them as a part of the Senators present so as to constitute a quorum.

Sir, there can be no belief in the mind of a single Senator here, I am satisfied there is no belief in the mind of the Senator from Oregon at this moment, that there is power in the Presiding Officer under the present rules of the Senate to count a Senator as present who fails and refuses to answer to his nume.

Mr. DOLPH. That was not the precise proposition. I had not asserted that power. My proposition was that the Senate having its attention called at the time to the fact should order it

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done, not the Presiding Officer. The Senate itself can do many things the Presiding Officer can not do. If it is not to change the rules and is in order, the Senate can at any time pass on the question and at least direct the names to be entered on the Journal, just as it could make a rule on that subject.

nat. Just as it could make a rule on that subject.

Mr. FAULKNER. The correctness of the ruling of the Chair is of course admitted. He has no power under the rules to count a quorum by counting Senators who failed and refused to answer to their names. Consequently there is no error there.

Now, the Senator claims that under the resolution which he offered it was then the duty of the Chair to submit that resolution at that time to the Senate and ask the Senate to pass upon the question whether it was proper that the names of those Senators should be entered on the Journal and counted so as to make a quorum. If there is no rule that justifies the counting of Senators under these circumstances, was not the Chair cor-rect in his ruling that under a resolution of that character it must under objection go over until the next morning?

If that ruling is correct and the resolution goes over by all rules until the next morning, I suggest the point of order to the Chair whether this even is the time when the resolution can be considered. All resolutions that go over under objection from one day to another under the rules of the Senate can not be laid before the Senate until after the morning business is completed. Consequently as it is in the form of a resolution and was properly subject to an objection, as I think there can be no question whatever, because it necessarily must amend and add to the present rules of the Senate, it can not be in order now

Mr. DOLPH. I suppose the Senator will admit that if it is to be considered at all, to have any practical effect it must be considered now, before the minutes are approved, because if considered afterwards it would be futile.

Mr. FAULKNER. I do not admit any such proposition for the simple reason that I claim if the resolution is adopted by the Senate it changes the rules of the Senate. It introduces a new feature into our rules which has never had any place there heretofore. Consequently it was properly sent over until to-day under objection, and having gone over under objection it can not be even laid before the Senate for consideration until after the

morning business.
Mr. HARRIS. The Senator from West Virginia will allow me to suggest as an additional objection, that if this paper means anything the Senator is quite right in assuming that it means a change of the rules. Rule XL expressly provides that one day's written notice shall be given before any such resolution can be considered

Mr. FAULKNER. It was under that view of the rules of the Senate, I will state, that the Chair sustained the objection and held that it would have to go over until the next day.

Now, the Senator must go a little further in his discussion of

Now, the Senator must go a little further in his discussion of this resolution than he does when he claims that if a Senator is present his name should be recorded and counted as part of those present to constitute a quorum. Where is it to stop? Suppose we are on a yea-and-nay vote upon a resolution, or amendment, or the passage of a bill. A Senator sits quietly in his seat here and refuses to answer. He votes neither yea nor nay. How are you to count him present under those circumstances? On which side of the question are you to put him, on the nay or the yea Yet those questions are involved in this resolution.

But I suggest that under the view which I take of this matter the discussion can not really proceed without unanimous con-sent, for the simple reason that it does not come properly before the Senate at this time.

The VICE-PRESIDENT. The Chair will state to the Senator from West Virginia that this question comes before the Chair and the Senate upon the suggestion of the Senator from Oregon that the Journal is not correct. The Chair understands the Senator from Oregon to move to amend the Journal by the insertion of the names upon the paper he submitted. It occurs to the Chair that before the formal approval of the Journal of yesterday's proceedings this is the proper time to consider such a mo-

Mr. HOAR. I wish to call the attention of the Senate to this question, which is a very narrow one, if I can have the attention of my honorable friend from West Virginia [Mr. FAULK-NER], who was in the chair yesterday when the transaction occurred; and I shall endeavor to argue it good-naturedly, as the Senator from West Virginia did, because there is nothing to get heated about on this particular reint that I can see

heated about on this particular point that I can see.

The Journal, when there is a yea-and-nay vote on which no quorum votes, is made up in this way:

The number of Senators voting not constituting a quorum.

It is very clear that that is correct. Nobody will doubt that is a correct narrative of the transaction. The only thing we it is a correct narrative of the transaction. can see about is whether the Journal contains a correct narrative of the transaction. Nothing else is in order now. We all

agree to that way. But when the roll is called-I will read one passage from the Journal as an instance of several:

The Presiding Officer directed the roll to be called, when 43 Senators an-

wered to their names. The number of Senators present not constituting a quorum, On motion by Mr. Voorners, etc.

Now I understand the point of the Senator from Oregon, which is the only point which can be open at this time, as all agree, as the Chair and the Senator from West Virginia and the Senator from Tennessee have said, is that the Journal does not state that a quorum did not answer to their names on the roll call, but it simply says, "the number of Senators present not constituting a quorum," and whether that is a correct and true narrative of quorum," and whether that is a correct and true narrative of the transaction, when it is obvious to everybody that in addition to those who answered to their names on the roll call there were others present in their seats, enough to make up the quorum, who did not answer.

Looking at the strict meaning of language, everybody must Locking at the strict meaning of language, everybody must agree that the Senator from Oregon is right in his criticism, and that it should be stated of the result on the roll call as of the vote by yeas and nays, "the number of Senators answering to their names not constituting a quorum."

Mr. FAULKNER. Will the Senator permit me to ask him a question on the word "present."

Mr. HOAR. Notat this time, because I am coming very likely to what the Senator is going to say. On looking at Rule V we find:

If at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the

That is the result of the calling of the roll. Then it goes on, in the third clause of Rule V.

Whenever upon such roll call it shall be as certained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms, etc.

Now, with great deference to my honorable friend from Oregon, and I thoroughly sympathize with him in his general opinion about the attitude of the Senate, and in his indignation, it seems to me that upon this particular narrow question the Secseems to me that upon this particular narrow question the Secretary of the Senate has kept the Journal accurately in form and substance; that is, that the rule clearly means, as it now stands, that certainly the Secretary can not disregard the presence of a quorum as ascertained by the roll call, and it is not ascertained by the Secretary or the President or any Senator looking around to see who are in their seats. This is what the Journal must record; and therefore if we are to get at this matter it handly are have a programment of the Lorentz states. should not be by an amendment of the Journal reciting what the rule does not call for, the fact that there were other Senators in their seats besides those who answered to their names. The Journal merely recites what is ascertained from the roll call; and the result which so many of us desire will have to be accomplished by a change in the rules of the Senate.

If I may be allowed one further observation. I can understand that men in a heated, angry, and earnest political strife receive propositions to amend the rules of their proceedings with something of heat generated by the particular question; but I believe the Senate and the country will in the end see that it is not possible for a body of eighty-eight men, eighty-eight political leaders, eighty-eight men sharing and to some extent creating the earnest political feeling which pervades all free people, to proceed under a system of rules which was designed or acted upon in the early days of the Republic, when the body was composed of but twenty-six men.

Now, our fathers conceived the Senate, and it was the greatest wow, our latters conceived the Senate, and it was the greatest political conception of human history. They conceived the Senate as a body where consideration, where deliberation, where the right of debate, where the right of the minority to be fully and fairly heard, and to persuade the majority, if it can, should be sacred and be preserved. I do not believe there is a member of this body who wants to change the rules or the practice of the customs so that that right shall be overthrown or in the least impaired. But they also conceived this body as a body to be governed, after debate, in voting by the opinion of its majority; and as a body whose constitutional assent was necessary to carr and as a body whose constitutional assent was necessary to carry into effect in legislation the will of the people constitutionally expressed. And the American people will have that thing done; perhaps not this afternoon or to-morrow, perhaps not this week or next week, but in the end, on all questions which affect the welfare of this people. By rules, through rules, or over rules, by the Senate, through the Senate, or over the Senate, the irresistible will of the majority of the American people will have its

Mr. DOLPH. Mr. President, I desire to say in response to the Senstor from South Carolina [Mr. BUTLER] that I am not trying to make the rules for the Senate. I am trying to have a construction put upon the rules of the Senate. So far as the threat that if I persist in my course I shall receive opposition from unexpected sources is concerned, I desire to say to the Senator that I never have endeavored to escape from opposition. I will stand alone if I stand right, and I am not to be scared by

any such suggestion as that

My proposition this morning is that the order offered yester-day even if it had to go over until to-day, is an order for to-day. If it is not considered in connection with the approval of the minutes on the roll call which gave rise to it, of course the object will not be obtained, the result will amount to nothing. After the Journal has been approved, the Senate would hardly order an amendment of it in accordance with my proposed order. Consequently, if the order is in order at all, if it is a matter that can be brought to the attention of the Senate by the will of the Senate upon which a question can be invoked in such a manner, it must be now invoked; the resolution must be considered in connection with the approval of the Journal.

Now, one word more in regard to our rules. If it is correct that we can only get an amendment to the rules by common consent, if it can be prevented by endless talk, the same thing would be added to the contract of the contract o

have prevented the adoption of any rules by the Senate when it first met and organized; and it would forever, in spite of the

American people, prevent any amendment to our rules.

Mr. President, the Committee on Rules ought to present to the Senate a rule limiting debate to a reasonable time; and after such an amendment has been discussed to the satisfaction of the Presiding Officer, two or three days or more, it should be put to a vote, and if the majority of the Senate say that the amendment shall be adopted it should be afterwards enforced. That is the only way we can obtain an amendment to the rules. We shall never get it by common consent. I am satisfied if such a course is taken it would meet with the approval of the American people is taken it would meet with the approval of the American people and it would meet with the approval of a majority of the Senate. If we can not do that, if that is not to be done, we shall drift along with this question until the snow flies, and we shall not repeal the purchasing clause of the Sherman act, or vote upon this question or upon any other important question in the Sen-

Mr. BUTLER. Why can we not vote on something else? Mr. BUTLER. Why can we not vote on something else? Mr. HILL. Mr. President, I desire to contribute a few words to this discussion. Upon the general question of the power of the Presiding Officer in certain contingencies to count a quorum, of course there has been considerable dispute in the past. Upon that question my views are well known. When the question was first presented to the American people it was solemnly asserted by the opponents of the power that the only method known to the Constitution for determining the presence of a quorum was the calling of the years and nays and the responses thereto. It was the groundwork, the foundation stone of the quorum was the calling of the yeas and hays and the responses thereto. It was the groundwork, the foundation stone of the whole structure of the argument, that a quorum could not constitutionally be counted in any other way. It was said that while the Constitution did not expressly require that, it was fairly implied. For several years, while criticisms were made upon the conduct of the presiding officers who had here and in various parts of the country assumed the responsibility of determining the presence of a quorum in another manner, the question had not been determined by any court.

I assert that every lawyer knows, or ought to know around

I assert that every lawyer knows, or ought to know around this circle, that the theory that there is but one method or man-ner known in the Constitution for the determining of a quorum has been disposed of by the highest court of the land. I hold in my hand the decision, the unanimous decision, of the Supreme Court of the United States upon that question, and it is the de-termination of this first point upon which the whole controversy

The court say:

But how shall the presence of a majority be determined?

As I said a few moments ago, that is the argument of the other side—that it either expressly or impliedly was required by the Constitution. The roll call and the responses thereto was the only method by which it could be determined.

The Constitution has prescribed no method of making this determination, and it is therefore within the competency of the House.

Referring to the case that arose in the House of Representa-

to prescribe any method which shall be reasonably certain to ascertain the fact. It may prescribe answer to roll call as the only method of determination; or require the passage of members between tellers, and their count as the sole test; or the count of the Speaker or the Clerk, and an announcement from the desk of the names of those who are present. Any one of these methods, it must be conceded, is reasonably certain of ascertaining the fact, and as there is no constitutional method prescribed, and no constitutional inhibition of any of those, and no violation of fundamental rights in any, it follows that the House may adopt either or all, or it may provide for a combination of any two of the methods.

I assume, sir, that that decision of the highest court of the land is binding even on the Senate of the United States. Therefore, that question is disposed of completely. The Constitution can not be cited hereafter in this or any other tribunal in the land for the purpose of claiming that in some way or in form or

land for the purpose of claiming that in some way or in form or shape the Constitution is violated in ascertaining a quorum other than by the responses to a mere roll call.

Now, what is the next question involved? The next question that was involved arose in my own State. I do not care to allude to that decision at this time. The question also arose in the House of Representatives, where the rules, like the Constitution, did not expressly declare in what precise manner the presence of a quorum should be ascertained. The House met in the absence of rules. It had to stand then, just as the Constitution is presented to us, without any specific manner and mode of determining a quorum. mining a quorum.

The rules of the previous Congress had not been adopted by the House. The ordinary rules of parliamentary law were to govern. The Speaker of the House of Representatives, in the exercise of his discretion, assumed to count the presence of members by observing and noting those he saw before him. Having requested them to vote, their bodily presence being known, sitting right in front of him, it requiring merely the ascertainment of a physical fact, he counted them. I believe, and always have believed, that that decision was a correct one. Why correct? Because the House had met in the absence of rules on the subject and must be governed by the ordinary rules prevailing in the gathering of assemblages, the ordinary parliamentary law. That ruling has been criticised, criticised in the main by men, I think, who have not studied the appetitude of the constitution.

That ruling has been criticised, criticised in the main by men, I think, who have not studied the question accurately.

I think the wrong, if there was any wrong done by what was there transacted in that Congress; was the transaction of business for so many months without having any rules at all; and in that respect I think the Congress was properly subject to the criticism of public sentiment. But I have never shared in the criticism which assumed to say that in the absence of the adoption of rules in the House, the Speaker had not a right to tell the truth; that the Speaker had not a right to exercise his own senses when a member sat right in front of him; and I believe that he had a right to hold that the Journal should say a member was present if that was the fact. Who is wronged? a member was present if that was the fact. What harm is there? Who is wronged?

What harm is there?
You are clinging here to some old tradition that has come down to you from the past. There is no sense in it. There is no reason in it; there never has been. Is anybody wronged? Is there any harm done? Whose rights are invaded? It is the duty of Senators and members to remain in their seats; it is their duty to take part in the transaction of public business, and if they refuse when requested by the Presiding Officer, then I say the officers of the body have a right to make the record show that the members are present. Now, so much for that.

The Senate, Mr. President, has certain rules. Is it to be contended that under those rules the only method of ascertaining the presence of a quorum is from the responses to the calling of the roll? Will some Senator point out that specific provision of the rules which so requires? You can not point it out. The rule refers to a vote; if it shall appear by that vote that there is no quorum, then the result is announced. That is one way, there is nothing at all in the rules upon the point as to how that there is nothing at all in the rules upon the point as to how that quorum shall be ascertained.

Upon this particular, precise point your rules are silent. You are here placed precisely in the same position on that question as though you had no rules at all. You are therefore governed upon this question by the ordinary rules of parliamentary law, because you have not undertaken to legislate or provide for this

particular point. Mr. FAULKNER. Mr. FAULKNER. If the Senator from New York will permit me, I will read him the third clause of Rule V, which does provide exactly the method by which there shall be ascertained the fact whether there is a quorum present:

Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the ab-sent Senators.

In that rule the method by which it shall be done is expressly provided, which is a roll call. It goes no further to say that if upon the roll call being had there is not a quorum present, but other Senators are present in the Chamber, not voting, the Presiding Officer shall count them so as to make a quorum, which clause, it strikes me, would be necessary in the rule in order to bring it within the views of the Senator from New York.

Mr. HILL. With all due respect to the distinguished parliamentarian from West Virginia, I think he begs the question. Of course the ordinary usual way of determining the presence of a quorum is by calling the roll; but that does not mean that the responses of Senators shall be the only method of determin-

ing whether they are here. A member asks to be excused when ing whether they are here. A member asks to be excused when his name is called. He is here. Is he also absent? Does not that fact of his actual presence go into the RECORD? It should go upon the Journal. The whole record is to determine whether there is the presence of a quorum.

Mr. GRAY. May I ask the Senator a question?

Mr. HILL. Certainly.

Mr. GRAY. I should like to know what importance he attaches to the phrase "shall call the roll and shall announce the result," if there is not implied necessarily in the calling of the roll and the announcement of the result that a quorum shall be aspertained by the responses to the roll call?

astertained by the responses to the roll call?

Mr. HILL. Upon the matter of the yeas and nays, of course a member must vote one way or the other, and in regard to that vote it is the responses on the roll call that must determine the result of the vote. That is one question; because no man can vote either for or against a proposition by remaining silent in his seat. So far as an affirmative vote or a negative vote is con-cerned the Senator is right; but upon the other question—

Mr. GRAY. That the Senator may not misunderstand me, before he goes on, I was reading from the rule that was made to ascertain a quorum when its absence had been suggested by any Senator. It is that "the Presiding Officer shall forthwiti direct the Secretary to call the roll, and shall announce the result."

Mr. HOAR. Read the first two lines of clause 3.

Mr. GRAY.

Whenever upon such roll call it shall be ascertained that a quorum is not

Mr. HILL. But upon any roll call.
Mr. GRAY. "Upon such roll call."
Mr. HILL. A roll call for the purpose of ascertaining a quoim. There is no dispute between us as to what the rule is. It is simply a question as to the proper construction of the rule. I believe that the proper construction of the rule requires that the roll shall be called for the purpose of determining the responses; that is true in one respect, but if excuses are made, or if a member remains silent in his seat, it strikes me that the Presiding Officer has a clear right to count him. The responses determine the number of yeas and nays; the presence—the act-ual presence—determines the question of quorum. There are no words of exclusion in the rule, and it requires a strained and unnatural construction for the purpose of claiming that the re-sponses are the only method of ascertaining a Senator's pres-

Mr. GRAY. I ask the Senator from New York if his contention is that under the rule of the Senate I have just read in regard to ascertaining a quorum, as it now stands, there is any other method of so ascertaining it than by the responses to the roll call? Does the Senator's contention go that far?

Mr. HILL. Yes.
Mr. GRAY. I should be glad to hear him on that point.
Mr. VILAS. Will the Senator from New York permit me to make a suggestion to him?

Mr. HILL. Yes. Mr. VILAS. I wish to call attention to the third clause of

Rule VI, which reads:

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the ab-sent Senators.

Now, suppose that order were made and the Sergeant-at-Arms should report that no member of the Senate is absent, that all are in their places, but not answering to their names, would there be a quorum present?

Mr. GRAY. No, sir.

Mr. HILL. Of course the Senator from Delaware and the

other Senators who take the same view of the rules must admit that to carry out their reasoning to its legitimate conclusion involves an absurdity, because, as has been stated by the Sena-tor from Wisconsin, you can send for an absent Senator and compel his attendance, but how can you send for a Senator who is present and remains in his seat? Senators must concede that such a construction leads to absurdity and they must concede under that construction that the rules would be futile.

I think the proper construction to give these rules is to vitalize them, to make them consistent, to so construe them as to give us the right to transact business. They should have a reasonable construction, they should have a broad and liberal construction for the purpose of facilitating the doing of busi-

Therefore, I believe that the Presiding Officer of this body has a perfect right under these rules, upon a roll call, either upon his own suggestion or the suggestion of any Senator, to first ask a Senator in his seat to vote. If the Senator refuses to vote, then I believe the Presiding Officer has a right to direct the Secretary to enter upon the Journal the fact that the Sena-

tor was present and declined to vote. Is there any harm in this? What are you trying to do? Are you trying to conjure up something so that you can not do business? Are you trying to Are you trying to institute by a strained, unnatural, and unreal construction of your rules how not to do it? That seems to be the effort here. I think we should take another view of the question.

Mr. BUTLER. May I interrupt the Senator?

Mr. HILL. In a few moments. I want to go through with my argument.

That, I think, the President of the Senate has a right to do. Now, I think, the President of the Senate has a right to do.

Now, I shall branch off from that part of the discussion. I do
not propose to cross any bridge before I get to it. I differ from
my friend from Oregon [Mr. Dolph] upon this question. In the
first place I doubt the wisdom of bringing this question up on a

motion to correct the Journal.

It is true that last evening, when the Senator from West Virginia [Mr. FAULKNER] was in the chair, the precise point was made that a Senator was present and not responding to his name, and the suggestion was made that his presence should be entered on the Journal or that he should be required to vote. The Senator from West Virginia in the chair ruled that the Presiding Officer had no power in the premises. That was the transaction which occurred here in our presence. The Secretary has substantially entered what occurred, and that is all. There was no control from the design of the Chair the secretary has substantially entered what occurred, and that is all. appeal from the decision of the Chair; there was no question made in regard to it. It is true as it stands there recorded. Therefore I am one of those who believe that this is not the proper method in which to determine this question. nal correctly states what occurred. The Chair decided that there was no quorum present. That was entered on the Journal, and the Secretary has simply entered in substance the decision of the Chair and the effect of the decision. Therefore I think the question is prematurely raised, and I do not think this is the proper way to bring about a decision of it.

The proper way to determine this question is when some Senator declines to vote to present the question to the regular Pre-

the decision of this body. He may or may not feel bound by the decision of my distinguished friend from West Virginia when he was in the chair, who I am certainly willing to concede is one of the ablest parliamentarians in this body, but he may prefer upon this question to make a decision for himself.

Let us not complicate this question this morning with other and divers questions arising out of the correction of the Journal. I go further. I would not attempt to do indirectly what I would not do directly, and therefore I agree with the suggestion would not do directly, and therefore I agree with the suggestion that we ought not to attempt by any correction of the Journal to add to the rules or to make any new decision here. Let it come up squarely when the question is decided by the regular Presiding Officer of this body. If he decides that a member who is present shall be entered as present and regarded as present, an appeal can be taken from the decision of the Chair. If the Chair shall hereafter refuse to so decide, and shall follow in the footsteps of the decision of the Senator from West Virginia when the chair, then an appeal can be taken. That is the orderly and the chair, then an appeal can be taken. That is the orderly and proper method of disposing of this question.

I do not comprehend exactly what is the precise correction which the Senator from Oregon desires to have made. I do not

agree with the ruling made last evening, but it stands unappealed from and unreversed. Therefore, I think that the best method, no matter what our views may be upon this subject as an abstract question, is to allow the Journal to be approved as it stands, and hereafter, at the proper time, let the question be

presented, and then we can have a decision for all the future.

Mr. MORGAN. Mr. President, the question which is here presented, while perhaps it may not be capable of a decision which would be authentic as a ruling of the Senate, is one of very great importance, and one which has been very frequently discussed

in this body as well as in the other House.

The Senator from Oregon [Mr. DOLPH] raises the question as to whether or not the Journal of yesterday shall be approved, and he insists that in consequence of a ruling of the temporary occupant of the chair an incorrect statement has been made of the number of Senators who were present upon a roll call, which was instituted for the purpose of ascertaining-

The confusion is so great that we can not hear Mr. GRAY.

the Senator.

The VICE-PRESIDENT. The Senator from Alabama will please suspend until order is restored.

Mr. HOAR. Before the Senator from Alabama resumes, may

motion to amend the Journal pending?

The VICE-PRESIDENT. The Senator from Oregon [Mr. DOLPH] called up the resolution which was submitted by him yesterday. The Chair is ready to determine and pass upon the question raised by the Senator from Oregon, but debate has been

proceeding by unanimous consent.

Mr. HOAR. After the Senator from Alabama has concluded his remarks I shall raise the question of order. I thought there was a motion pending to amend the Journal. I understand now there is no such question before the Senate.

The VICE-PRESIDENT. The Chair will state that no motion

to that effect has yet been made.

Mr. HOAR. Of course the Senator's resolution can only be called up when the order of resolutions shall be reached.

The VICE-PRESIDENT. The Chair will determine that

question.

Mr. HOAR. I shall raise that question when the Senator from Alabama gets through.

Mr. GRAY. I hope the Senator will not raise the question directly after the Senator from Alabama concludes, as some other Senators desire to be heard.

Mr. TELLER. I hope the Senator will wait a while before he raises that question after having himself spoken.

Mr. HOAR. I thought there was a motion pending. Mr. TELLER. I think practically there is a motion pending. It is very gracious after the Senator himself has addressed the Senate to raise the question. It would be in accordance with many other things which have recently occurred here.

The VICE-PRESIDENT. The Chair will state that the ques-

The VICE-PRESIDENT. The Chair will state that the question now before the Senate is the resolution called up by the Senate is the resolution called up the resolution called u tion now before the Senate is the resolution called up by the Senotor from Oregon [Mr. DOLPH]. The Chair is ready to decide upon that question. No motion has been made by the Senator as yet to correct the Journal.

Mr. SHERMAN. Then let the Journal be approved. The VICE-PRESIDENT. The Journal has not been approved, but prior to the Chair asking whether there was objection to the approval of the Journal, the Senator from Oregon called up the question, which the Chair is ready to determine.

Mr. DOLPH. It ought to be understood that I make the mo-

Mr. DOLPH. It ought to be understood that I make the motion as an order. That is the order which I offered yesterday, and which must be considered before acting on the approval of and which must be considered below a transport the Journal and its correction. On that point, if the Chair decides that adversely, I shall submit a motion, but I do not wish to submit two propositions at a time.

The VICE-PRESIDENT. The Chair will determine that

Mr. DOLPH. Then there will be something before the Sen-

ate.

The VICE-PRESIDENT. At this stage nothing is in order but what pertains to the approval of the Journal. Therefore the resolution of the Senator from Oregon is not now in order.

Mr. DOLPH. Then I move that the name of the Senator from

Nebraska [Mr. Allen] be entered in connection with the roll call, which was had at 6 o'clock and 30 minutes p. m. yesterday on the suggestion of the Senator from South Dakota [Mr. Pet-TIGREW], showing the Senator from Nebraska to be present, not as responding, but being present.

The VICE-PRESIDENT. Does the Senator move that as an

amendment to the Journal?

Mr. DOLPH. As an amendment to the Journal. I do not include the other Senator embraced in the order for the reason that we have positive proof that the Senator from Nebraska was present, for he responded immediately, as appears by the Con-GRESSIONAL RECORD. I do not want the matter to be open to any question of fact.

The VICE-PRESIDENT. The question now before the Senate is the motion of the Senator from Oregon to amend the That is in order. On that motion the Chair recog-

nizes the Senator from Alabama. Mr. ALLEN. Mr. President—

Mr. ALLEN. Mr. President—
The VICE-PRESIDENT. The Senator from Alabama is en-

titled to the floor.

Mr. ALLEN. I desire to make a statement.

The VICE-PRESIDENT. Does the Senator from Alabama

Mr. WASHBURN. I rise to a parliamentary inquiry. I inquire whether the pending motion is debatable?

The VICE-PRESIDENT. The motion is debatable, in the

opinion of the Chair. Mr. WASHBURN. I move to lay the motion on the table. Mr. MORGAN. The Senator can not do that while I am no the floor.

The VICE-PRESIDENT. The Chair has recognized the Sen-

ator from Alabama.

Mr. WASHBURN. I beg the Senator's pardon. I did not know that.

Mr. ALLEN. I desire, with the consent of the Senator from Alabama, to make a brief statement in connection with the statement of the Senator from Oregon.

Mr. MORGAN. I shall not yield, Mr. President. I most respectively

spectfully decline to yield.

The VICE-PRESIDENT. The Senator from Alabama de-

clines to yield.

Mr. Mr. President, the matter has now got into shape where there seems to be a necessity for a decision upon what is the meaning of the rules of the Senate and Constitution of the United States affecting the procedure of this body. That question is whether or not it is the duty of the Presiding Officer, when a Senator is present at a roll call—whatever the nature of the roll call may be makes no difference at all-to have his name entered upon the Journal as being present, notwithstanding he may be silent, east no vote, or make no response whatever to that roll call.

That brings up the naked question whether or not it is in the competency of the Presiding Officer of the Senate, under its rules and under the Constitution of the United States, to make a Senator speak on this floor pro or con, or at least to make him speak or answer to a demand on a roll call. Whether he wishes to do so or whether he declines to do so it is the same question. This is the same question which was so ably discussed in the House of Representatives and for so long a period during the months of February and, I believe, of March, 1890. The question there was whether upon the call of the roll on the passage of a bill the members of the House who were present declined to vote, declined to answer, the Speaker of the House of Representatives had the constitutional right to record their names in order to make up a quorum, and then leave it to the majority not of the quorum, but of the majority which had voted, to determine how the bill should be disposed of, whether passed or not.

I am not at all surprised that the Senator from New York [Mr. HILL] has found it necessary on the floor of the Senate to champion the ruling of the Speaker of the House of Representatives on that occasion, because he was the unfortunate instrument when he presided, as I understand, in the senate of New York of the introduction of this heresy, not only into the Democratic party and its traditions, but also into the question of the Constitution and the constitutional rights of legislative bodies. I call it a heresy, Mr. President, because to my mind it is obviously that. It deprives, as I understand, the representatives of the people in the House of Representatives and of the States and the people in the Senate of the right by silent negative to obstruct and prevent action upon a matter which those Senators or those Members of the House may consider to be entirely beyond the power of Congress, revolutionary, and wicked. If that power does not reside in the representatives of the peo-

ple in this Chamber and in the other House, then a majority ple in this Chamber and in the other House, then a majority fatally bent upon carrying their purposes into execution upon a topic which is purely political, and in respect of which the Supreme Court can pass no judgment, has it within its power to do that terrible thing, which is the crystallization of the power of tyranny in the hands of a majority, more dangerous than it is in the hands of any despot who ever ruled upon a throne.

If a majority in the legislative tribunals of a country assumes to itself the function and right of running over the Constitution of the country upon questions where the Supreme Court can have

of the country upon questions where the Supreme Court can have no power to control their acts, is entirely irresponsible to the minority, because it is stronger physically and in numerical force than the minority, it has no restraint except such as can be ex-

torted from it through revolution. Even judges of the Supreme Court, for instance, Mr. Justice Miller in the Topeka case, had his attention drawn during his de-liberations in that tribunal to the question of the power of the majority to work its own sweet will upon the minority, and he laid down in his opinion the great doctrine that the power of a majority in the United States was restrained, and only restrained, by the sanctions of the written Constitution. When they are broken down, when the organic structure of this Government is dislocated in such a way as that a minority has no protection against the power of the majority in political matters, then the whole scheme of this Government is lost and wasted by an ungrateful posterity, as it was passed originally by the framers of The Senator from South Carolina [Mr. BUTLER] the other day

took pains in some remarks he made here to elaborate the point, upon great and high authority, that the Government of the United States, especially in respect of its written Constitution, was a Government intended to protect minorities. majority is always able to take care of itself, there is no diffi-culty about that. Give it free range, give it latitude, give it unbridled discretion to do what it may see proper to do, and it can not only always take care of itself, but it can in doing so destroy the minority

Mr. WASHBURN. I should like to ask the Senator from Alabama if a majority of this body has been able to take care of itself in the last thirty days?

Mr. MORGAN. I will inform the Senator that he himself has

sometimes been in a majority when he was not able to take care of himself.

Mr. WASHBURN. I have always been able to take care of

myself in this body and everywhere else.

Mr. MORGAN. Oh. I have not seen it work out in a certain measure which the Senator has advocated here, and on which I have been with him.

Mr. WASHBURN. I think I did take care of myself on the The Senate passed it, notwithstanding the me sure referred to. Senator was not here

Mr. MORGAN. But the House of Representatives did not

Mr. WASHBURN. The bill first passed the House of Representative

Mr. MORGAN. The Senate passed it in some shape, in a shape satisfactory to the Senator, but not satisfactory to the other House; and yet, though there was a large majority in favor of s bill, he never got it through the House.

Mr. WASHBURN. I beg the Senator's pardon. It was satisfactory to the House, and on a motion to suspend the rules

there was 50 majority.

Mr. MORGAN. Why did it not pass, then?

Mr. WASHBURN. Because it did not have a two-thirds vote, and because under the rules in that body, and which we lack here, a vote could not be had except on a motion to suspend the

Mr. MORGAN. Because the House of Representatives in conformation with the Constitution of the United States, in order to protect the minority against legislation which it considered to be vicious and dangerous, had required upon that particular occasion, in those particular circumstances, a vote of two-thirds to suspend the rule to get the bill before the House. That was all. That was another case of the protection of the minority against the voice of a majority as expressed in both Houses, and

a powerful majority it was in each House.

Mr. WASHBURN. If the Senator will allow me, I think it was a case where a majority was not able to take care of itself,

the same as is the case here now in the Senate.

Mr. MORGAN. I said an unbridled majority, an unrestricted Mr. MORGAN. I said an unpridied majority, an unrestricted majority, an unrestrained majority can always take care of itself. The very purpose of having rules and constitutional provisions is to prevent that very thing.

I have not heard that the American people were outraged because that bill did not pass after all, although it was stopped in

the House by a majority which was equal to only one-third of the House, and defeated and destroyed. That bill, Mr. President, had reference to a great public demand which was supposed to be, and believed to be, and argued to be, a demand on the part of the American people to redress grievances against vice perpendicular. trators of fraud, monopoly, and commercial tyranny. Now, there is a case where the minority in the Chamber, who so faithfully and so ably battled against that bill, have found themselves protected against the power of the majority in the House and in the Senate by the simple presence of a rule intended for the pro-

But to treat this subject more generally, as it was treated by the Senator from South Carolina, there is no doubt at all, at least there is no Democratic doubt—I do not know what doubts may rest in the minds of men who are always ready to seize arbitrary power for the purpose of carrying their will into execution—but for those men who support the Constitution of the United States, including the amendments to that instrument, as the Democracy traditionally do, the rights of minorities are a sacred thing, and they are esteemed to be things to protect which the Constitution was really ordained.

The quotations from the writings of Mr. Calhoun and of Mr. Webster—who was by no means a very strict constructionist of the Constitution of the United States—bore out the remarks and attitude of the Senator from South Carolina the other day, when he announced that favorite and incontrovertible dectrine, that in the United States, where you find a provision in restraint of legislative proceedings, the power of the Executive, or in restraint of any other power, civil or military, it is intended to restrain the power of the majority from running at will and pleasure roughshod over the minority.

Before I refer to some other matters in this connection, Mr. President, I desire to say in reply to the lectures which we have received here and to the lampoons which have been administered upon the Senate, and especially of what is termed the minority in the Senate, and by the newspapers in regard to this silver question, I think the Senate itself and Senators who question us so severely upon our attitude here upon this subject are treating us with extreme discourtesy and great wrong, if not

I profess to be, and think I am-I know I was until, perhaps, some events have changed, not my relations, but the relations of

other men toward the Democratic party -a Democrat by con-I have found, Mr. President, beginning with the writings of Thomas Jefferson, coming along through the whole train of Democratic Presidents and leaders and exponents of Democratic creeds and doctrines, that the right of the people is to have gold and silver coined, they producing it by their labors out of the mines, that the Government of the United States having no power to produce it, no right to produce it even upon the public lands, and no State has the right perhaps to produce it. with all of its broad and unrestained powers in this respectthat these two metals were placed under the control of the labor of the United States by the Constitution in such a form as that the people had the liberty of producing it for the purpose of its monetization, and that the power and duty of the Congress of the United States was simply to coin it and to regulate its value. That has been always the Democratic theory, the Democratic rule. No Democrat heretofore until this year of grace, 1893, I believe, or within a very short period, has ever denied that that was one of the organic and fundamental features of the Democratic creed

So I had the supposition that when I was in favor, as I always have been—for I happened to make the first speech which I ever had the honor of delivering in the open Senate upon the subject—that when I was in favor of equal privileges for gold and sliver in coinage when it was produced by the people of the United In comage when it was produced by the people of the United States for that purpose, and that—the power of making money I will call it—was thus lodged in their hands, I had always supposed that that was a privilege to protect to which the Democratic party was committed out and out. When I came here, returning rom some other duties, somewhat late in the session and after the question had been up for some little time, I found a bill on our desks, and its passage demanded by what is called a majority of the Senate, and that bill had the double effect of refusing to the Government of the United States the power to buy silver and also the power of the United States to cause the coinage of any silver which might hereafter be produced from American mines.

That measure, Mr. President, struck me very much in the

same way, and with equal force also, as if it had been a bill to same way, and with equal force also, as if it had been a bill to abolish the writ of habeas corpus, a bill to interfere with the private personal rights of individuals. In my judgment the bill is revolutionary, and is opposed to the whole experience and all the creed of the Democratic purty, and also the constitutional rights of the people of the United States. That is my view of it; and instead of our staying here to obstruct the course of property just legislation. I have regarded those who are called the and just legislation, I have regarded those who are called the minority in this body, who are opposed to the bill, as being here to stand by the Constitution of their country, as well as by its ancient practices and the Democratic creed. That is the way in ancient practices and the Democratic creed. That is the way in which it occurs to me. That is my honest and serious convic-I regard the Senators who appeal to the majority tion about it. to destroy silver mining, as being the unconscious enemies of the Constitution and being, whether they believe it or not, engaged in a deliberate purpose to overturn it.

Looking upon them in that light, although many of them are

my brother Democrats, I feel that I have the right to stand by and protect that Constitution, and one of the means which has been resorted to—I have not resorted to it now or heretofore—of proresorted to—I have not resorted to it now or heretorore—of protecting that Constitution and of protecting the rights of the minority, as we are called, is for Senators to exercise their constitutional function of refusing to vote in this body.

Therefore we are not recalcitrants; we are not men who have

no conscience; we are not men influenced by mere personal ambition or personal interest to defeat a measure which a mere majority of this body undertake to pass; nor do we believe that the people of the United States, the great voting power of this peo-ple, are with this so-called and self-constituted majority in this body, which, to make the most of it, is simply and only an alliance and coalition. We believe the people of the United States demand of us that we shall stand by their constitutional rights and not surrender them. I had just as soon, being a soldier enlisted in an army and put upon a picket post to guard the camp at midnight, throw down my musket and sneak into the bushes and hide myself from the enemy as on this post of duty here to refuse to use every power and all the vigilance that the Lord in-spires me with and clothes me with for the purpose of protecting this violent and fatal raid upon the constitutional rights of my constituency

There is their attitude as we understand it. Do you dony that we so understand it? Do you impeach us of dishonesty for this? Can we as Democrats be impeached of dishonesty for standing by the party creed which has lived since the foundation of the Constitution and before? Can I be divorced in my Democratic relationship and from the memories of the great men who laid the foundations of this great Democratic party, chiefly Thomas Jefferson and Andrew Jackson, to go rapidly over the horoscope of history, and Allen G. Thurman, and such men as those? Am I required as a Democrat to denounce them, to refuse to hear their counsel, or to weigh their arguments and their doctrines, to go back upon my whole record and theirs and the history of my party, in order that I may make terms with a coalition in this Sen te that is formed for a specific purpose and to aid a particu-lar design—to destroy silver money? No, sir. You ought not

lar design—to destroy silver money? No, sir. You ought not to put an honest and a decent man in any such attitude as that.

For one, Mr. President, I am not ashamed of the position I take here upon this question. I have no occasion to be that I know I will not retreat from it, as if I were afraid to stand by the rights of my people. I have no occasion to do that. I will not bow to the leadership of the honorable Senator from Ohio [Mr. SHERMAN], who has been recently, it seems, constituted one of the twin leaders of Democracy in the Senate of the United States. I have not trained with that honorable Senator heretofore in any political matter, and especially in respect of the rights of gold and silver; and there is not that man who lives

who can get me into the harness and make me dress to the right when the Senator is my right guide in the line of battle. I do not propose to do anything of that kind. I would rather stand solitary and alone and accept all the objurgations and flouts and criminations and vituperations and insults that the Senator from Oregon [Mr. DOLPH] seems to be master of, to pour out upon the heads of men at least as good as he is, upon this floor. I would rather stand alone and breast the storm than to be put in the attitude, by a coalition of this kind, to be compelled to accept the leadership of the Senator from Ohio in my Democ-

Mr. President, I have been in this Senate Chamber now about seventeen years, and in that time many of the splendid men I knew when I first came here have passed away. Their example knew when I first came here have passed away. Their example is worth quite as much to me as the lectures on the proprieties of conduct which are so frequently presented to us for our consideration by these juveniles in the Senate from Massachusetts

and from New York. [Laughter.]
A great deal has been said here recently about the dignity or the want of dignity in the Senate. Well, Mr. President, I never considered that there was very much dignity merely in starch. It is not the robes that a man clothes himself in, it is not the starch he has got in his toga, that gives him true Senatorial dignity on this itoor; it is honest, conscientious adhesion to proper constitutional methods of government for the sake of 67,-000,000 of people and forty-four States. Let his dignity and his propriety of conduct be measured by his devotion to the principles of this wonderful Republic; and above all, by his critical and careful devotion to a strict construction of the Constitution of the United States.

I do not wonder that a politician born and raised in New York, where arbitrary force is the moving agency in all political ma-chinery and movements, both Democratic and Republican, should at last come to believe that there was nothing else to be done in There is something else in it to me, Mr. President, and something else in it to my State. I can defend myself and my State against the arbitrary powers of any State or any set of men in the world when I feel that my rights and those of my people are planted upon the firm foundations of the Constitution of the United States.

A man may challenge my Democracy-and I do not care if he is as ancient as the Senator from Illinois [Mr. Palmer] or as young as the Senator from Massachusetts [Mr. Lodge], it makes no difference to me what may be his prestige or his power or his supposed authority—I shall stand for the rights of my peo-ple, and, in doing so, I venture the assertion that I will be quite as dignified as anybody.

I have sat here day by day and night by night, and I have seen men like Roscoe Conkling and Allan G. Thurman, Thomas F. Bayard, and the honorable Senator from Massachusetts [Mr. HOAR], who is in front of me, sit silent when the rolls were being called. I remember one occasion here on the discussion of some bill—i can not quite remember what it was, but I think it was a military bill—when the Senator from New York, the predecessor of the Senator who now occupies one of the chairs from that State, moved a roll call in the Senate, and after he moved the roll call, refused to answer.

It was considered by the wise men of that day and generation that he had a perfect right to do it. He only exemplified in a peculiar and unexpected manner the dignity and the power of the authority of the commission under which he sat in this Chamber. It was to me an unexpected defense for the constitutional rights of the Senate and of the Senators, but it provoked no criticism; nobody rose to inform that great Senator that he was recalcitrant; nobody undertook to press a motion here to compel him to vote, and if, after that, he should refuse to vote, then he should be consured or expelled from this body, because that is the next step and the only one left.

Time and again-many, many times-have I seen the minority in this Sanate protect themselves in this same way. Here is rather a strong example of it. This was in 1850 on March 26:

Mr. Douglas, from the Committee on Territories, reported a bill for the admission of the State of California into the Union.

That matter went on in the Senate of the United States until August 13, almost one continuous scene of roll calls, obstruction, measures of prevention, and delay and defiance, until, after a while, the voice of the American people was heard upon this

Mr. WALTHALL. When did the Senator say that was?
Mr. MORGAN. It began on the 25th of March, 1850. That
was the admission of a State into the American Union. I supose that was a question quite as important to the people of the United States, except to the bankers—I will always except them—as the passage of this bill to corner the money market and to cause the people to be put in their power so that they can relax their grasp or squeeze them at their will and pleasure alternately, oscillating back and forth, and the people themselves compelled to follow the bankers in their gambling operations to see whether they shall starve or whether they shall thrive. That was as important a bill as this is, quite as important. Here was the action upon a fiscal bill, a great bank bill, one connected with a subject similar to that which we have under consideration here now.

By proclamation of President Tyler the Twenty-seventh Con-ress convened in extra session. That was an extra session also. So the cases are almost exactly parallel. They convened on the 31st of May, 1841, to legislate on the financial condition of the

That is the way the Senator from Oregon put it this morning, that we had been called here to legislate on the financial condi-tion of the country, omitting and forgetting for the time that the President also brought the tariff forward for consideration, that we have got both subjects to look after, and the only difference in the President's recommendation between the two is that he put one in front of the other, as he is obliged to do, in communicating his desires to us.

But is our legislative authority, when assembled here, confined to what the President of the United States chooses to put in his proclamation? It is a new idea that we are so far under the control of the executive power of the United States as that we must legislate in conformity with his message, and only upon the subjects which he submits to us. It is not very dignified, to say the least of it, on the part of the Senate of the United States if they accept such an admonition and such a rule of control even from the President of the United States.

The session to which I am referring was also an extra session, and this was a fiscal bill:

and this was a fiscal bill:

On June 21, 1841, Mr. Clay of Kentucky, from the committee to which it had been referred, reported a bill for the establishment of a fiscal bank of the United States.

On this measure Mr. Clay represented the bank party or interest and had the sole management of the bill.

Debate on the bill opened on June 24, 1841, and grew in warmth and earnestness from day to day. It was advocated by Mr. Clay of Kentucky, Tallmadge, Graham, Wright, and other able Senators.

It was opposed by Mr. Calboun, Benton, Buchanan, Linn, Allen, Woodbury, Rives, Clay of Alabama, King, and other able Senators. Few Senators from the South favored the measure.

So you see the parallel goes on.

On the 15th of July, 1841, Mr. Clay of Kentucky saw fit to use the fol-lowing expression in the course of his remarks: "He would resort to the Constitution and act on the rights insured in it to the majority, by passing a measure that would insure the control of the business of the Senate to the majority."

That was his proposition. That is the proposition put forth in scarcely less decisive terms by the Senator from New York [Mr. Hill] and the Senator from Oregon [Mr. DOLPH], and by many other Senators who have spoken on this floor.

This was intended to mean that he would enact a rule, a cloture in its nature, and institute a gag as it were, thus suppressing opposition by the mi__rity.

Mr. King of Alabama retorted in reply in these words: "He could tell the Senator that, peaceable a man as he was, whenever it was attempted to violate this sanctuary, he, for one, would resist that attempt even unto death."

There was that splendid man, William R. King, afterwards elected Vice-President of the United States, beloved by the people because he stood by the Constitution of his country, who replied to the towering genius of Kentucky on that occasion, when he said that he would resort to cloture as a constitutional right to stop debate—you will do it, sir, in violation of the rights of this Senate, and if at all, over my dead body.

I would not dare, Mr. President, in this degenerate age to rive

in this Senate and say to the majority in this body, if you pass, as you claim you have a right to pass, and as the Senator from New York says you have the right directly to grasp this power in spite of the rules and pass this bill by your arbitrary power of the majority, I would not dare to say what Mr. King said, "you would do it over my dead body." I will say nothing about that.

While I have the privileges of a Senator upon this floor I shall respond to that noble sentiment of that great and good man by saying that he was right when he stood thus for the constitutional rights of his State and of his people; he was right, whatever extremity it might have driven him to or might drive any other man, and the country would rise and call him blessed, beother man, and the country would the honor to stand by the consti-tutional rights of his constituency.

That debate went on for a very long time. The bill was passed on the 28th day of July, 1841, after almost continuous discussion

and investigation from the time it was reported by the Senator

from Kentucky.

I have here before me the Journal of the Senate in regard to another matter, which brings forward in a sense, and very apnother matter, which brings forward in a sense, and very appositely, too, the consideration of the precise attitude which I hold here to-day as a Democrat. A gentleman had been elected by a Democratic Legislature in Virginia to this body, Mr. Mahone; he had some peculiar ideas about local finance, which were called Readjuster notions. Elected by a Democratic Legislature as a Democrat, having been always by profession a Democrat, he came here, and the Senate was so narrowly divided that his vote would carry it the one way or the other. He was admitted to a seat in this body without question, I believe, and then, in reward to him for services past, or to provide security for the future in respect of what should be his political course, the Republicans—all of them—came forward in support of his candidate for Sergennt-at-Arms of this body, Mr. Riddleberger, who afterward obtained a seat in this body; he, too, I believe, being elected as a Democrat—but about that I am not quite so certain. He may not have been.

not have been.

Then a controversy arose about his election as Sergeant-at-Arms. That was at what we call an executive session of the Senate, convened by order of the President, the other House not being in session. That contest began in this body on the 24th of March, 1881, and it ended on May 6, 1881. During that time the resolution was discussed on March 24, 25, 26, 23, 29, 30, 31, April 1, 4, 5, 6, 7, 11, 12, 13, 14, 18, 19, 20, 21, 22, 26, 27, 28, May 2, 3, 4, and 6, in all twenty-eight days, during which there were 152 roll calls. The minority in the Senate on that occasion obstructed the majority by every possible expedient which was known to paramaterized.

majority by every possible expedient which was known to par-liamentary usage, and yet, so far as I know, at least in the tradi-tions of the Democratic party, none of us have been considered traitors because we prevented Mr. Mahone from executing his alleged treason against the Democratic party which elected him, by going over into the camp of the enemy and strengthening their forces and swinging the whole power of the party in this Chamber into their hands.

Then these gentlemen, who are so fond of prating about the dignity of the Senate, found themselves engaged here for months together in an effort to force a coalition—a coalition which was together in an effort to force a coalition—a coalition which was to break up the Democratic party and its power, a coalition which, in that respect and on their part, is identical with the one now before this body, in my humble judgment. Whatever its purpose may be, its result will be to break up the Democratic party, unless the minority have some consideration at their hands, and unless the majority are willing, before they strike the feet blow to coalette the possible of the feet blow. the fatal blow, to go back to the people and take their advice upon the subject.

The parallel between the two cases in my mind-and I speak of the opinion of no one but myself-is a striking one. here during all that period of time, and I never failed to answer to a roll call, as this record will show. I was sustaining the power of the majority, thus obtained, by carrying Mahone into their camp to break up the Democratic organization of the Senate and turn Mr. Bayard out of the Presidency pro tempore; I stood by them in obedience to what I considered to be then my constitutional privilege and duty. I did not break any quorum, but many a time I saw the venerable gentlemen, some of whom are before me now, retire, not on that occasion, but on other occasions—setting the example to us—retire to the cloakrooms, and some of them sat in their chairs mute and would not answer to their names on a roll call, thereby exercising this clear con-stitutional privilege in the case of the election of Riddleberger, which was a mere question of party triumph. In the case of the Army bill, it was a question of the triumph of might over right and justice; in the case of California, it was a question of the admission of a new sovereign State into this Union; in the case

admission of a new sovereign State into this Union; in the case of the Fiscal Bank, it was a question of sustaining the ground taken by President Jackson as against the reincorporation of the United States Bank in any form whatever.

Those were the questions which were then attracting the attention of the country, and on every one of them, and many others which I shall not refer to here, this same proceeding that we are now engaged in was resorted to for the purpose of breaking down any sudden action on the part of the majority and of cetting an any sudden action on the part of the majority and of getting an opportunity to go back to the people and ask their verdict upon the questions involved in the contest.

Why co you wish to push this measure through in such hot haste? Is it because the country is to-day suffe ing from the pangs and agonies indicted by this anaconda coiled around their throats—the actional banks? I know they have been compelled to relax largely, and will be compelled to relax entirely, their held out of consideration for their own money-making. They can not hold to their present attitude, for the expense is getting too heavy for them, and they can not bear it much longer.

Can you not wait? Do you want to crowd us to the wall in order that the banks can cry out post hoc, proper hoc, you have repealed the purchasing clause of the Sherman law, and that prosperity which was due to the country and was approaching with rapid steps has occurred, and we claim the whole glory of I claim the right to go to the people on this bill, on this whole measure.

We thought we had gone to them and discussed it and we thought that the people had decided it in the last Presidential election; we had not any doubt about it, for the platform so instructed us. Now that there has arisen a discussion, or a quibble about what the platform means, let us go back to the people. The people are not going to suffer any greater calamity than they have already suffered, and they are outliving that which is now upon them.

Now, Mr. President, I wish to call the attention of the Senate to a statement of the proper doctrine, as I conceive, upon this question. The Constitution was adopted—

Mr. GRAY. If the Senator will allow me, before he leaves that branch of the subject I wish to protest against an imputation to which the distinguished Senator from Alabama has some how or other gained his own consent and causes to be put upon those who differ with him upon this question. He has said here again to-day that those who think this question ought to be speedily voted upon are obeying the beliest of a cordon of national banks; that they have no other motive; and that there is no other condition or given extence which affects those Senators. no other condition or circumstance which affects those Senators except the interests of national banks and the plutocratic ring variously described and designated.

I wish to protest against such an imputation. I wish to appeal to what I believe to be the sense of justice that resides in the breast of my learned friend to consider again whether he can fairly and justly to his colleagues on this floor upon either side of the Chamber (and certainly I may appeal to him as to those on this side) continue to make that imputation. I for one denounce it. I for one say that I am urgent for action upon the pending bill, not because national banks want it, but because pending bill, het because hational banks want it, but because the business of the country, because the bone and sinew, the honest toilers for daily bread in large sections of the country are to-day turning in every direction, without response, for employment, that they may support themselves and their families, and it is because I believe that this condition, which would be relieved by the passage of the bill, has brought that state of things about that I am anxious and urgent for action, and for no other

Mr. MORGAN. In imputing to the Senator from Delaware the very best intentions in the world in his advocacy of the bill (as everybody who knows him will concede to him good intentions apon whatever he does on this floor), I will take the liberty of saying that he is utterly mistaken, in my judgment. he is mistaken so far as my constituents are concerned in regard to their desiring the bill to be carried through the Senate of the United States to the destruction of silver as a money metal. He is utterly mistaken.

But granting, if you please, the largest and broadest interpretation that can be placed upon words in the nature of accusation and crimination in respect to those who form this coalition, for it is no Democratic movement—the majority of the Democrats in the Senate are the other way—

Mr. GRAY. It is a patriotic movement.

Mr. MORGAN. Ah, patriotic! Now grant, if you please, the utmost weight and severity to every word that he imputes to meand I did not say half that he said when he called me in question for the words that I have been using here this morning—it is but a feeble retort against those rhe torical and scurrilous outrages which have found utterance on this floor, and from this floor through the newspapers of the United States, where men are branded as traitors to their country because they stand upon the old Democratic doctrine.

How often have I seen my own name arraigned in the newspapers as an upstart traitor, a trifler with public affairs, a man who ought to be dismissed out of this body, and the like of that; and my brother Senators here who have acted in concert with me have been assailed in their personal characters and in every other way with the utmost degree of violence and vituperation because we stand for what we believe to be the constitutional rights of our own constituents. The Senators from the silver

States, as they are called, are characterized as sagebrush Sena-

tors, as if they were a lot of skulking savages.

Mr. GRAY. Characterized on this floor?

Mr. MORGAN. No; I do not think we have the authority for it here. They have been characterized as men whose pockets were to be lined by the defeat of the pending bill, who were protecting their personal interests, who were the owners of silvers. ver mines and were exploiting their opposition to the bill for the protection of their personal and individual interests. Yet I know, from information derived from Alabamians who have visited that part of the country and who have written to me in respect to the distress of the people already incurred, that while the pending bill may possibly, though I do not believe for a moment that it does or can give any relief to those people spoken of by the Senator from Delaware, it has already wrought destruction and ruin to many an honest man, to many a man who supposed that he had laid firmly the foundation of his own pros-

perity and that of his family for all time to come.

Mr. BUTLER. If the Senator from Alabama will permit me,
I should be very glad to call his attention and the attention of the Senator from Delaware to some objurgations or recriminations or abusive epithets which have been applied to Senators on our side of the question by Senators upon this floor. The Senator from Delaware can not fail to have remembered that senator from Denaware can not fail to have remembered that quite a number of times (I will not undertake to say how often, but quite a number of times) our conduct has been denounced as revolutionary, as having for its purpose the object of stopping the wheels of Government; and one Senator, the Senator from Idaho [Mr. DUBOIS], was denounced the other night by the Senator from Louisiana [Mr. WHITE], if I am not mistaken, as having been guilty of conduct which was dragging the Senate of the United States into the dust. I heard no protest in any direction at that time against those charges; and now when I think a very mild retort is made by the Senator from Alabama he is taken to account by the Senator from Delaware.

Mr. GRAY. Will the Senator allow me just a moment to reply to the Senator from South Carolina? I am not seeking a grievance by any means; I am not courting personal controversy on matters of etiquette and courtesy with any Senator; but I have observed, I can not fail to have observed, that throughout this debate Senators have been exceedingly sensitive on the side of the opposition to the proposed repeal to any sort of characterization of the attitude that they assume; but I have heard no imputation at least upon their motives or their conduct which be compared to that which was not only made awhile ago by the Senator from Alabama, which he has explained somewhat, but by other Senators over and over again upon the motives and the conduct of those who are in favor of repeal. They have been charged with having an unworthy and unholy alliance with men They have been who sought to use the legislative powers of this country for their own aggrandizement only, regardless of the suffering, the blood, and the tears of the masses of the people. That has been said over and over again.

Now, I do not propose to submit without a protest at least to imputations of that kind. I can differ with the Senator from South Carolina and maintain my respect for his motives and his This question should not produce more than any other question, a state of things here that would trample in the dust all the much-talked-of courtesy of this body. We can debate this question without violating the ordinary rules that should govern debates between persons occupying the high positions we

As to the criticism made by way of offset to what was said by the Senator from Louisiana the other evening in regard to the Senator from Idaho, I call the attention of the Senator from South Carolina to the fact that the Senator from Louisiana was

south Carolina to the fact that the Senator from Louisiana was commenting upon a palpable, flagrant, open contempt and defiance of the rules of this body.

Mr. MORGAN. What was that?

Mr. GRAY. In refusing to vote when the rules of this body expressly say that he is required to vote.

Mr. MORGAN. He had a perfect right to do it.

Mr. GRAY. Very well; he has a perfect right, then, to defy and violate a rule of this body; and if to call attention to that and to speak of it as it describes to be spoken of as a defiance of and to speak of it as it deserves to be spoken of, as a defiance of the rules of this body, as an open violation of the rules of order,

which must be preserved if we are to preserve anything of that dignity talked about by the Senator from Alabama a little while ago, is to be characterized as personal or insulting, then I fail entirely to be able to discriminate between proper provocation and no provocation.

Mr. MORGAN. I do not impute personal desires of aggrandizement to any Senator here. The Senator can not find any ground of hostility in anything I have said on that point. I say this, and I repeat it, too, that this coalition in the Senate was created in defense of the national banks and for the purpose of destroying silver money

Mr. GRAY. If the Senator will allow me, I wish to say for myself that that is untrue Mr. MORGAN. Well, the Senator can, if he wants to make

a personal application. Mr. GRAY. No. 1 d Mr. GRAY. No, I do not. The Senator is making a personal application, and has charged something which I repel.

Mr. MORGAN. I have made no personal charge.

Mr. GRAY. I say that it is untrue if the Senator applies to

Mr. MORGAN. I have not applied it to you, and if you apply it to yourself I can not help it.

Now, Mr. President, here is a bill that professes to comply with the Democratic platform. It professes to do it. The Democratic platform contained a denunciation which was very much more severe than it was decorous or polite, or I might even say decent, in regard to a law which had been passed by the Congress of the United States. They called it a cowardly makeshift. They applied the remark to the whole bill, to the whole scheme, not to a section of it.

When I was returning to the United States, recently, I was met on the steamer by one of those interviewers and asked how I stood upon the repeal of the Sherman act. I said "I am for the repeal of the Sherman act," and I am to-day. I would vote for it to day; and I intend before this debate closes to move to strike out all of the bill after the enacting clause and to put the repeal of the entire Sherman act to a vote in the Senate. Then I will see where you stand. I intend to do that. I shall do that on my own responsibility, without consulting anybody else in the world. That is my view of the situation, and I intend to do it. the world. That is my view of the situation, and I intend to do it.
Mr. CULLOM. You will vote for it?
Mr. MORGAN. Of course I will vote for it. But now in place

that which is the distinct command of the Democratic platform, what have we here? A bill that repeals the purchasing clause of the Sherman act and leaves no authority on the part of the Government of the United States to buy silver. That is all stricken out and gone. Then you deny the right of the people stricken out and gone. Then you deny the right of the people to take their silver bullion and carry it to the mints and haveit coined. So you shut off both avenues to the use of silver as money, leaving a possible resort to the amount of silver already in the Treasury for coinage and stopping the business just there.

Now, in regard to the silver mines in the United States that are still not worked, in regard to those vast deposits of silver bullion that rest in the mountains of the West, I will ask what will Congress do with that under this bill, except to say by this legislation that it does not now and never shall constitute a money metal? You must go to the tinker shops and to the jewelry shops, to the silversmiths, and to the foreign markets with your stuff; you can not sell it to the United States Government, neither can you have it coined. If a more fatal blow than that could be struck at what I conceive to be the constitutional right of the people of the United States to mine silver and have it coined, I do not know how you will shape it. That is the

shape in which it is left by the pending bill.

What is the next step? You leave the rest of the Sherman act in force. The act requires that every dollar of Treasury notes that has been issued in the purchase of silver bullion when redeemed shall be reissued, so that the amount in circulation shall equal at all times, no more and no less, the amount of the cost of the silver bullion and the silver dollars coined from it purchased under the Sherman law. White pretending that you are trying to protect the Treasury of the United States you are running a tap upon it, a gold sluice; you open a spigot by emptying out the gold into the hands of gold speculators just as fast as you can

collect it by taxation from the people or purchase it with bonds.

One hundred and fifty million dollars of these Treasury notes is presented to-day under the Sherman act and redeserts. the bill, not in the form you find it now, and it is again put in circulation through agencies of the Government. It is money and must be reissued says the law, and you propose to leave it in that situation. A month from now that same \$150,000,000 comes back and you redeem it in gold again, and the same process is gone through with.

Now, that is a hypocritical pretense and nothing else. It can not be anything else. I am not using a word that is too strong to denounce it, and I do not care who takes it up, I will vindi-

cate it. It is a hypocritical pretense.

Here you are pretending to repeal and get rid of this "cow-ardly makeshift" and leaving that feature in the law which requires that the notes issued in pursuance of it, \$150,000,000, as fast as they are redeemed shall constitute on the very next day after their redemption, and get into the hands of the people, a new

demand upon the Treasury for more gold.

How are you going to get that gold? Here are the national banks which have forced the Government of the United States to borrow gold and tax the prople for it. What for? Just to keep up this circuit of redemption and reissue, and redemption and reissue, so that instead of saving this people from the trouble that you say you are trying to save them from, you fasten it upon them in a way that they can not possibly avoid it, and you compel taxation to borrow gold in order to pay this same money time and again.

One note issued under the Sherman law of a thousand dollars One note issued under the Sherman law of a thousand dollars or any other denomination may be redeemed fifty times in gold by the Government of the United States, and still it comes back in the shape that you will have the law now for redemption again. Will you try to persuade a man of ordinary common sense that that is a compliance with the Democratic platform of getting rid of the "cowardly makeshift?"

Mr. ALLISON. Mr. President—
The PRESIDING OFFICER (Mr. FAULKNER in the chair).

Does the Senator from Alabama yield to the Senator from Iowa?

Mr. MORGAN. Certainly.
Mr. ALLISON. The Senator from Alabama of course understands the character of these notes. They are nothing more nor less than greenbacks; they have precisely the same character as the greenback

Mr. MORGAN. I beg leave to differ with the Senator there,

to begin with. Mr. ALLISON. In their essential characteristics they are greenbacks. I ask the Senator if the experience of our country as respects greenbacks does not indicate that they do not go round and round again, and that they are not in fact redeemed more than once in ten or fifteen fifteen years?

Mr. MORGAN. If they are greenbacks and have the leading

and distinctive characteristics of greenbacks, and if greenbacks have not gone round and round, what is there to alarm the Senator from Iowa about the redemption in gold of this money that go round and round too?

Mr. ALLISON. It is not necessary for the Senator from Ala-

bama to ask me what alarms me; I am not alarmed.
Mr. MORGAN. I do not believe the Senator is.
Mr. ALLISON. And I want to say to the Senator from Alabama that these notes have the essential characteristics of the United States notes. They are a legal tender; they are redeemed on presentation; they are required to be reissued as the greenbacks are. Therefore, as respects the thing which he is now debating, namely, the redemption of these notes day in and

day out, the experience with the greenbacks since 1879 is that they have not been redeemed at all, practically.

Mr. MORGAN. The only possible excuse that has been urged by any man, including the President of the United States, for this called session and for this harsh legislation proposed, has been the fact that gold could be drawn out of the Treasury upon the Sherman certificates and carried abroad. The Senator now

Mr. ALLISON. It can, but it has not been done.
Mr. ALLISON. Very well.

Mr. ALLISON. Very well.
Mr. MORGAN. Neither has it been done with the other notes, but now you provide that ex necessitate this currency shall be kept out. How? There is no law requiring the greenbacks to be reissued beyond \$346,000,000.

Mr. ALLISON. But they must be reissued to that extent, so that every greenback now out comes into the Treasury, whether by redemption or in the ordinary course of the customs revenues, etc., and it must be reissued just as the Treasury notes must be

Mr. MORGAN. To show the fallacy of the foundation of the argument of the Senator when he asserts the parallel between the greenback currency and this Sherman law currency, you can issue if you keep the law in operation, a thousand millions of the Sherman bills, every one of which, according not to the law but according to the construction placed upon it by Secretaries of the Treasury, is redeemable in gold and in nothing else. You can not issue more than \$346,000,000 of greenbacks, and the difference between the two in the cases stated would be the difference between \$346.000,000 and \$1,000,000,000. They are not iden-

tical in any possible respect so far as that is concerned.

Mr. ALLISON. That may possibly have been in the President's mind when he suggested that some time we should stop the purchase of bullion and stop the issue of these notes. It may have been in his mind; I do not know.

Mr. MORGAN. Suppose it is our duty to stop the purchase: for what do we stop the purchase and the issue of the notes? It is for the purpose of preventing gold being taken out of the Treasury of the United States; for their whole argument has hinged upon the one proposition that the Treasury notes issued under the Sherman law withdrew the gold from the Treasury. Here you propose to resnact the Sherman law and say, in respect to the Treasury notes that are outstanding, when you have redeemed them you shall issue them again, and you shall keep up deemed them you shall issue them again, and you shall keep up a continual drain upon the Treasury of its gold. Now, for what purpose? In order that the men who started this scheme and

have been upholding it by panies and all manner of false predictions heard in this country, shall have a chance to compel the Government of the United States to issue more bonds in order that they may have a broader range for their circulating notes. Silver having been driven out of competition with them, they have the field to themselves.

have the field to themselves.

Now, after all, a more selfish, a more devilish combination than that was never conjured in the human mind. Nothing worse than that can be said of a financial operation. What may I say of the enlightened men who know all about this and advocate the scheme? I shall not characterize them. I will leave that to posterity. It is not necessary for me to do it. They will be marked in history as men "who know the right and yet the wrong pursue," for ages and ages to come, that they had betrayed the most sacred trust of the generation amongst whom trayed the most sacred trust of the generation amongst whom

When I came here and found this the situation I expected to find the Democratic party in place for the repeal of the Sherman law. Instead of that I found that after they had started out to do that, when they found. I suppose—that is my belief—that that was not sufficiently friendly in its nature to the national banks, they came down to a lower stoop. What was that? We will not repeal the entire act, but we will repeal the purchasing clause of it, and leave all of the balance of this hideous monster that they had so declaimed and declared against standing there, not only unrebuked, but actually reinstated by their power of amendment and reënactment.

That is the situation. I was startled and astonished at it. I asked some of my friends here, Did the Democrats of the House and the Senate propose to have a joint caucus in order to determine whether there was any misunderstanding about the natermine whether there was any misunderstanding about the national platform, what its true Democratic construction was? None at all. Has the Senate Democratic party held a caucus, a caucus with a view of trying to ascertain and state something of that kind? Nothing whatever. Have efforts of that sort been made? Yes, they have been made and repulsed; they have refused to go into council with us. Well, after they have done that and I find them in council with the leaders on the other side of this Chamber, I can not call that combination anything else than a coalition for resnactment.

Is it a Democratic movement? No, sir; I repudiate it as a Democratic movement. It has no authority here as a Democratic

movement. I am willing now about the construction of our platform—I will go into caucus with Democrats to ascertain what the meaning of it is; and if I can not agree with that I will come out and state, like a man ought to state, "I disagree with you, gentlemen, upon points of vital consequence. I will no longer wear your uniform. I am an honest man. I will come out and

tell you that I have no longer a place in your midst."

What would a Democrat in 1837 and 1838 have done if a caucus what would a Democrat in 1831 and 1838 have done it a caucus had been assembled and that caucus had resolved that the United States Bank should be rechartered? He would have walked out of the assembly and said, "I have no part with you in this at all. You are Democrats, I am not; I shall take my action independently of you.'

So I come here and find that after all these overtures, all these attempts at reconciliation, nothing has been accomplished except a coalition with the other side of the Chamber. I thought that perhaps there must still be an opportunity of getting us together, and I proposed a joint committee of the two Houses to consider the financial question.

Mr. WASHBURN. Mr. President, I should like to interrupt

Mr. WASHBURN. Mr. President, I should like to interrupt the Senator from Alabama for a moment, if it will not be disagreeable to him. He has referred several times to a coalition with this side of the Chamber. I should like to know what he refers to when he speaks of a coalition, and what the coalition is. Mr. MORGAN. I mean an agreement between the Democrats and the Republicans who favor the pending bill that it shall not be amended in any particular whatever. That is the first

not be amended in any particular whatever.
proposition. Is that right?

Mr. WASHBURN. Go on.

Mr. MORGAN. Is that right?

Mr. WASHBURN. I desire to state that there is no coalition

of any description.

Mr. MORGAN. No.

Mr. WASHBURN. No agreement or understanding?
N. No agreement or understanding of any

Mr. WASHBURN. I desire also that the Senator and his friends on the other side of the Chamber should understand that the Republicans, every man of them, stand now where they have always stood in the last thirty years, in favor of honest and sound

Mr. MORGAN. Well, if they are standing— Mr. WASHBURN. Republican Senators are here on this floor with constituencies behind them, at least nine out of ten demanding that the purchasing clause of the Sherman act shall be repealed that the country may be relieved from the terrible condition into which it has been plunged. I desire to say to the Senator that when he states there is any coalition of any kind he does a very grave injustice to every Senator on this side of the Chamber favoring repeal. We come here—
Mr. MORGAN. Will my friend stop? I am not going to yield

the floor for him to abuse me.

Mr. WASHBURN. I have not done so; I beg pardon.

Mr. WASHBURN. I want to assert that myself and the Re-

publican Senators

Mr. MORGAN. You are intruding yourself into the controversy when I had not the Senator in my mind. I never thought

about him as the leader of the Republican party.

Mr. WASHBURN. No. sir, I do not profess to be; but I profess to be a Republican, and I am not to be stampeded or insulted

for the position I have taken.

The PRESIDING OFFICER. The Senator from Alabama

declines to vield.

Mr. MORGAN. I am here on this floor responsible for every word I say in this Chamber-inside or outside, either. Now, do

you understand that?

Mr. WASHBURN. Yes, sir, I understand that perfectly.
Mr. MORGAN. I am perfectly responsible for it. The Senator from Minnesota says that the Republican party have been entirely consistent in their conduct in the last thirty years. That is ten years longer than is necessary for my purpose. Eighteen hundred and seventy-three will do for me. In that In that year they did demonetize silver, and they did come to the single gold standard and single gold coinage; and there was the death

and destruction of silver money.

Now, that they have held to it consistently and persistently I do not doubt. I have never said anything to the contrary. That bimetallists, so called, on the Democratic side profess to find better company among men who are responsible for the act of 1873 and its maintenance from that time to the present than they can find among the Democrats on this side to me somewhat strongly savors of coalition. It rather convinces me to that

effect.

Do not lose sight of the weight of evidence because some gentleman may get up and say they had not had any hand in the contract. I do not pretend that they made a verbal agreement. No; it is not necessary for men to have verbal agreements to do a thing in concert; but you understand just as well as I do that you will not vote for any amendment to the pending bill. You will vote against every amendment to it, and you will not vote for the repeal of the Sherman act. I am going to put that to the test, and that will be the crucial test.

Mr. WASHBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ala-

bama yield to the Senator from Minnesota?

Mr. MORGAN. No, I have heard enough of his statement. The PRESIDING OFFICER. The Senator from Alabama de-

Mr. MORGAN. The immediate question here, upon which we are supposed to act as revolutionists, comes up on the basis of a constitutional provision which I suppose without any offense to anybody in this Chamber can be read from the book:

And the year and mays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

I do not know any way to create an exception to that constitu-tional provision in favor of or against any particular sort of a question. It includes all questions, whether they arise on roll calls or the passage of bills or resolutions, motions to lay on the table, to indefinitely postpone, or adjourn, or any other question. If one-fifth of the Senate, or of the House—the Senate in this case—shall demand a vote by yeas and nays they are entitled to have the records show what that vote was, and that record discloses the fact whether a majority of the entire body, or a majority called a quorum to do business is present. That is a constitutional provision. We could not any of us get away from constitutional provision. that if we chose to do it.

Then we come to the rule of the Senate prescribed upon that then we come to the rule of the senate prescribed upon that basis which has been read here, the fifth rule. I need not read it again, but it prescribes a roll of a being the means of ascertaining whether a quorum is present. Now, the absence of a quorum may be ascertained by the suggestion of the Chair. It may be ascertained by his looking over the Chamber and finding 3 gentlemen here, if you please, when there ought to be 85 or 88. He may thereupon announce that no quorum is present. or 88. He may thereupon announce that no quorum is present. Butthatis not a final announcement. The announcementamounts to nothing in law until the roll is called. Non constat, they may be in the cloakroom at a convenient distance to be called, and they may come in and answer to their names. A roll call is what is required to determine the presence of a quorum, and nothing That is the rule of the Senate.

When the roll call is made and a Senator imagines or believes or knows that some Senators are present in this Chamber who have not answered the roll call, then the question arises can the Presiding Officer of the Senate determine it upon any other evidence than that disclosed by the roll call? If he does, when evidence than that disclosed by the roll call? If he does, when a roll call is demanded, he violates the Constitution of the United States: that is all of it. He is bound to follow it. Suppose it is upon the passage of a bill, and upon the call of the roll there are 10 yeas and 15 nays in the Senate, and yet the Senate is full. The bill does not pass because no quorum has responded. Would be then go on and count the entire body to ascertain if a quorom was present, and because 10 voted nay and 15 voted yea declare that the bill is passed? Mr. President, a more absurd usurpation than that could not be expected of a room more designation. tion than that could not be conceived of or one more dangerous

But I do not intend now to go into a full examination of this latter. On another occasion, when Mr. CRISP was a member of the other House, and when he was making a speech in the House on a certain resolution, Rule XV proposed in the House as the law of the House, he did me the honor to read there a letter I had addressed to him in my anxiety about this question. I had been ill for some weeks; I could not get out of my house to participate with my brethren who were defending the Constitu-tion of the United States so gallantly in the House and to assist them by my presence or in anyway that I should in the great fight they were making against tyranny in high places.

Mr. CRISP was speaking on the subject and asked the Clerk to read clause 3 of the proposed Rule XV as already amended. The

Clerk read as follows:

On the demand of any member, or at the suggestion of the Speaker, the names of members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker, with the names of the members voting, and be counted and announced in determining the presence of a quorum to do busi-

Now, there was a rule proposed, not a legislative determination on the spur of the moment, such as Mr. Clay proposed, which called forth from that splendid gentleman, my predecessor in the Senate of the United States, the declaration, "the Senator may do that, but he will have to do it over my dead body." This was the rule proposed, the question of the guidance of members of the House in conformity with the Constitution of the United States in dealing with legislative subjects.

Mr. Crisp, the present Speaker of the House of Representatives, then said:

I had the honor the other day, when I submitted some remarks on this question, to quote distinguished Republicans, including the presiding officer of the House, to the effect that this rule which you propose now to adopt, is unconstitutional. In support of that view of the Constitution. I propose now to read a letter which I have received from a very distinguished constitutional lawyer.

He bestowed upon me a compliment that I never felt I was entitled to; but this is the letter and this was my attitude then, as it is my attitude now. I desire that the gentlemen who have fulminated here an entirely new doctrine, both undemocratic and unconstitutional, will do me the honor to read this letter after I put it in print and see if they have any fault to find with it: FEBRUARY 4, 1890.

DEAR MR. CRISP: I am confined to my house with "grippe," and have followed with deep interest and feeling the audacious invasion by the Republicans of the constitutional rights of the House and its membership in the various rulings of the Speaker.

I can not add anything new to the exact definition of the rights of the "House" or its members, but I may be able to present some views that will illustrate and bring within the easy reach of the people this subject, that has a deep and somewhat obscure foundation in our constitutional system, but is elementary, fundamental, and of the gravest importance. I will, therefore, beg to trouble you with some of my ideas.

I do not quite agree that there is any general parliamentary law that is obligatory on Congress. There certainly is not such a traditional code to bind the Senate in respect of its extraordinary powers in confirming appointments, making treaties, or trying impeachments.

These powers must be exercised under rules, which the Senate or the statutes must provide. It was impossible to govern the Senate undertraditional parliamentary law, and so the Constitution provided for a government by rules.

This provision is the same for both Houses and for reasons equally imperative in both. In the counting of the electorial votes for President and Vice-President, and in impeachments, and as to privileged questions, arising under the Constitution, and many others, the parliamentary law of England is not applicable. Rules must be established. But the great controlling reason why English parliamentary law was never adopted, and never could be, in our National Government, was the fact that the king is a part of the Parliament, and once but elected members constitute the Houses of Congress. The king's perogative is in force in England's Parliament, to hold the kingdom together and under check, and therefore the Parliament is absolute in its powers.

I commend that to my friends for their mature consideration.

The Speaker of our House is not sovereign, and can have no prerogative. He is not charged with preserving the Union or Constitution, but is placed in a state of obedience to the House as its organ.

I refer to these matters as incidental to the curious assumptions of the Speaker, which he endeavors to support by the precedents of the British Parliament. The parliamentary law of the United States is suit generis, and consists of constitutional ordinances that all must obey, and the rules of legislative bodies thereunder, and the practice of such bodies under rules, either in actual existence or formerly existing in the legislative tribunals.

The parliamentary law in the United States is the American parliamen-

tary law, and it is neither English, French, nor German in origin or substance. A foundation was laid in the Constitution of the United States that supplanted the British parliamentary law, as industria, and made the rules of the Houses the law of their government.

The rules or laws under which a House is organized are not necessarily those for its subsequent government.

Less than a quorum may conduct certain specific duties, but the House can not consist of less than a quorum.

A House is never present when a quorum is absent, so it is the quorum that constitutes the House.

To be a quorum "to do business" there must be present not less than a majority of those who were elected and qualified as members.

On these requisites everybody agrees; without these requisites there can be no quorum to do business, nor is there a House to do business.

"To do business" includes all business except as is except by the Constitution.

stitution.

It is the right of the people, and the right and privilege of every member of Congress, whether he is with the majority or the minority, on the "business" that is being done, that that business shall be done by the simultaneous and concurrent action of a "quorum to do business."

This fundamental law of Congressional legislation was ordained as a prohibition upon each House against doing business in the absence of a quorum. It is more in the nature of a protection to the majority of the House than to the minority.

It is more in the nature of a protection to the majority of the House than to the minority.

This constitutional law has no reference to majorities or minorities on the topic or subject included in the business that is being done, and still less reference to party majorities or minorities. It relates only to the majority of the House that makes a quorum to do business, and requires the action of that majority to do business.

Whenever it appears affirmatively and conclusively that this majority did not do the business, the Constitution vitiates what was done.

When this fact appears affirmatively on the record of the proceedings which the Constitution requires each House to keep, nothing can validate the action.

which the Constitution requires each House to keep, nothing can validate the action.

When less than a quorum has voted on the business, and this appears of record, it must be that the business has not been done so as to bind the House or anybody else.

Does the presence in the House of members make them actors in doing all the business that is before the House at the time for its consideration? If they were thus made actors in doing the business, after they have refused to act by not voting, there must be a power superior to theirs which somebody can employ to compel them to act, or else to act for them. This power, if it exists, is not in the nature of physical compulsion. That is not physically possible.

It must be a substituted mental or will power, under which one member is authorized to make himself the substitute for the other and to supplant his will as to giving his vote. He is not even assuming to act as the proxy of the nonvoting member to declare his will, but he usurps the function of voting that the silent member could thus increase his powers one or fifty times by such usurpation, for any purpose, whether to make a quorum or to do business.

Before inquiring whether the Speaker is ex officio invested with this power.

iffly times by such usurpation, for any purpose, whether to make a quorum or to do business.

Before inquiring whether the Speaker is ex officio invested with this power, another consideration of vast importance is to be disposed of, namely: The necessity and value to constitutional liberty, and to the security of person and conscience on the part of the member, in the silent negative he may choose to give to "the business" that the House is considering. He call leave the Chamber and exert his silent negative. Is he bound to absent himself to do this, or may he remain to see that the record is truly made; that is, to state his silent negative?

A question touching religion is presented in a bill that the Speaker has declared to be in order by laying it before the House for consideration. A member believes, as every one must, that it is not within the jurisdiction of Congress.

It is a bill to endow and establish the church that the member loves and believes to be the only true church. He prefers, as he has the right, to defeat that bill by his silent negative that will prevent a quorum from being engaged in that business.

that bill by his silent negative that will prevent a quorum from being engaged in that business.

It compelled to vote, he could not vote "no" on that bill. But he is not compelled to vote, and his silence defeats the bill and saves the Constitution from being violated.

Two-thirds of a quorum can expel a member. If a motion is pending to expel A, and his action or presence is needed to enable the House to do that business, his decent silence or his retiring from the House would save him from what he connectives to be the greatest wrong. It is impossible to conceive that he would be required to vote or else commit political suicide by remaining in the House.

If a bill to abolish a State government is brought before the House, a member refusing to vote to make a quorum to do this violence may prefer to give no opinion, by voting, that the State in question is wanting in population and will never be sufficiently populated to support a State government, and that it is a corrupt or imbecile pocket borough and a mere appendage of an adjoining State, whose inhabitants represent it in the Senate and the House, his silent negative defeats the doing of that business by breaking a quorum.

an adjoining State, whose impaintants represent it in the Senate and the House, his silent negative defeats the doing of that business by breaking a quorum.

If the subject is under consideration in the Senate, the two Senators from that State, inhabitants really of a different State, may choose, instead of voting, so as to make a quorum, to assert their silent negative, and thus save the State and themselves without voting on a matter in which they are directly and greatly concerned on their personal account.

Many other illustrations might be given to prove the value of the silent negative, but they are not needed, and the matter is self-evident.

In every government that is strictly representative, as ours is, with a voting constituency, it is a right, higher and more conservative than any other, that every sort of business done by the representatives shall only be done by the actual participation of a quorum to do business.

Any other rule would give to an indifferent, negligent, or corrupt member the power to betray his constituency by standing mute and being counted asspeaking.

A bribe given a member of Congress to express an opinion outside the House might not be an indictable crime, but if he took the bribe as a reward for his silent negative by which a quorum is broken, he is criminal, because his silent negative by which a quorum is broken, he is criminal, because his silence expresses his vote against a quorum. If it has that effect it is most potent and criminal. Could the Speaker relieve him of the crime by counting him as a unit in a quorum? Such would be the necessary effect.

The legislative duty of the member is performed by the Speaker, and by his mere presence he has voted to make a quorum, when by his silence he earned his bribe in voting against a quorum. But far above such considerations is the right of every citizen to repose for his security in every form upon the constitutional requirement that only a quorum can do business, and that such a quorum is a majority of the House engaged con

until a roll call is completed and he has counted all of the silent members as being present? If he may so imprison them in order to make or keep in his sight a quorum until a bill is passed, he can just as rightfully chain them to the floor in order to secure their attendance.

In Greas Britain the actual presence in the Commons and in the House of Lor is of the queen and the lords temporal and spiritual may enable this assembled sovereignty to give the Speaker the power to force a quorum to stay in the House; but this is very far from being true in our country, where the Constitution is express and written law and the savereign people have made that book the limit of the powers of the Speaker and of each House.

where the Constitution is express and written law and the sovereign people have made that book the limit of the powers of the Speaker and of each House.

Whatever code of parliamentary law may exist in this country, and whatever may be its acceptance as authority, there is no law of the Constitution or of Congress that gives power to the Speaker to compet a member. present or absent, to do or participate in the business before the House.

The Vice-President presides over the Senate in virtue of the Constitution but he is not a Senator and can not be counted in a quorum. The Speaker of the House must be a member.

This difference in their respective qualifications made necessary the provisions that "the House of Representatives shall choose their Speaker" and that "ach House may determine the rules of their proceeding."

This is all that is said in the Constitution about the Speaker of the House. The House, beyond dispute, governs itself and all of its officers. When any power of government is exerted by the Speaker he must find his warrant for it in the rules of the House, and not in rull "s made by other bodies or the opinions of publicists. A "House" is a quorum to do business, and any ruling of the Speaker that is not expressly or by implied assent authorized by the "House" has no legal foundation on which to rest.

Unless there is the consent of the "House" that the Speaker shall add the silent members to the list of voting members, he can have no more authority for doing that than he would have to refuse to have the names recorded of those who did vote. Even the consent of the House could not confer that power on the Speaker, so as to deprive a member of his right to put a silent megative on the business of the House by refusing to vote so as to make a quorum.

The power of the House is to compet the altendance of members, after the

regarder on the dustness of the house by refusing to vote so as to make a quorum.

The power of the House is to compel the attendance of members, after the absence of a quorum has been disclosed. Even the House can not compel the arrested member to vote. It can fine him, or, possibly, expel him, for refusing to attend the House when in session, but, when his attendance is coerced, he can not be made to vote. He can just as freely decline to vote, and so break a quorum, when he is arrested and brought in, and so employ the power of his silent negative, as if he had never been absent from the House, or as if he were absent and had not been arrested and brought in.

House, or as if he were absent and had not been arrested and brought in.

It is not the will of a political or other majority that the constitutional designation of "a quorum to do business" is intended to protect. It is the free, untrammeted will of each member, when he chooses not to vote, that is intended to be protected by fixing, in the Constitution, the definition of a quorum. This free, untrammeted will is of the very essence of the liberty of the member and of the people he represents. No higher privilege, and none more sacred, than this can be stated. Without it the House, or the Speaker, as its organ, can enact laws by the power of men who refuse to vote.

Speaker, as its organ, can enact laws by the power of men who refuse to vote.

Indeed, the Speaker, ruling that a bill is in order, can pass a bill by any number of votes less than a quorum, though a full House should stand by and refuse to vote.

He counts voters as votes, and in doing this he assumes the power to ascribe to the silent member an affirmative vote for the bill. Say that 165 is a quorum, and that 160 votes are recorded on the call of the yeas and nays, 100 silent members being present. Neither "party" has a quorum. One hundred votes are recorded for the bill and 60 against it. When the Speaker "notes" the presence of the 100 silent members and declares a quorum present and the bill passed, he must place all the noted votes among the "ayes," otherwise the bill would be lost. So that the process of "noting" is nothing else than the House, or the Speaker as its organ, voting the silent 100 in favor of the passage of the bill.

If the rule is not good and indisputable in such a case as I have supposed, it can not be good when 8i votes are given for the passage of the bill and 70 are given against the bill, would defeat it. Nothing could be more unjust or usurpatory or more dangerous than to give the Speaker the power to say that the 5" noted" votes should speak so as to make a quorum, but should be silent as to the passage of the bill.

A bill is passed when the votes are recorded, not sooner and not later. Nothing but a majority of votes can pass a bill, and that majority must comprise a House, for, without a quorum there is no House competent to day business except to "adjourn from day to day," and "a smaller number (than a quorum) may be authorized to competent to each House may provide."

It requires rules that "each House may determine" to enable a smaller

vide."

It requires rules that "each House may prolifered as each House may prolifered than a quorum to do even these things, and there is no reference to any power, virtute officio, in the Speaker "to determine" these rules.

I have used the italics, as I have intended all else I have said, to suggest to you merely my ideas, which I dare say you will find already well considered in your own thoughts and researches.

The subject is so important, that I know you will excuse my solicitude.

Very truly, yours.

Mr. President, I think that the proposition there stated dis-poses of the question in respect of the right of the Presiding Officer of the Senate to require the Secretary to put upon the record the name of any Senator who may be present in this Chamber and who may decline, by his silence, to answer to a roll call. To assume power of that kind on the part of the Presiding Offlwould be in this case to violate the rules of the Senate.

Then, to alter the rules of the Senate for the purpose of coerc ing Senators who have stood here for years and years in this body and have witnessed its most illustrious members pursuing the same course, of a silent negative-for the protection of the rights of their constituents, wou'd be, above all things, harsh and calamitous. For Democrats in this Chamber to do that thing. to attempt to compel me to vote, if I choose not to vote, upon this question, would be a tyranny so incomprehensible that if I could believe it I should almost doubt my existence, and would be certain that if that were Democracy I had never had the slightest symptoms of that heresy

Are Senators in earnest when they say that they are willing

to have cloture put upon us in order to pass this bill? I defy them to do it. The people of the United States would rise, upon such a proceeding as that, with far more vigor than they rose against those roll-call proceedings in the House of Representatives which cleaned out the Republican party until there was scarcely a flavor of it left in the country.

I defy you to pass a cloture rule here. You can not alarm me

scarcely a navor of it left in the country.

I defy you to pass a cloture rule here. You can not alarm me into subordination for your scheme for anything of that kind. I am not going to vote at the will of any man, or any set of men that ever lived, in favor of the surrender of the constitutional rights of the people I represent, or in favor of yielding up any of my rights as a member of this body, in order that the howling, rampant demanders of concessions to national banks shall have all that they want.

I will not go further in this business. It is a painful business to me. I take no pride and no pleasure in it. I have but extreme mortification.

I tried, as I remarked awhile ago to the Senate, to get through a resolution for the purpose of organizing a joint committee of the two Houses, to consist of fourteen members, before which all of these different features, and amendments, and interests, and objects would be represented and heard. I offered the resolubollets would be represented and fine the control of the calendar, and debate went on until it finally got on the Calendar. But I was as impotent to lift it from the Calendar as a child would be impotent to lift a thousand-pound weight. That resolu-tion went into the committee room with 26 other bills which can not be considered at all-bills of every form and fashion, in regard to finance; bills that would open up to consideration of this committee every question that can possibly be suggested, so far as I know, about this business. Yet they are as silent as We get no response. the tomb.

What is demanded of us is this: To stay in this Chamber and to vote. It is said, if you do not vote we will count your presence, we will put cloture on you, and we will pass this bill by the power of the majority, although it may break up the rights of your constituencies and your right as a member of this body to stand here and demand that you shall be a witness of the sac-

The proposition is that you must escape from the Chamber; that you must go out and hide yourselves where the Sergeant-at-Arms can not find you before you shall be excused from voting. If you are in the Chamber, where you have a right to be, and where you ought to be in order to bear testimony whether the transactions with reference to which this bill is pressed are lawful and constitutional or otherwise; if you dare to come inside of this Chamber, you will be voted as contributing to the power, not of the minority, but to the power of the majority; you will be taken from the attitude that you have held here upon your conscience, and by the arbitrary judgment of the Presiding Officer of the Senate you are to be compelled to contribute to the power necessary to pass this bill.

With differences like these, between Democrats, in respect of this old and time honored policy that we have so long observed, and that the people have so long felt that they were depending upon for their protection and security, to be threatened continually with cloture, to be spoken of in the most disparaging and disreputable manner, to have our private and personal characters attacked—as we know too well has been done in the case of the honorable Senator from Nevada, where the newspapers accused him of personal theft, in order to cast odium upon this body—we stand here to defend ourselves against these acrimonious and bitter accusations, some of which have been made here. others having been made by men on the outside of this Capitol who have brought tremendous pressure to bear against us. We stand here accused, but not intimidated, and occupy this position here to-day which has been often honored by the same conduct, by the greatest and purest Americans who have lived.

We do not deserve this denunciation. But I have my bosom and say, "Welcome all these stabs; hurl at me all the missiles that your inventive genius and your arbitrary tyranny may place within your hands for my destruction. If I must die, I will die like an honorable man, at my post of duty, lifting my voice in the defense of the Constitution of my country.

Mr. GRAY. Mr. President, I suppose I may be pardoned if I say that I fall to see what is the provocation for the eloquent he-I have tried to listen to this deroics of my friend from Alabama. bate from its commencement, with respect to those who have differed from me, in order to gain what light I could from the discussion, and hear what propositions were asserted and maintained that were material to a proper understanding and determination of it; and I have, I must confess, failed to hear much of argument, or evidence, or proof of any of the material propositions that affect the judgment, as to how one should vote upon this question, from those who oppose the repeal.

I may be pardoned for the criticism made in kindness and with entire respect to the Senator from Alabama and other Senators

who have discussed the question on the other side when I say that vituperation is not argument; that the imputation of unworthy personal motives does not carry forward the argument on the side of those who indulge in it; and that there has been a certain seeking, by those who oppose the repeal, of pretext for the indulgence of that mode of speech which, it seems to me, is unwarranted by anything that has been said in argument on this floor by those who are in favor of repeal.

I do not assent to the proposition that the intemperate discussion carried on in the newspapers (if it be intemperate), the personal allusions or attacks made in the newspapers, are any justification to a Senator, in his desire to vindicate himself, in doing so by abuse of those on this floor who differ with him. I do not think it is necessary for the Senator from Alabama, or any other Senator, to take that mode of showing his resentment against outside attacks, that he should turn upon those on this floor who differ with him and wreak upon them the punishment that, justly or otherwise, he may desire to visit upon those who are guilty of such conduct.

But I did not rise for this purpose. I certainly did not rise for the purpose of reading a lecture to anybody. I will not assume that rôle. But I thought, without any desire to prolong the discussion upon this motion, I ought, before it closed, to say a word in regard to what I consider the erroneous position taken by the senior Senator from New York [Mr. HILL]

in regard to the potency of our rules.

Mr. President, the procedure of this body, the conduct of public business in this body, has been and must be carried on in accordance with the rules it has itself prescribed. There is no other mode known to me, nor, I believe, to an Englishspeaking people, whereby there can be an orderly conduct of government, except according to rule. Liberty itself is only valuable when regulated by law. It is impossible that we should achieve any results in this body, that are worthy the name and fame of the American people, unless we show a capacity to conform ourselves to the rules which we ourselves have prescribed.

Those rules have been in existence a long while; and I understood that the Senator from New York had found, with the able exegesis for which he is famous, in the body or the rules themselves somewhere a power to declare a quorum when no such quorum was manifest by a roll call on the passage of a bill or resolution. I am not speaking now of a call of the Senate.

I ask the Senator from New York now if I did not understand him that his contention is that upon a roll call of the Senate on the passage of a bill or resolution it was competent for the Presiding Officer, in the absence of the disclosure of a quorum upon the roll call itself, in some way or in some fashion, which I did not quite understand he indicated, to take notice of the presence of those who were bodily present, but who had refrained from participation in that particular business?

Mr. HILL. Will the Senator allow me? Mr. GRAY. Certainly; if I have misstated the Senator's position.

Mr. HILL. I think the Senator has substantially stated it cor-

Mr. Hill. I think the senator has substantially stated it correctly. May I repeat in a moment what my position is?

Mr. GRAY. Certainly.

Mr. HILL. According to the ordinary principles of parliamentary proceedings I claim that it is within the power of the Presiding Officer, in the absence of express rules to the contrary, Presiding Officer, in the absence of express rules to the contrary, to determine the presence of a quorum, always subject to rule, or to be guided by the rights of Senators. That is my first proposition. My second proposition is that there is no rule of the Senate which expressly, or even impliedly, excludes that method. Mr. McPHERSON. I desire to ask the Senator from New York if he makes any distinction between the power and duty of the Vice-President in the chair as compared with that of a member of the body temporarily called to the chair.

Mr. HILL. None whatever.
Mr. GRAY. I am glad that I have not misstated the full contention of the Senator from New York. He has made it very clear. Upon that I am compelled to take issue with him.

We are here now, according to the statement of the Senator from New York, not considering a proposition to amend the rules, not debating a new rule proposed, but to give construction

to the rules that already obtain for the governance of this body.

As I said at the outset, we are obliged by the necessity of the
case, by the necessity of orderly procedure, by that necessity
which compels all men of our blood and lineage, to proceed in an

orderly fashion to the obtaining of parliamentary results.

But the Senator from New York is mistaken, I respectfully submit to him, when he says that in regard to the ascertainment of a quorum to participate in legislation or in the matter of passing a bill or resolution, there is no rule which covers the case, either explicitly or impliedly, none that excludes the power which he asserts is in the Presiding Officer, subject to the dom-inant control of the Senate; nothing which excludes the power

of the Presiding Officer to declare a quorum even where one has

not been disclosed by the roll call.

Let me call the attention of the Senator to the fact that Rule XII, which has been in existence, or some similar rule, for probably a hundred years, provides explicitly for this very matter of determining a quorum and regulating the method of voting and ascertaining the sense and will of the Senate upon any given proposition. It is headed, "Rule XII, Voting, etc." provides that-

When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may, for sufficient reasons, with unanimous consent, change or withdraw his vote.

Section 2 of the same rule provides that-

When a Senator declines to vote on a call of his name-

That is the very exigency which the Senator says is not covered This rule of the Senate undertakes to provide how by a rule. This rule of the Schate undertakes to provide now that shall be dealt with; and it does so in this language—
he shall be required to assign his reasons therefor; and having assigned them, the Presiding Officer shall submit the question to the Schate: "Shall the Schator, for the reasons assigned by him, be excused from voting?"

It would seem to me to be rather in vain for the Senator from

It would seem to me to be rather in vain for the Senator from New York, after reading that explicit rule, to say that there is no rule of the Senate providing for just the contingency we are dealing with, to wit, the declining to vote by a Senator. That rule does provide for that contingency.

I may say, parenthetically, that I am not discussing the wisdom or unwisdom of this particular mode of dealing with this contingency, but the rule in this paragraph does undertake to deal with that question. The fact that there has been for all these years an explicit rule providing for what shall be done in that contingency, excludes the contention of the Senator in that contingency, excludes the contention of the Senator from New York that there can be any other competent mode by which it can be dealt with, because the rule says that when he declines to vote he shall be required to assign his reasons therefor. Is there anything there that authorizes, permits, or justified the provident to be conjugated to the conjugate of the conjugate to the conjugate of the conjugate fies the President to recognize him as part of a voting quorum? Nothing whatever. It is absolutely forbidden by the language of this rule and by the maxim, if a maxim were needed, expression It is absolutely forbidden by the language

writts, exclusio allerius.

Mr. HILL. Will the Senator indulge me for a moment?

Have I said that his presence should be ascertained and re-

Have I said that his presence should be ascertained and recorded as part of a voting quorum?

Mr. GRAY. I thought that was the Senator's contention. If I am wrong I shall be glad to be corrected.

Mr. HILL. The Senator is entirely wrong.

Mr. GRAY. When I say part of a voting quorum, I mean that those who decline to vote shall be counted as part of those

present necessary to make a quorum to do business.

Mr. DOLPH. The Senator from Delaware will not contend that the rule which he has just read applies to a call of the Sen-

ate to ascertain a quorum and therefore is not applicable to the question before the Senate?

Mr. GRAY. Not at all. I am coming to that in a moment. I may be pardoned for taking a somewhat wide range on the question, inasmuch as the Senator from New York has brought

up the subject.

Mr. DOLPH. I desire to make one suggestion in order to show the absurdity of the present rules. Suppose on a call of the Senate there are actually present the 85 members now constituting the Senate, and less than a quorum vote. What would the Senator do? Must we sit here absolutely helpless, or should we instruct the Sergeant-at-Arms to request Senators who are

already in their seats to come into the Senate?

Mr. GRAY. The so-called reductio ad absurdum of the Senator from Oregon has occurred quite frequently to those who have discussed this matter. There is no help, is my opinion, for it but the self-respect, the sense of duty, and the conscience of individual Senators.

dividual Senators.

I have been, for my present purposes, contenting myself with discussing the interpretation to be put upon the rules as they now exist, and which the Senator from New York has contended officer and the Senate to pursue. When I was interrupted I was calling attention to the fact that this rule has pointed out one mode, and only one mode, of dealing with this question, and a mode which necessarily excludes any other.

When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor; and, having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?"

The Senate may excuse him from voting, and yet his bodily presence is here just as much, whether he be excused or not excused. The question—

shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced.

"These proceedings." Stopping there makes the inference a plausible one that something else may be done by the Senate; that this rule was not intended to land itself in any such impotent conclusion as that after a Senator had been called upon to assign his reasons for not yoting, and either declined to assign those reasons or not assigned sufficient reasons, in the judgment of the Senate, to excuse him, nothing further shall be done. But the rule is explicit, that at that point the proceeding must cease until the result is announced. It says that—

These proceedings shall be had after the roll call and before the result is

announced.

So it has covered all the ground by an affirmative rule upon which the Senator from New York could possibly claim to place his contention of power in the Senate to deal with the question up to that point; but it did not land us in so powerless and absurd a situation as that, for it says:

And any further proceedings in reference thereto shall be after such announcement.

Whatever may be said of the power of the Senate in regard to its action after the result, whatever inference may be drawn (and I am inclined to draw from that an inference of power of pretty wide extent), certainly up to the declaration of the result by the Presiding Officer the ground is entirely covered by this So no place is left for the contention of the Senator from New York upon which to ground a claim of power in the Presiding Officer of the Senate to count the vote or deal in any manner with a recalcitrant Senator than that prescribed by the rule on the subject.

As I said before, we are not discussing the wisdom of this rule. It might have been different. It may be different in some future amendment. But, sir, I have not yet learned the lesson of parliamentary law that we are to discard a plain, straightforward, easily understood rule because we doubt its wisdom. That is anarchy, that is lawlessness, that is an utter destruction of all that orderly procedure which is absolutely necessary to the preservation of free institutions.

Mr. GEORGE. If the result announced—that is, the final re-

sult-should be that no quorum had voted so that the motion

had failed, can that be correct?

Mr. GRAY. I think not except by roll call, because the rule covers the point absolutely. It is not left us to grope in the dark as to what orderly procedure should be, for another rule says absolutely that when, upon a roll call for a vote, the absence of a quorum is disclosed, the President shall thereupon immediately order the roll of the Senate to be called. That is Rule V. So that the ground is completely covered up to that point. That is the situation prescribed by the rules of the Senate.

Mr. GEORGE. Then, if there be no roll call—

Mr. GRAY. That is, a roll call for a quorum, a mere roll

Mr. GEORGE. That would be an entirely different proceed-

ing.
Mr. GRAY. I will come to that in a moment.
Now, Mr. President, we have arrived at another stage in this
which is provided for by the rules, and that is when the procedure which is provided for by the rules, and that is when the absence of a quorum is disclosed by the roll call on a vote. Rule V provides that when that is apparent from the result announced by the Chair—I am stating it from recollection—he shall at once order a roll call so as to ascertain whether there is a quorum

actually present. Now we have a different state of things. We are not voting now; we are not saying "yea" or "nay;" we are saying "present," when we are here in our bodily presence. We are here to respond to a physical fact, as to whether we are present or no, visibly and palpably, in the Chamber. It is made the duty of every Senator. It becomes the duty of every Senator—there is no use of mincing words about it—by every consideration you can give the subject, to answer that roll call if he is within the

hearing of the Secretary or the President.
Mr. ALLEN. Will the Senator permit me to make a brief

suggestion right there?
Mr. GRAY. I should rather not at this moment; I will yield in a few minutes. I seem to be the subject of this discussion to Mr. ALLEN.

some extent.

Mr. GRAY. I ask the Senator's pardon.

Mr. ALLEN. I want to state a fact very briefly, so that the Senate will understand it. Mr. GRAY. I beg the of my discussion. I beg the Senator's pardon; he is not the subject

Mr. ALLEN. I seem to be the subject of this resolution, how-

Mr. GRAY. I am not speaking to the re-olution, so that I am not obeying the rule of the Senate exactly, but I have conformed myself to the rather wide range that custom has given to discussion in the Senate.

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Mr. ALLEN. I simply wanted to suggest that the Senator from South Dakots [Mr. KYLE] and myself were not present in the Chamber at the time our names were called. The proposed order, in so far as it states that the senator from South Dakota and myself were in the Chamber at the time our names were called, is entirely incorrect. The Senator from South Dakota and I came into the Chamber after both our names had been passed on the roll. So that when the Senator from Oregon recites that we were present in the Chamber at the time, it is an incorrect recital of the fact.

Mr. GRAY. That settles it, so far as I am concerned, I will say to the Senator from Nebraska, as a matter of fact; but I am dealing now with the question of the propriety of the existing

Mr. DOLPH. If the Senator from Delaware will allow me, I will say to the Senator from Nebraska that I do not propose to raise here an issue of fact in regard to that matter. ator from Nebraska responded when the order was offered. I offered the resolution in accordance with the facts as I thought them to exist; but I am not going to raise any issue of fact here. If the Senator makes the statement that he was not in the Chamber at the time his name was called on that particular roll call, I shall accept his statement. Mr. ALLEN. Inasmuch a

Inasmuch as the Senator from South Dakota is now in his seat, I should like to have him state what the facts

Mr. KYLE. I corroborate the statement of the Senator from

Mr. GRAY. Now, we come to a different condition; we come to a roll call in order to ascertain the presence of Senators in the Chamber; not to ascertain the state of mind or the opinion of any given Senator; not to say whether he has made up his mind to vote "yea" or "nay;" but to ascertain the mere physical fact whether he be present or not. That is covered by the rule to a certain extent, that-

Whenever upon such roll call it shall be ascertained that a quorum is not resent, a majority of the Senators present may direct—

We are coming now to a roll call to ascertain whether there be a quorum present or not. If the result be announced that there be no quorum, then it shall be competent for "a majority of the Senators present" to "direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators.'

That is a very different question from the one that I have been discussing briefly, and inadequately I admit, with the Senator from New York as to what the rules prescribed and what is competent for the Senate or the Presiding Officer of the Senate to do when the mere absence of a quorum is ascertained upon a roll

call for a vote.

I wish, and I rose principally for that purpose, to draw a distinction between the two. Not only am I of the opinion, as I have stated, that the rules, as they exist, cover completely the matter of the absence of a quorum on a vote, so far as the competency of the Senate is concerned to count a quorum, but I believe that it is incompetent and improper for any other disposi-tion to be made by rule of that contingency. Fdo not believe that it is within the competence of this body by a rule to pre-scribe that a Senator, who sits silent during a roll call or vote, scribe that a Senator, who sits sheat during a roll call or vote, shall be counted as one to participate in the business then before the Senate. That is very different indeed from the other question of merely ascertaining the presence in the Chamber of a quorum, which does not call upon any Senator to more than ascent to the evident, palpable, physical fact that he is present. But I say that when the situation authorizes a majority of the Senate to do business, it only authorizes business to be done by a majority who participate. a majority who participate.

is impossible, in conformity to any rule which governs parliamentary bodies such as ours, to override that essential and foundation principle of our Government, that no law can be imposed upon this great people which does not receive the assent of a majority of both Houses of Congress. Any other view of this question, any other contention, such as was made a few years ago in another place than this, it seems to me, is revolutionary and entirely discards that great notion that the representatives of this people, or a majority of themselves, are omnipotent within the limits of the Constitution, but that nothing

less than a majority can speak with the voice of authority to the great American people.

Mr. DOLPH. Will the Senator yield to me?

Mr. GRAY. Yes.

Mr. DOLPH. I understand the Senator to say, and I agree with him in that statement, that a roll call is for the purpose of ascertaining the presence of Senators; but do I understand the Senator to say that when the transfer or the senators. Senator to say that under our rules the response of a Senator is the only evidence which the Senate can have of his presence?

Mr. GRAY. No; I have not said that.

Mr. DOLPH. I understood the Senator to say that.
Mr. GRAY. No, as I said, the rule covered it in part.
Mr. DOLPH. I understood the Senator to say that that was

the only evidence, under our rules, that the Senate can have.

Mr. GRAY. No, I did not even say that. It was not necessary that I should. for the purpose of what I was saying, exhaust the provisions of the rules upon that subject, because I believe it is quite competent, under the rule which provides for the compelling of the attendance of an absent Senator, that if a Senator should be brought into the Chamber by the Sergeant-at-Arms and before the bar of the Senate, his bodily presence may be

Mr. DOLPH. Suppose that the Sergeant-at-Arms should see

Mr. DOLPH. Suppose that the Sergeant-at-Arms should see a Senator present here.
Mr. GRAY. There is no rule providing for that, and we can not act except through a rule.
Mr. DOLPH. If we can act at all on a report of the Sergeant-at-Arms, we can certainly act on his report that the Senators in question are present in this body.
Mr. GRAY. The Sergeant-at-Arms is not a member of this body; he is an administrative officer. He certainly can not modify or control, by his report, facts that may happen to prevail, unless he is authorized to do so.

vail, unless he is authorized to do so.

Mr. DOLPH. When he is instructed to request the attendance of absent Senators, is he not authorized to report that they

are present in the Chamber?

Mr. GRAY. He is authorized, as a sheriff is authorized, to summon a party into court. He is authorized and required to make that request, and he may be authorized to use force to compel attendance. I say that when that attendance is compelled. and a Senator is brought here in obedience to that order of the Senate, I am not inclined to dispute the contention that his name may be recorded.

Mr. DOLPH. Then there is no way to bring it to the atten-

Mr. DOLPH. Then there is no way to bring it to the attention of the Senate officially that the Senator is here, if the Senator chooses to remain silent.

Mr. TELLER. I desire to ask the Senator from Delaware whether he means to say, when a Senator is brought in by the Sergeant-at-Arms, and he declines to answer, that the name of that Senator can be counted to make a quorum?

Mr. GRAY. I am not prepared to dispute that contention.

Mr. TELLER. Under the present rules?

Mr. GRAY. Under the present rules?

Mr. TELLER. Under the present rules?
Mr. GRAY. Under the present rules?
Mr. GRAY. Under the present rules. I do not see what else the rule can mean here when it says that the Sergeant-at-Arms can be ordered to compel attendance. For what purpose will we compel that attendance? Not as a mere wanton act of tyranny, not merely to impose a humiliation upon a Senator, but to compel his attendance where? Not anywhere else but here. For what purpose, except it be for the purpose of counting one

by his presence here.

Mr. Teller rose.

Mr. GRAY. That is different, if the Senator will pardon me, from the contention that you may impose upon a man the duty or the necessity of assisting and participating in business that he absolutely refuses to participate in, of putting upon him a duty which his conscience, his intellect, or his judgment may repudiate. You can not do that.

Mr. MANDERSON. Will the Senator from Delaware yield

to me a moment? I will

Mr. GRAY. Mr. MANDERSON. Does not the rule of construction that the Senator suggests lead to this apparently absurd position? As I understand him, the Senator who is present and does not

As I inderstand fifth, the Senator who is product answer "here" is absent.

Mr. GRAY. I did not say so.

Mr. MANDERSON. And that the Senator who is brought here to the bar of the Senate, under the order of the Senate. his presence being compelled, can be recorded although he stands mute? Does not that make the only safe place of refuge, the Senate Chamber itself, where a Senator who desires to take refuge can, on the record, say that he is absent from the Chamber?

most absurd conclusion.

Mr. GRAY. That is quite possible. I am not defending the present rule. I am considering how far the present rule covers the various exigencies which we may be brought to face. The Senator from Massachusetts has said that he thought the rule covers those exigencies. I have given my opinion, in a somewhat offhand manner, and subject to further reflection and consideration, that when a Senator is brought here by the Sergeant-at-Arms, the rule prescribing that the Senate may order the Sergeant-at-Arms to compel the Senator's attendance, there can be no object in that rule, no sensible construction to be given to it, except to compel the attendance of the Senator whenever his presence in this Chamber may contribute to a quorum. That

But I am prepared to go further, and say that I have here an

amendment prepared, which I thought I might offer to the Senane and have printed for its consideration, to cover just the case, which I admit is a casus omissus in the rules, as mentioned by the Senator from Nebraska. I agree with the Senator that the rule, as it at present exists, does permit the absurdity which he has disclosed

Mr. MANDERSON. Will the Senator allow me to call his attention to the peculiarity of the language, not only of the rule, but of the constitution, upon which the rule, of course, is based; the constitutional provision being that each House-

may be authorized to compel the attendance of absent members

Then, coming to the rule itself, the language is that-

Whenever upon such roll call it shall be ascertained that a quorum is not

Not that a quorum is not answering to their names on the roll

Mr. GRAY. Where is the Senator reading from?
Mr. MANDERSON. Rule V, section 3. Then the Senator rule, following the language of the Constitution, provides for compelling the attendance of absent members. Does presence mean only presence evidenced by word of mouth?
Mr. GRAY. It does, under this rule.
Mr. MANDERSON.

Mr. GRAY. It does, under this rule.
Mr. MANDERSON. I do not think so. If that be so, then
we come to the absurd position that a man is here in his absence. If that be so, then I do not believe we can defend any such construction.

Mr. GRAY. I am not defending the omissions of the rule. In fact I admit that it does not cover all the cases it ought to cover and that we are willing that it should cover. But let me call my friend's attention to the language which he has just brought to my attention, and ask him to scrutinize it a little more closely:

If at any time during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll—

We all know what that means-

And shall announce the result,

3. Whenever upon such roll call it shall be ascertained-

Not ascertained by view, not ascertained in any other way than

by such roll call. Does not that include everything class. So that, Mr. President, I admit that this rule does not go far enough, that it does not meet that defiance of the rule which is made when a Senator, sitting in his place, persistently refuses to answer to a roll call. Now, mind you, there is no hardship here, no compulsion. He has to respond to the physical fact of his presence. He is not called upon to vote or participate in any business which he does not understand, we will say, or which for some reason his conscience will not permit. I say that the rules do not go far enough. I have drafted here, which I should rules do not go far enough. I have drafted here, which I should like to read in order to show more concisely my view of this matter, an amendment to Rule V, which proposes, at the end of paragraph 2 of Eule V, after the words, "the Secretary to call the roll and shall anneance the result," to add:

If, before such result is announced, any Senator shall call the attention of the Presiding Officer to the fact that a Senator was present when his name was called and failed to answer, the Presiding Officer shall ask such Senator to state whether he heard his name called by the Secretary; and, if he shall answer in the negative, he shall direct the Secretary to again call the name of such Senator; and, if he shall fail to respond, it shall be the duty of the Presiding Officer to direct that his name be entered upon the roll as present.

Mr. HILL. With the permission of the Senator, let me ask: Suppose a Senator should fail to respond to the first inquiry? Mr. GRAY. What first inquiry? Mr. HILL. As to whether he heard his name on the call of

the roll.

Mr. GRAY. That ought to be provided for. That can be very asily put in. I thank the Senator for suggesting that, for it easily put in. so far to perfect my proposed amendment of the rule in an

important particular.

Mr. TELLER. I have been trying for some time to get an opportunity to ask a question, and if the Senator will kindly yield to me for that purpose now, I should like to do so.

Mr. GRAY. I yield.

Mr. TELLER. The Senator said, as I understood him, that

Mr. GRAY. I yield.
Mr. TELLER. The Senator said, as I understood him, that a Senator brought into the Chamber by the Sergeant-at-Arms—and that may necessitate another question before I get through can be counted to make a quorum on the roll call, and yet can not be made to participate in the business of the Senate. Did I understand the Senator correctly?

Mr. GRAY. To vote?
Mr. TELLER. Suppose the case we had last night, of a Sen-Ar. IELLER. Suppose the case we had last night, of a Senator brought in here whose presence makes a quorum. There upon the question is put on a pending motion on which a quorum had failed to vote, and the Senator remains mute; what, then, is to be done?

Mr. GRAY. I do not quite understand the point of the case put by the Senator from Colorado.

Mr. TELLER. I will repeat it. I want to ask the Senator what he would do in this case: A Senator is brought here—
Mr. GRAY. By the Sergeant-at-2-rms?
Mr. TELLER. By the Sergeant-at-Arms. Thereupon his name is entered upon the record, although he refuses to answer to the roll call. Notwithstanding that, his name is entered on the roll call as present. That makes a quorum. Thereupon the vote is taken, as it was last night, on a motion pending, which had before failed for want of a quorum, and the Senator remains muta, what then?

mute, what then?

Mr. GRAY. On the vote?

Mr. TELLER. On the vote.

Mr. GRAY. I have just said that no power under the rules exists, nor do I think there ought to be power under the rule to

ompel him to vote.

Mr. TELLER. Then it would seem that there was not very much merit or virtue in that part of the rule which allows a Senator to be brought in here if nothing can be done.

Mr. GRAY. I do not expect to convince the judgment of every Senator. I am very clear in my own mind. There is a provision here for punishing a Senator for not voting. My contention is that when a Senator sits here and declines to vote, declines to participate in a voting quorum, declines to take part in the business here—as that is a matter of judgment; as that is a matter which requires the exercise of his faculties, of his conscience, and his reason—I say that you can not compel him to vote, and I will stand here forever and oppose and denounce, as have before, any attempt to institute an absolutism of that kind in this body

Mr. TELLER. I agree with the Senator fully.
Mr. GRAY. I have had occasion in times past to denounce this method of putting coercion upon a representative of a sovereign State. I denounced it then as a step toward absolutism. I denounce it now. I do not propose to blow hot and cold on

So I differ with the Senator from New York; I differ with a great many able and respectable Senators who claim that there can be in either House of this Congress a state of things in which a in either House of this Congress a state of things in which a law, affecting, it may be, the lives and property of American citizens, can be passed by less than a majority of either House. It is no hardship on anybody, because if there is a majority in favor of any given measure, that majority can always be brought to book. If it can not be, it is not a voting majority. There is no hardship in stating to the one side or the other of this Chamber that if you want to pass a given measure, bring in your quorum here and pass it, and you will always have an opportunity to do it. That is all that I centend for.

tunity to do it. That is all that I contend for.

I do not contend that less than a majority in either House can give the sanction of law, can clothe with imperial majesty a legal enactment that shall govern the American people. Any measure passed by less than a majority, seems to me to violate the sacred traditions of the English-speaking peoples.

The Senator from Nebraska said awhile ago that there was an absurdity in the condition of things produced by the present rule about a quorum, and I admit it. There is an absurdity about it; but there is another absurdity which, follows the contention

an absurdity in the condition of things produced by the present rule about a quorum, and I admit it. There is an absurdity about it; but there is another absurdity which follows the contention of my friend from New York. Suppose some bill vital to the interests of this great people, a tariff bill, an election bill, a financial bill, is brought here; suppose there are 85 members of this body, 43 being, under the Constitution, a quorum to do business. What does that mean? To sit here and not do business? Suppose 43 Senators are present in this Chamber. If they all vote for that measure, so far as the Senate is concerned, that measure has received its assent.

measure has received its assent.

Mr. GEORGE. Suppose only a majority of that quorum vote for it, then what?

Mr. GRAY. And no others participate in voting?

Mr. GRAY. And no others participate in voting?

Mr. GRAY. I am going to put a question to show the absurdity of it. Suppose, instead of that, that 10 men out of that 43 vote for the given measure, and 33 Senators sitsilent in their seats for reasons, good or bad—good to themselves—does any Senator mean to say that that measure should be clothed with the sanctity of law, so far as the action of the Senate is concerned? Does he mean to say that that is a majority, in the language of the Constitution, for doing that particular business, putting the construction upon their slience that it is acquiesputting the construction upon their stience that it is acquiescence? Oh, no. The matters we deal with are too important for that. We can not trifle with our high duties in that fashion. There is no hardship in requiring, as the Constitution does require, that every measure which is to have the sanctity of law. which is to impose a rule of conduct on American citizens, shall receive the assent of at least a fair majority of each House which constitutes this parliamentary body.

Mr. HOAR. I ask if that proposition, which the Senator

thinks unreasonable, is not precisely the proposition affirmed

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by the unanimous judgment of the Supreme Court of the United

Mr. GRAY. With all my respect for the Supreme Court, I do not know that I have submitted my judgment and conscience to their keeping. I understand perfectly the case to which the Senator from Massachusetts refers, in which the Supreme Court has said that the constitutional provision that a majority of the members should be a quorum to do business meant a majority

present whether they participated in the vote or not.

Mr. HOAR. And that a minority of the whole Senate, forming a majority of those voting, however large or small, made it a constitutional discharge of the Senato's legislative function. If the Senator will pardon me, I did not mean to imply by my question that the Senate or the Senator must accept the judgment of the Senator must accept the judgment. ment of the Supreme Court in regard to that particular constitutional provision; but I thought it desirable, this rule being under consideration, to say that that is a decision which may well commend itself to reasonable minds. The Senate should remember that the Supreme Court were unanimous in that de-

Mr. GRAY. Mr. President, I can not say with certainty, but I am inclined to think that expression of opinion by the Supreme Mr. GRAY. Court was an obiter dictum.

Mr. HOAR. Oh, no.

Mr. GRAY. Whether it was or not, what they attempted to Mr. GRAY. Whether it was or not, what they attempted to decide and did decide, was that each House had under the Constitution a right to make its own rules. So I say that, under the decision of the Supreme Court referred to, either House could make a rule as absurd as the one I have been denouncing here. I am now addressing myself, however, to the judgment, the

intellect, and the conscience of my fellow-Senators, and I ask then to read that provision of the Constitution, to consult their own sense of propriety in regard to these legislative matters, and then say whether they are willing that any construction shall be given to a rule we now have, or whether they will give their consent to a new rule, that shall provide that less than a ma-jority is competent to clothe any measure with the forms of

Mr. President, having drawn this distinction between the rules that govern a voting quorum and the rules that govern the presence of a quorum—which I think it is vital should be main-I do not wish to prolong this debate, but I considered it my duty, having very fixed convictions upon this matter, to express them to the Senate and call the attention of Senators, if that has not already been done sufficiently, to this very important ground of

discrimination.

Mr. HILL. Mr. President, I do not intend, so far as I can reasonably avoid it, to reiterate any of the statements or arguments I had the honor of suggesting during the early part of this debate. We have drifted somewhat from the real point of dispute. Permit me to say, however, at the outset, what I said before, that I do not regard the precise question which we have been debating as involved in the motion of the Senator from Oregon, and that, so far as I am concerned, I am content to allow the Journal to be approved as a correct statement of what actually occurred on yesterday. But this brings us to the whole question involved as to the

propriety of changing the rules, and as to the question as to what the rules themselves are. I do not expect to convince any Senator here who has made up his mind absolutely in regard to this question, first, that there is a constitutional question involved, and, secondly, if there is none involved, as a matter of propri-

ety the rules ought not to be changed.

Mr. President, we have different views in regard to the Con-Mr. President, we have different views in regard to the Constitution. The distinguished Senator from Alabama [Mr. Morgan] held a certain view of the Constitution three years ago. He holds the same opinions still. He has not changed; he never changes. Since then, however, the highest court in our land has passed distinctly and directly upon the very question involved and discussed in his letter to Mr. CRISP which was read three years ago, and has again been incorporated in the records of this body. He then took the broad position that the constitutional method of ascertaining a quorum was prescribed by the calling of the yeas and nays and by the responses made thereto, and that that was the only method.

The Constitution of the United States is not what the Senator from Alabama believes it to be; the Constitution of the United

States is not what the Senator from New York believes it to be; it is not what any Senator around this circle believes it to be. The Constitution of our country is what the highest court in the land declares it to be. That is the end of the question; but I do not expect to convince Senators around me who have no respect for that high tribunal or who are not willing to bow to its unanimous decision.

I asserted at the outset of this debate that three years ago a

foundation for the criticism of the right of the Presiding Officer to count a quorum was the fact that there was something in the Constitution which prevented it. I have read here the decision of the highest court of the country, which says that that right exists; that is, that any method which either House determines exists; that is, that any method which either House determines is the proper method, and that the Constitution does not require responses by yeas and nays as the only method of determining the presence of a quorum.

So far so good. I need not argue any further to Senators who maintain their opinions in defiance of the judgment of the court. There is no use of appealing to them. The question is disposed of so far as they are concerned.

of so far as they are concerned.

As to the next question involved here, to which the Senator from Delaware has alluded, I have only this to say: that I am not disposed to oppose any change in the rules in the way suggested by him. I introduced an amendment to that effect the other day, and various amendments, the object of which is to accomplish the same purpose, have already been introduced by other Sen-ators. They are proper amendments, germane to this question, reasonable in form and shape, and ought to be adopted.

There is nothing inconsistent in the position I assume. Not-withstanding the rules themselves ought to be amended to make the power absolutely certain, nevertheless I submit to the Senate that, under a proper construction of the rules, the right to count a quorum exists now. I prefer that some amendment should be drawn up, something like the amendment of the Senator from Delaware, my own, or that of the Senator from Nebraska; but, in the absence of any amendment adopted, we have a right to insist upon the right to count a quorum, and I think it can be clearly demonstrated that the power already exists.

The Senator from Delaware is obliged to take the position

that the rules provide that the only way to ascertain the presence of a quorum is by responses upon the roll call. In answer to the Senator from Delaware, I will state that I understood him to say that he has not gone that far, and yet in another part of his remarks I think he must be considered to have so urged. must take that position, because if the Senator abandons that he has no foundation upon which to stand.

We say the Constitution of the United States speaks of the calling of the yeas and nays, which, of course, can only be done by roll call; but we said three years ago, and we say now, that that was not the only method prescribed by the Constitution to determine the presence of a quorum, but that we had a right by any other method to ascertain whether Senators were present or not.

Upon the first question, as to whether a quorum is present. when it is suggested that a quorum is not present the roll is to be called. The mere fact that the rules say that the roll is to be called determines nothing upon the precise point in dispute. Of course, the roll must be called. There is no other way to proceed. The rule says:

Whenever upon such roll call it shall be ascertained-

Does it say by responses? No. Is there any method or manner provided as to how that shall be ascertained? customary way has been here, of course, to take the responses; but when you are construing a rule, you should make a broad and liberal construction in the interest of the facilitation of public business. I say—and here is the point in dispute—that this rule specifies no method for that ascertainment. It, therefore, could be done by responses, it could be done by the presence of the member, determined by the eye, or it could be ascertained by the ear. I think that is a sound construction. The Senator from Delaware concedes that his construction of the rule leads

Mr. GRAY. I must beg the Senator's pardon. I did not say that my construction of the rule led to absurd results; but I said such a rule, as it now stands, does not cover a contingency which might lead to absurd results.

Mr. HILL. Which contingency brings about an absurd result, then. It is just as broad as it is long. The Senator concedes the proposition substantially suggested by the Senator from Nebraska, that under the rules a Senator is required to be present in the Senate Chamber and respond to his name. rules provide also or contemplate that he may be punished if he does not obey the rules.

That is the fair construction of the rules themselves; and yet, adopting the suggestion of the Senator from Nebraska, the only adopting the suggestion of the Senator from Nebraska, the only safe refuge for a Senator is right here in the Senate Chamber. If he remains away, if he is absent, we can send for him and bring him here; we can request and compel his presence, and yet if he remains here, defies the rules, and refuses to say a word, you are powerless, and, as I understand it, the Senator from Delaware concedes that that is an absurd result. That is the yeary result and construction for which he is contending the very result and construction for which he is contending. Our view of the case is consistent. We simply say that it is the

duty of the Senate to give such a construction to the rules as does not make them abourd. We say that we should give them such a construction as will facilitate the public business. Will this not be practical?

I understood my friend from Delaware to go further, and be-coming eloquent (as he occasionally does, and I do not know but often), he said he doubted the right of the Senate, as a matter of propriety, to count a Senator as present, or any purpose when he did not desire to have his presence made part of the record. Did the Senator not say that?

Mr. GRAY. I did not put it that way. Mr. HILL. Of course, the Senator put it in a little different

way.
Mr. GRAY. I said a Senator could not be counted as partici-

pating in the proceedings when he declined to vote.

Mr. HILL. I understood that the Senator thought that no Mr. HILL. I understood that the Senator thought that no rule should be passed in this body which would make a Senator

Mr. GRAY. No. I said I did not believe, with my view of constitutional law and of what the Constitution requires, that any measure could become a law unless it received a vote of a majority of the body

majority of the body.

Mr. HILL. If that be so, it is by virtue of some constitutional provision, or by virtue of some statute or something.

Mr. GRAY. It is by virtue of that principle that majorities shall rule, which the Senator has previously alluded to.

Mr. HILL. A majority rules in almost every other place except in the Senate of the United States.

But here I want to read to the Senate from the same decision of the Supreme Court of the United States. Of course, I assume that the Senator has great respect for that tribunal, and that its decisions are entitled to be observed and respected by this body. "The Constitution says a majority of each [House] shall constitute a quorum.

Here is the judicial construction of that provision of the Con-

stitution. I read-

In other words, when a majority are present, the House is in a position to do business; its capacity to do business is then established, created by the mere presence of a majority, and does not depend upon the disposition or assent or action of any single member, or fraction of the majority present. All that the Constitution requires is the presence of a majority, and when that majority is present the power of the House arises.

Mr. GRAY. May I interrupt the Senator?
Mr. HILL. Yes.
Mr. GRAY. I will ask the Senator from New York whether the question raised in that case was whether a bill had become a law without the vote of a majority?

Mr. HILL. Yes.

Mr. GRAY. Now, I ask the Senator whether he considers in his high place here, he is not as much bound to consider the Constitution of the United States, so far as it relates to his duty as a Senator, as the Supreme Court of the United States is bound to consider it when they are called upon to construe it with refence to a case between citizen and citizen?

Mr. HILL. I will answer the Senator. The Supreme Court of the United States, being vested with the power to construe the Constitution, it being the final tribunal which can determine these questions, its decisions are binding upon every other department of the Government.

If the Senator will pardon me, I understand, of Mr. GRAY. If the Senator will pardon me, I understand, of course, that a decision of the Supreme Court is binding to this extent; that where it has by a judgment given a certain interpretation to the Constitution it is idle to contend that in another case, or in the class of cases involving the same question, that that rule so interpreted by the court should not apply; and therefore, in regulating the conduct of the citizen, he must conform to that interpretation of the Constitution; but in this body, where we are called upon under the Constitution to decide what our powers are, does not the question address itself to the conscience of every Senator whether the Constitution warrants the action proposed or not?

Mr. HILL. To some extent that may be true; to a larger extent it is not true. If the rule contended for by the Senator is correct, if the Supreme Court should declare certain provisions of the Constitution to mean one thing, the House of Representa-tives declare them to mean another, the Senate another, and citizens generally another, you would have confusion in all departments of the Government and amongst the people themselves.

Mr. GRAY. I ask the Senator if the Supreme Court of the United States had decided that a bill against which a majority had

recorded its vote, and in favor of which a minority had recorded its vote, had become a law, whether he would feel himself bound by that decision of the Supreme Court?

Mr. HILL. I expect always to be bound in my private and public capacity by the decisions of the highest tribunal in the land. I make explicit and frank answer upon that subject.

I ask the Senator another question. While he may think that

this question was not directly involved, as he intimated, I think he said it was, and so claimed, no matter what view he may perso said it was, and so craimed, no interewhat view he may personally take of the Constitution, the Senator will be frank enough to say to the Senate that what I have read from this decision corroborates the argument which I make; does it not?

Mr. GRAY. Certainly; it corroborates it by very high au-

Mr. HILL. I do not want any other corroboration than that

Mr. GRAY. But I wish to say that the Constitution of the United States requires the Senate to make its own rules; and when I ask the Senator if he has a distinct notion, as I have, that the Constitution does not warrant this body in prescribing that less than a majority shall give the sunction of law to a measure, whether he considers the Supreme Court of the United States could control his conscience in that respect?

Mr. HILL. It is hardly a question of conscience; it is a question of construction; it is a question which depends upon the intellect. All great legal questions arising out of the construction of the Constitution must be submitted to some tribunal. Is each individual Senator to set up his conscience upon a construction of disputed constitutional questions of this character? I think

Mr. GRAY. Can we not make our own rules?
Mr. HILL. You can make your own rules: but whether your rules conform to the Constitution of your country, depends upon the decision of that tribunal designated by the Constitution which has power to determine the question. So much for that. All the point that I desire to elicit, and which I have elicited,

and the views which I have presented here, the Senator concedes are sustained by the decisions of the Supreme Court of the United States. With that I am content.

United States. With that I am content.

Look at the situation which will be found by the rules. The yeas and mays are ordered upon a question. The roll is called; 42 Senators answer one way or the other, and another, a forty-third Senator, asks to be excused from voting. The RECORD shows the fact. The question is put to the Senate as to whether this forty-third Senator shall be excused. A roll call is had upon it. He is excused from voting or he is not excused, and a certain disposition is then made of the question. What do you say? You say that there is an absurd result; that there was not a quorum present when 42 Senators have answered to their names, and there was another Senator present, who was excused from voting, are you to say that by some sort of legerdermain this

Why do Senator was not deemed in law to be present?
Why do Senators take such a strained construction, which makes your rules and our proceedings ridiculous? I trust I am not reflecting upon the Senate by that suggestion. I am adopting that argument, to some extent, of other Senators. I say under your rules here, if you excuse a Senator, or if his pair is announced, in all such cases the record of your proceedings show that that Senator is present. If his name be added to those who actually vote there is a quorum present, and it seems to me the

Constitution is complied with.

Bear in mind I have not contended in this debate, and do not contend now, that you can count any Senator for the purpose of adding to the vote given. Upon that there is no dispute. A Senator can remain in his seat and be silent, and of course you can not count him as voting upon one side or the other when he does not vote. All we contend is that so long as he is here, as long as the physical fact exists, he shall be counted to make a quorum; as the physical fact exists, he shall be counted to make a quorum; we contend that he shall not be here and place himself in a position where he can not be reached by the decree or action of this body. That is all. What is the objection to that? I have as much respect for the rights of minorities as the Senator from Alabama or the Senator from Delaware. I can not, however, agree with them that the construction for which I contend wrongs any Senator.

If there is a Senator here who regards it as his duty to come here and obstruct the proceedings of the body he may be injured; if there is a Senator here who thinks his duty to his constituents is discharged by coming here and refusing to obey the rules, refusing to vote, then he is the one that I would do injustice to. That is true. But I can not see in the light of common sense why we should contend for absurd literal construction. is not a question of minorities or majorities. Men are not deprived of any right when they are given an opportunity to par-ticipate, and when they voluntarily refuse to participate in our proceedings. What right can they urge when they defy our rules? What position can they take here when they attempt to obstruct the business of this body?

Mr. President, I have thus contended for a plain, common-

sense, reasonable construction of these rules, a construction which makes them consistent throughout, which avoids the reaching of absurd results.

I heard my distinguished friend from Alabama [Mr. MORGAN]

speak of his great respect for the Constitution. He has no more respect for that instrument than I have; but I can not see that any Senator has a right to shield himself behind the Constitution when he seeks to obstruct the public business of this great tion when he seeks to obstruct the public business of this great legislative body. I shall have no personal controversy with the distinguished Senator from Alabama, although I think from some of his remarks, possibly from some of his little flings, that he courted it. I know he spoke perhaps contemptuously of the politicians, as he called them, of the great State that I have the honor in part to represent upon this floor. There are politicians in the State of New York, and there are good politicians there; there are mon when we have honored for many years, and they there are men whom we have honored for many years, and they do not deny that they are politicians in the highest and best sense of the term. I suppose there are no politicians in Alabama; that they are all statesmen down in that country. [Laugh-

ter.]
My friend said that he did not care to have the politics of New York imitated in this Chamber. I do not know what he meant by that fling—some reflection, possibly, upon the Democratic party of the great Empire State. I tell him, sir, the elections in our State are as honest as they are in the State of Alabama or elsewhere. It does not lie in the mouth of that Senator, if what

was said as to the election last fall in the great guberatorial contest in his State of Kolb vs. Jones be true, to speak of elections in the State of New York. [Laughter.]

But I shall not digress from the principal point involved in this controversy. The Senator from Alabama spoke—yea boasted—of his Helong devotion to the Constitution of the United States. It may be so a Lauppend that for a very high paried States. It may be so. I supposed that for a very brief period my friend was supporting another constitution; but I may be mistaken. [Laughter and applause in the galleries.]

Mr. MORGAN. Will the Senator allow me?

Mr. HILL. Not at present.

The Senator spoke of the wrongs that were about to be perpetrated by this body in the passage of the pending bill. If his

trated by this body in the passage of the pending bill. If his contention about these rules is correct, then there is no possible danger of any wrong being perpetrated, because if the view taken by him is correct there seems to be no method provided by which we can reach a result. Therefore, if that is true, he can with the utmost safety repeat the statement in imitation of another distinguished Senator from that State, that if we pass another distinguished Senator from that State, that if we pass
the pending bill in the manner suggested by me and permitted
under a construction of the rules, we must walk over his dead
body. I do not believe it. It is an idle threat. I have heard of
statesmen before who were going to die in the last ditch, but
there are some of them alive now. [Lughter.]

Mr. President, I did not cite the decision of the Supreme Court
for the supreme of untagoing the given of the Senator from

for the purpose of antagonizing the view of the Senator from Alabama. I simply cited it for the purpose of showing how they differed. I am a good deal in the position of the lawyer who was arguing a case before a justice of the peace, and the who was arguing a case before a justice of the peace, and the justice was very obstinate in maintaining his view of the law. Finally the lawyer read a chapter from Blackstone, and then apologized for it by saying: "I do not read this for the purpose of showing that your honor is wrong, but for the purpose of showing what a fool Blackstone was." [Laughter.] So I cite this decision not to show that the Senator from Alabama is wrong—because he is always right and everybody else is wrong—but for the purpose of showing what a fool the Supreme Court of the United States has made of itself in making this decision, which the Sanator from Delaware says he concedes auscision, which the Sanator from Delaware says he concedes auscision. cision, which the Senator from Delaware says he concedes sustains the position I have taken upon this floor. So much for that question.

The Senator from Delaware said that he would not follow in any scheme which has a tendency towards anarchy, and he intimated that some of the suggestions made here were in that direction. I do not ask him to go so far; I do not ask any Senator to do anything harsh or improper, or which can not be justified by law and precedent.

I do submit that the time is soon coming, it ought to be here now at the close of this great debate, when the majority in the Senate, composed of Democrats and Republicans in favor of the passage of the repeal bill, must see what they can do in regard to its passage, must determine upon some course by which a vote can be reached.

We are told by these gentlemen that we are powerless. It may be so. I think that this debate is a proper one, that we should seek to determine what course we can take within the rules and under the Constitution and under the ordinary princi-

ples of parliamentary law to pass this repeal bill.

I he ard the distinguished Senator from Alabama paying his just tribute to the distinguished Senators who occupied seats in this Chamber in years gone by. I agree with all he said in regard to the greatness of those former Senators. He spoke affection at all y and eloquently of the grand Old Roman from Ohio, who occupied a seat in this Chamber for so many years. He can not

say anything that I would not indorse in regard to that Democratic statesman, who possesses the confidence and respect of the

Democracy and the people of the Union.

I suppose, when the Senator paid that tribute he had in view all the record made by Mr. Thurm in this body. I suppose he did not intend to pick out a few taings which he did, but that he had reference to all of them. Sir, the course towards anarchy, which the Senator from New York is said to be marking out, is the very course which Allen G. Thurm in pursued in this body; and if the Senator from Alabama has that respect which he professes for that great statesman, then I ask him to follow the line which he marked out in the first session of the Fortysixth Congress

I hold in my hand the record of those proceedings. there was some filibustering in those days as now. At the particular time to which I refer the filibustering saems to have been partially upon the Republican side. On pages 235, 236, and 237, June 19, 1875, the Senate was going through the same proceeding which we were going through last evening; that is, having roll calls for the purpose of ascertaining whether a quo-

rum was present.

The following record is taken from the Journal of the Senate: THURSDAY, June 19, 1879.

THURSDAY, June 19, 1879.

The President protempore called the Senate to order and stated that, owing to the length of the session of yesterday, the Journal had not been completed, and asked that its reading be postponed until it be finished.

Mr. Conkiling having objected,
The President pro tempore a sted that so much of the Journal as had been made up would be read, and the Journal of yesterday's proceedings having been read as far as it was written up.

The President pro tempore announced that the presentation of petitions and memorials was in order;
When,

When,
Mr. Conkling raised the question of order that, under the first rule of the
Senate, no business could be transacted until the Journal had been read.
The President pro tempore overruled the question of order raised by Mr.

Mr. Conking raised the question of order that, under the nrst rule of the Senate, no business could be transacted until the Journal had been read. The President pro tempore overruled the question of order raised by Mr. Conkling.

From the decision of the Chair Mr. Conkling appealed to the Senate; and On motion by Mr. Hereford, the appeal lie on the table, Theyeas were 33 and the nays were 4.

On motion by Mr. Hereford, Theyeas and navs being desired by one-fifth of the Senators present, Those who voted in the affirmative are—Messrs. Bailey, Bayard, Beck. Call, Cokrell, Coke, Davis of Illinois, Davis of West Virginia, Eaton. Garland, Gordon, Groome, Harris, Hereford, Hill of Georgia, Houston. Jonas, Jones of Florada, Kernan, Lamar, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, Slater, Vance, Voorhees, Walker, Wallace, Whyte, Withers.

Those who voted in the negative are—Messrs. Booth, Burnside, Morrill, Windom.
The number of Senators voting not constituting a quorum, The President pro tempore directed the roll to be called, and 50 Senators answered to their names.

A quorum being present,
The question recurring on the motion of Mr. Hereford, that the appeal lie on the table.

The yeas and nays having been heretofore ordered,
Those who voted in the affirmative are—Messrs. Bayard, Beck, Call, Coke, Davis, of Illinois, Davis of West Virginia, Garland, Groome, Harris, Hereford, Hill of Georgia, Houston, Jonas, Lamar, Maxey, Morgan, Pendleton, Ransom, Saulsbury, Slater, Vance, Voorhees, Walker, Whyte, Withers.

Those who voted in the negative are—Messrs. Ballson, Booth, Burnside, Morrill, During the roll call
Mr. Bayard called the attention of the Chair to the fact that there were Sen tors present and not voting; and having named Mr. Chandler, asked that under the seventeenth rule of the Senate he be required to assign his reasons therefor.

What an outrage on the rights of those Senators!

Whereupon, The President pro tempore-

Allen G. Thurman, for whom the Senator from Alabama has such great respect-

directed the name of Mr. Chandler to be called; and
Mr. Chandler declining to vote, and assigning his reasons therefor,
The Presiding Officer (Mr. Harris in the chair) submitted the question to

Mr. Chandler declining to vote, and assigning his reasons therefor, The Presiding Officer (Mr. Harris in the chair) submitted the question to the Senate.

And on the question.
Shall Mr. Chandler be excused from voting?
The yeas were none and the nays were 33.
On motion by Mr. Conkling.
The yeas and nays being desired by one-fifth of the Senators present,
None voted in the affirmative.

Those who voted in the negative are—Messrs. Bayard, Beck. Call, Cockrell,
Davis of Illinois, Davis of West Virginia, Eston, Garland, Groome, Harris,
Hereford, Hill of Georgia, Houston, Jonas, Jones of Florida, Kernan, Lamar,
McDonald, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, Slater, Vance, Vest, Voorhees, Walker, Wallace, Whyte, Withers.
The number of Senators voting not constituting a quorum,
The President pro tempore directed the roll to be called; and
Fifty-one Senators answered to their names.
A quorum being present, and
The question recurring on the motion of Mr. Hereford that the appeal
lie on the table,
The yeas were 22 and the nays were 3.
The yeas and nays having been heretofore ordered,
Those who voted in the affirmative are—
Messrs, Hayard, Beck, Call, Coke, Davis of Illinois, Davis of West Virginia, Eaton, Garland, Groome, Harris, Hereford, Hill of Georgia, Houston,
Jonas, Jones of Florida, Kernan, Lamar, McDonald, Maxey, Morgan, Pendleton, Randolph, Ransom, Saulsbury, Slater, Vance, Vest, Voorhees,
Walker, Wallace, Withers.

Those who voted in the negative are Messrs. Burnside, Kirkwood, Morrill.
The number of Senators voting not constituting a quorum.
The President pro tempore counted the Senate and announced that a norum was present.

Mr. President, there is the precedent which I shall ask this body to imitate at some future day. I said the question was not really involved on the motion here this morning. Sir, such men as Thurman and others are the distinguished men whom I propose to follow, rather than the lead of the distinguished Senator from Alabama.

Mr. SHERMAN. Mr. President, I should be very willing, indeed, before I make the brief observations which I intend to make, to have the pending question disposed of. If there be no objection and no desire to debate this question upon the adoption of the amendment to the rules, I shall give way to a vote. If, however, any Senator wishes to debate the question further I shall proceed. I hope, as this question is a privileged one, standing in the way of everything else, that we may now have a vote upon the question of the adoption of the amendment to the

Journal or a motion to lay it on the table.

Mr. WASHBURN. I move to lay the motion on the table.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Minnesota.

Mr. DOLPH. On that motion I call for the yeas and nays. should much prefer that the question should be taken upon the amendment by yeas and nays; but if we are called upon to vote to lay it on the table I shall call for the yeas and nays. It will not cut off debate, because the question of the approval of the Journal is debatable.

The VICE-PRESIDENT. The question is on the motion of the Senator from Minnesota [Mr. WASHBURN] to lay the motion of the Senator from Oregon [Mr. DOLPH] on the table.

Mr. SHERMAN. Does the Senator wish to debate the ques-

Mr. DOLPH.

Mr. DOLPH. I do not care to debate it further. Mr. WASHBURN. If we can have a direct vote, that will satisfy me.

The VICE-PRESIDENT. The Chair will state the question. The Senator from Oregon moves to amend the Journal. The Senator from Minnesota moves to lay that motion on the table. That question is not debatable.

Mr. DOLPH. I call for the yeas and nays.
Mr. CALL. I ask the Senator from Minnesota if he will not withdraw that motion? There are several Senators here who

would like to say a few words upon the subject.

Mr. SHERMAN. I do not desire to cut off anyone. to be further debate on the motion to correct the Journal, I shall proceed.

Mr. WASHBURN. I withdraw the motion.

The VICE-PRESIDENT. The motion of the Senator from Minnesota to lay on the table the motion of the Senator from Oregon is withdrawn.

Mr. PALMER. May I ask to have the motion proposed by the Senator from Oregon reported, so that we may under-

The VICE-PRESIDENT. The Chair will state to the Senator from Illinois that the motion of the Senator from Oregon is to amend the Journal. The Secretary will read the amendment. The Secretary read as follows:

That the name of Senator ALLEN be recorded in connection with said roll call to show ais prese ce.

The VICE-PRESIDENT. That is the pending question. The Chair recognizes the Senator from Ohio.

Mr.SHERMAN. Mr. President, I do not intend to debate that question, because think it has been sufficiently debated. I am of the opinion expressed by the Senator from Massachusetts [Mr. HOAR], that whatever may be the merits of the proposition—and Iconeur and sympathize entirely with the proposition made by the Senator from Oregon [Mr. DOLPH]—yet I think upon the face of the rule, which we must construe according to its fair meaning, I should feel bound to vote against the proposition to amend the Journal, because I think the Secretary has executed his duty honestly and according to the rule, and that it would be an unjust reproach upon him to say that he had not strictly conformed to the rules of the Senate. Therefore, I shall vote against the proposition of the Senator from Oregon, although I sympathize

Wishing to make a few remarks in regard to the present situation of the public business, and especially the great question which is now pending before us, I desire to waive the question immediately before us, and discuss that which has been discussed so often of late, that is, the nature and character of our sulce.

The rules of the Senate are made to expedite the public business in an orderly and proper manner. There is no doubt of the right and the necessity of every legislative body to have the exclusive power over its rules.

What is the object of the rules of the Senate and of all legislative bodies? It is to enable them to legislate. object. We are not here for any other purpose except to legislate, to make laws, in connection with the coordinate departments of the Government, in cooperation with the House of Representative, and subject to the veto of the President. All the rules ought to aim for the accomplishment of that purpose and no other.

At the same time, while that is the primary object of all rules, yet it is equally important to give the minority full and free opportunities of debate. The right to debate a question brough has been recognized by the Senate of the United States from the beginning of our Government; but when the rules of this body, intended to expedite legislation, are used as an obstruction by the minority in order to defeut the will of the majority, those rules should as soon as possible be corrected, changed, and al-

Whenever the minority presses its means of obstruction unduly, it then creates what is in the nature of a revolution, it seeks to break down the rules of the Senate, and to use them as a means of denying to the majority of the Senate its power to make laws for the people of the United States. Mr. President, I know that the recent obstructions made dur-

ing this heated contest, lasting now for more than two months, have gone far beyond all which has occurred while I have been a member of this body. I have recently seen measures resorted to here which were never heretofore appealed to during my term of service, nor do I believe they have ever been prac-

The Senate of the United States was originally a dignified body of twenty-six members, more like a council of revision than a legislative body. In all its history it threw down the usual barriers against debate and went to the extreme verge of liberative between the council of the council o ality. But, Mr. President, whenever the time comes when our rules of order do not promote legislation, then, as a matter of course, the Senate must adopt rules which will prevent obstruction. In the olden time no such thing happened as has occurred during the present session of Congress

I shall not refer to that further, for each Senator can see for himself that this new idea of stopping a Senator in the midst of his argument to suggest that a quorum is not present is a marked discourtesy that in former times would have been resented. It has been done merely for delay. The purpose in a large majority has been done merely for delay. The purpose in a large majority of the cases when a Senator was stopped in the midst of his argument to have the roll called was to catch Senators at their lunch or within hearing, merely to obstruct and delay a vote. This is a violation of the duty of a Senator, and ought to subject him, by our rules, to reproach and punishment.

When was that ever done in the olden times? When was a

when was that ever done in the olden times? When was a Senator in those days ever stopped in the midst of his argum at every five or ten minutes in order to call a quorum here? That kind of obstruction has never been resorted to. Sometimes, as I know, it has occurred that Senators have refused to vote when they were present. In such cases, in my judgment, they have violated the rules of good order. I say for myself, and I can refer to the records of the Senate to sustain me, that never, when I have been present here, have I refused to east my vate, even al-In the records of the Senate to sustain me, that never, when I have been present here, have I refused to cast my vote, even although the majority might have been against me. That was not the idea in those days, but the practice has grown up within the last fifteen or twenty years. The first violation of this rule occurred in the case referred to here a few moments ago, where my former colleague, Mr. Thurman, when President of the Senate, stepped into the breach and counted a quorum. Up to that time I believe a case had never occurred when Senators sat silent in their seats. That was probably the first time. I was not then

in their seats. That was probably the first time. I was not then a member of the Senate.

Mr. President, during the pendency of all the war measures and the reconstruction measures, we had many long and weary night sessions at a time when I was much better able than now to bear that kind of fatigue. I have many a time sat here until the gray of the morning hour after hour. the gray of the morning hour after hour. But in every case, until within the last ten or twelve years, there was finally an agreement between the minority and the majority, the minority yielded, and a time fixed when a vote should be had. If a single of the kind occurred where the minority did not yield af fair debate before the pendency of what is called the force bill. I should like to know when it was. At that time the largest liberty of debate was given, and when debate was apparently exhausted, then it was that an agreement occurred at once between the opposing sides, an hour or a day was fixed when the vote should be taken, and that was the end of obstruction.

I do not know of a single measure in those times, when the

most momentous questions were pending before the Senate of the United States which were ever presented in our history, when the time did not speedily come when the minority, having made its protest and made its arguments, yielded to the majority

and surrendered to them the unquestioned power of the majority to pass laws, whether in the opinion of the minority they were wise or unwise.

This system of obstruction, therefore, is a matter of modern origin in the Senate of the United States. In the House of Representatives, of which I had the honor many years ago to be a member, we did organize measures of obstruction; but the previous question existed there, and whenever the majority chose to do so they could put it in force and establish for themselves the time of voting. Such an extremity was never resorted to in the Senate. If Senators will look over the pages of our Congressional history, to be found in the Globe and the RECORD, they will find in every single case that the majority in the end have had the power to pass laws when that majority was well established. If there be any case to the contrary, I shall be very glad indeed to have it pointed out, for I recollect no such case.

Mr. President, I think, therefore—though probably it may not be done at this session—that the time has arrived when the Senate of the United States must adopt rules and regulations to

revent obstruction of the public business.

The Senate is a very different body now from what it was in the olden times; not in point of ability, for I believe the Senate of the United States to-day has more varied talent and has as much ability to discharge all the duties of this great law-making body as it ever has had. I believe in the general intelligence of its members, and in their ability. It is equal to any Senate which ever sat here. We are improving in our day and generation, possessing many advantages which our ancestors did not possess.

So the difficulty is not on account of the weakness or want of intelligence of the Senate, but on account of its numbers. A body of eighty-eight Senators is very different from a body of twenty-five or fifty Senators. During the war and the reconstruction period twenty-five was a quorum of this body. It was only necessary, therefore, to consult twenty-five Senators in order to establish a rule or to secure the order of business. Now that the body has increased to eighty-eight Senators, it is much more difficult.

I believe I can say that there is no legislative body in the world which has not some power to close debate, some cloture rule, some means by which the majority can pass laws. If there be a legislative body which has not that power, I should like to know it

We must follow, therefore, the examples of other political bodies; we must follow the example recently set by the House of Commons of England and also set by the House of Representatives of the United States. Such rules exist in the legislative bodies of France and in all countries where they have organized legislative bodies. There are many more such governments now than forty or fifty years ago. The great body of European governments was then monarchial. Now many of them are republican, and all of them possess the power of legislation. Most of them have two legislative houses, similar to our own. In this respect our example has been followed by almost every intelligent monarchy in Europe. No longer does a czar or a king pronounce his law, but in every European government he is restrained by the legislative body. In every legislative body of Europe which I have knowledge, there is a power to suppress debate, or rather not to suppress it so much as to limit it within the bounds of reason, so as to provide that the majority shall exercise the power to pass laws. The Seuate should have some such provision.

Many wise and reasonable provisions have been suggested here. In my own judgment, the better way would be at the next session of Congress—not now, in the midst of this heated debats—to have the Committee on Rules strengthened and enlarged, and have them take up and reëxamine all these various rules and provide for carefully limiting debate, giving to the minority the full power and proper opportunity to express their opinions, and prescribe some reasonable method by which the majority, after that limit has been reached, may prescribe the time when the final vote shall be taken.

the final vote shall be taken.

Mr. President, I wish now very briefly to call your attention to the important legislation which must be acted upon here. We have been here over two months, and not a single thing has been done, not a single measure of the slightest importance has been passed. The House of Representatives has performed its duty, while this body, which has been here staggering under this long, long debate, has as yet been unable to have a single vote on any question presented upon which any difference of opinion exists.

Sir, if this continues, the Senate of the United States will be a marked body; it will no longer command the respect of an intelligent and active people like ours. Our people are people of action in every department of industry in this country, and

the Senate of the United States ought not to be the great log which weighs down and obstructs legislation. We must, therefore, resort to some means by which the power of the majority may be exercised. Whether I shall be in the minority or the majority, I shall be willing to obey the will of the majority.

majority, I shall be willing to obey the will of the majority. Now, for the first time during my service as a member of the Senate of the United States, I recognize on the other side of this Chamber the power of the Senate. They have the majority; the responsibility rests upon them; the duty rests upon them. They say they can not agree. They must agree, or else surrender their political power. If the Senate of the United States as now organized can not make laws without this prolonged debate, if the majority say they are unable to meet together and formulate some proposition, the people of the United States will take them at their word. There is no doubt about that.

I have sat here for more than a month without opening my

I have sat here for more than a month without opening my mouth, desiring to hear from the other side who have been honored by a majority of the people with the control of the Senate of the United States. The President has expressed his opinion. We, on this side, have not obstructed the engrafting into law what is desired by the President. We do not believe in him; we do not believe in his policy; we are under no obligations to him, and yet we furnish nearly two-thirds of the votes to enact the law he desires to have enacted, while the party he represents stands unable to formulate a policy and say what they desire. If they do not agree with the President, let them say so, and formulate their opinions into an act.

There are three or four important matters of public interest which demand solution, and this body stands in the way. One is, whether or not we should continue the purchase of silver bullion

Upon that question honest men may differ. I believed in that policy; I believed in giving to it the largest and most beneficial experiment. We have tried it, and, according to our humble judgments, without wishing to say anything harsh about silver or about the questions now involved, we think on the whole it is not wise to further continue the purchase of silver bullion.

We have now 570,000,000 silver dollars coined, or we have the bullion to coin it. We have \$77,000,000 of silver coin in wide circulation, called subsidiary coin, and we have bullion enough now to supply all that can be coined in the next two or three years. Therefore, when we acquiesce in the views of the President that the purchase of silver bullion tends to create a disturbance in the markets of the world, tends to create a want of confidence in our ability to maintain the parity of gold and silver, we say: "Very well; we have tried the experiment of purchasing silver bullion, and we believe it has failed; silver has declined, notwithstanding our enormous purchases, and we shall therefore vote to suspend the purchase of silver bullion, not to demonetize silver coin."

Senators all around me, on both sides of this question, have assumed that we are about to demonetize silver when we propose to suspend the purchase of silver bullion. We have more silver now in the United States of America than we ever had before in our whole previous history, more than we had forty years ago, when silver and gold were the only money of any kind issued by the United States. No one proposes to disturb that silver. There it is, nearly \$600,000,000, either in our Treasury, represented by Treasury notes, or among the people, or in bullion ready to be coined. Does anybody propose to disturb that? Oh, no. On the other hand, I shall be glad to join with our friends on the other side of the Chamber to largely increase the subsidiary coin, as it is called. I believe that is the coin which the people of this country a sire more than the large dollar, which is in inconvenient form. We have now in circulation more fractional silver coins than silver dollars.

Any other measure which will tend to promote the use of silver, which will enable us to maintain it at a parity with gold, or

Any other measure which will tend to promote the use of silver, which will enable us to maintain it at a parity with gold, or any other measure which will give employment to this important industry of our country, we are willing and ready to hear and consider. The President suggests, however, that the first and most important measure, before further action, is to clear away the present silver purchasing clause of the act of 1890. We have thought so too, but if the other side do not think so it can not be done, for their vote is potent. They carry the matter in their own hands. Let them agree upon something.

In times past, when they were in the minority and we were in the majority, we never shrank from responsibility. We were Republicans because we believed in Republican principles and Republican men and Republican measures, and whenever a question came into the Senate Chamber to be decided, we never pleaded the baby act and said "we could not agree." We met together in conclave; we measured each other's opinions, some giving way, and finally we came to an agreement. In this way we passed all the great laws which have marked the history of the last thirty years of our country, and it was not done by begging

votes of the other side. We knew that, by the usual and almost universal habit of the Democratic party, they would oppose anything we should propose, even the Lord's Commandments or the Lord's Prayer. [Laughter.]

We did not stand in that attitude. We ask our brother Senators on the other side, for whose ability and standing we have the highest respect, to meet together, to consult together, and if they do not like the President's plan, let them, in God's name, give us some other plan, and let them sattle upon it. They can give us some other plan, and let them settle upon it. in that way solve these important questions for the people of our country. Then we on this side will take their plan into consideration, and if we find we can agree with it, we shall. We shall not follow their example, but wherever we can agree with them we shall do so, and if we do not agree with them we shall give them a manly "no."

There are one or two other questions more important than the

one I have been discussing, one of which is the necessity of strengthening the gold reserve in our Treasury. We have outstanding \$800,000,000 in notes or certificates and but \$86,000,000 of gold to redeem them. Think of that for a moment. Senators say they will not increase this reserve, they will not issue bonds to buy it; that the people do not like the idea of increasing the public debt. Senators, the public debt is now increasing day by day. The ordinary revenues do not meet the public expenditures according to the appropriations made by Congress. I have seen to-day, and there is now in the Senate Chamber, a letter from the Secretary of the Treasury in which he says distinctly that there will be a deficiency of revenue during this fiscal year at the very lowest of \$50,000,000, at the rate of about \$5,000,000 a month. That is a debt contracted by the people of the United States, and Congress refuses to furnish the money to meet this growing deficiency. Mr. Carlisle has not a purse long enough to pay these bills, and if he does his duty he will at once—to-day, to-morrow, at the earliest hour—stop the expenditure of all Mr. Carlisle has not a purse long enough to money where it is not imperative, where it is not fixed by law. He ought to suspend the erection of public buildings and the work on all public improvements, and everything of that kind.

The idea of going on and spending at the rate of \$5,000,000 a month more beyond the revenues is utterly destructive. It would be destructive in the case of a private individual, and it is utterly indefensible in a Government like ours. The idea that we are not even willing to give our notes for the payment of this money is a monstrous one.

Senators say it will be unpopular to increase the public debt; but it is already contracted. The question is whether we will provide for its payment. This should be done. It ought to be met at once by the Congress of the United States.

Sir, these are public duties that can not be avoided. must decide this silver question some way or other. If you can not do it and will retire from the Senate Chamber we will settle it on this side, and we will do the best we can with our silver friends who belong to us, who are blood of our blood and bone of our bone. But you have the majority on this floor to-day, and therefore I beg of you, not in reproach, not in anger, because I know the great difficulty and the difference of opinion that exists in the two parties; you have the supreme honor of settling this question now, and you ought to do it. That is all I care to

say on that point.

Mr. President, I have a great deal of faith in political bodies. Why is the Democratic party organized? Why is the Republican party organized? It is not to express the will of any one man, but it is to express the general opinion of the people of the United States. All of you represent the people, and you seek to observe if possible and carry out their ideas. Whenever men come together as the representatives of a people, they must consider that the differences among the people must be reconciled, and they mustact independent of their people to some extent.

Mr. MORGAN. Will the Senator answer a question I desire to put to him?

Mr. SHERMAN. Certainly.
Mr. MORGAN. I should like to know whether he will vote for the unconditional repeal of the entire act called the Sher-

Mr. SHERMAN. No, and no other man who understands the subject would do it. In my judgment to do that would be to dishonor and leave unprotected the \$150,000,000 Treasury notes outstanding. To do that would be to throw out of the Treasury the great sum of money that was carried there belonging to the banks for bank redemption. There are many provisions of that bill, bad as some think it to be, that no man in the Senate would vote to repeal if he would read the act carefully and ponder the sub-

The only question in that law that there was any controversy about, the only section of the law that there was ever the slightest dispute about, is the provision providing for the purchase

of silver bullion. Every other feature of the law was agreed to unanimously by both Houses of Congress and by the conferees of both Houses. To repeal the whole law would not only be an of both Houses. To repeal the whole law would not only be an absurdity, but I do not believe my honorable friend himself would vote for it if he would study the question in all its details.

Mr. MORGAN. I bog leave to state that I have studied it to my best ability, and I intend to offer that amendment to the pending bill and give you an opportunity to vote on it.

Mr. SHERMAN. I shall vote against it with the greatest

Mr. MORGAN. I had no doubt the Senator would. Mr. SHERMAN. I have no doubt that two-thirdsof I have no doubt that two-thirdsof your side will vote against it.

Mr. MORGAN. It may be: I do not know: but we shall try it.
Mr. SHERMAN. That is precisely what I want to do. Why Mr. Morkdan. It may be: I do not know; but we shall by the Mr. SHERMAN. That is precisely what I want to do. Why should we not try and vote? Why should we be here seventy-odd days without a single vote on any question? Let us try it. If we would try it to-morrow after all the long debate that has been had and dispose of this question as we think best for the people of the United States, while you are assuming your responsibility we would gladden the hearts of millions of laboring men who are now being turned out of employment. We would relieve the business cares of thousands of men whose whole fortunes are embarked in trade. We would relieve the farmer and his product for free transportation to foreign countries, now clogged for the want of money.

the present condition of affairs there is no money to buy cotton and corn and wheat for foreign consumption. Break down the barrier now maintained by the Senate of the United States, check this viper called obstruction to the will of the majority, give the Senate free power and play, and in ten days from this time the skies will brighten, business will resume its ordi-nary course, and the clouds that lower upon our house will be

in the deep bosom of the ocean buried.

Mr. GRAY. Mr. President, it is not my purpose to trespass upon the indulgence of the Senate more than a single moment.

The Senator from New York [Mr. Hill] seems to think that I have in some way accused him of seeking to promote a condition of anarchy in the Senate or elsewhere. I have only to disclaim any purpose of saying or intending to impute such intention to my friend from New York. But he seems to be laboring under the delusion that his proposition to amend the rules in regard to counting a quorum when a vote is being taken in some way relates to or has bearing upon the difficulties under which we are

now laboring in the Senate in order to get a vote on the important measure which has been debated here so long.

Sir, I wish to assure him, and I think I can with entire confidence, that the adoption or rejection of the rule can have no bearing at all upon the unfortunate condition in which we find I, with him, deplore this condition. I, with him, ourselves. I, with him, deplore this condition. I, with him, think that the time has come in which the Senate, in order to maintain its self-respect, in order to maintain its capacity as a law-making body should vote upon the measure now before us; but the proposed amendment to the rules, and the contention made here by the Senator from New York, are entirely academic so far as any result that is sought by those of us who favor the pending repeal measure is concerned. I want to assure him that the rule I have read here as one which will be proposed by me at some convenient time and opportunity has much more rela-tion to producing a state of things it will bring about, and that the most desirable result, than the one proposed by him.

Our trouble, Mr. President, is not in the want of a voting quorum, but in the want of an opportunity to vote at all. Give us the opportunity to vote, and there will be no difficulty about a quorum. The quorum is here; it has been here; it has been waiting all these weeks, in order that it may have the opportunity for which it is anxious to record its vote upon this subject. Therefore, I think the Senator from New York has worked himself up into an unnecessary state of excitement, so far as that is concerned, because there is nothing in that rule which can possibly point toward attaining this desirable result.

I am opposed as much to the absolutism of a minority as to the absolutism of a majority; and I believe that our rules do need amending, in order that when a question has been debated, when debate has exhausted itself (whether it is exhausted now or not), the natural result shall follow of the expression of an opinion on one side or the other as to the merits of a proposition before the Senate.

Mr. BUTLER. Will the Senator from Delaware indicate who shall determine when debate has been reasonable?

Mr. GRAY. The common sense of the Senate and the ordinary obligations that rest upon Senators have been sufficient in the past to indicate to the Senate and to Senators when that point is arrived at; and I will not believe that the time has come when those obligations of duty and sense of conscience in regard to the attitude Senators individually occupy here are abdicated

and of no account. I still trust that that sense of personal honor

and regard for the traditions of this body and of our institutions will produce that result, and I have not charged that it will not.

Mr. BUTLER. I agree entirely with the Senator. I think we are about in that condition now; and I must say that I am a little surprised at the clamor going on in different directions. regard to a change of the rules. It is alleged we are in a state of revolution, obstructing the business, stopping the Govern-I think the sentiment of which the Senator speaks prevails in this body as powerfully now as it ever did.

Mr. GRAY. I am very glad to hear the Senator from South

Carolina say so, for in that we agree entirely.

Mr. BUTLER. Unless that power to terminate debate is deposited somewhere, in the Presiding Officer if the Senator chooses, I can see nothing to be gained by a change of the rules

Mr. GRAY. Thave stated as my opinion, as one Senator speaking upon his responsibility to his constituency and to the high place he occupies, that the time has come when a vote should be had upon the pending measure. I do not want to stifle debate. If there is any other Senator in this body who has views to express which he thinks important I have no wish to obstruct the presentation of those views; but when those views have been expressed I want to see the traditions of this body observed, so that there shall be a decent respect by one side paid to the other, and an agreement come to that a vote shall be taken upon a day certain. If that can not be had, then I say that we must somehow and at some time reform our rules so that this matter of coming

to a vote may be compelled.

I only rose, Mr. President, for the single purpose of assuring the Senator from New York that I did not suppose he was drifting over to the anarchists, and also to assure him, as I have said, that an amendment to the rules in regard to a voting quorum can have no possible effect in hastening the vote upon the pend-

ing measure. While I am upon my feet, recalling what he said about the decision of the Supreme Court, let me put to him in a single sentence what I believe ought to be the attitude of Senators to-ward a judgment of that high tribunal. If that court had decided that Congress can not pass acertain law-that is, that a law which it proposes to pass is not constitutional—then it is idle for us to p isa it; but if he says that we can do a certain thing it does not follow that we are under any obligations to do that thing. It does not decide for us our constitutional duties.

Mr. HILL. I agree with the Senator, but that is not the question we were discussing.

Mr. CALL. Mr. President, I desire to say a few words upon the subject of the proposition to amend the Journal. This whole question of the amendment of the rules is settled very conclusively in the Constitution, and the decision of the Supreme Court of the United States which has been quoted here does not affect the rule provided in the Constitution. The rule of the Constitution requires that the yeas and nays of the members of either House on any question shall at the desire of one-fifth of the members present be entered in the Journal.

Now Mr. President there is nothing in the decision of the

Now, Mr. President, there is nothing in the decision of the Supreme Court that says that if the President of this body shall decide that there is a quorum present, or a single member present, that that is not a question which can be decided by the year and nays, and that the year and nays so recorded upon that question can be nullified by the decision of any presiding officer. The court has not decided that, and if the court had so decided it is not the law of this body, and the decision could have no influence on the exercise of its legislative power by the Senate.

All legislative power is in Congress, and not in the Supreme Court. All judicial power is in the court. Judicial power is to decide cases between parties; to decide the case for the parties, not for other cuses and other parties, or to make the law or the rule of proceeding for Congress. It seems strange to me that such ideas should be propounded here. The judicial power of the United States is extended to cases, and only to cases, before the courts. They may decide to day that the consultation the thing, and it is the law of that case. To-morrow they may decide the same question in another case that it is not the Constitution of the case and law to no one else and nowhere else.

As a question of power, judicial power is confined to the par ties and the case, and h is no place in this body. Respect to the opinions of nine learned men who constitute that tribunal is due to them, respect to the learned men who are the Senators of the United States is due to them. It is coordinate in authority and power, separate and distinct. The Supreme Court has no more power to at in ju gment upon the rules of this body than the President of the United Stat a has. Respect is due to their opinions, but as a question of power I insist that it has no place

Then, Mr. President, how are you going to amend these rules

and say that the Presiding Officer shall decide that a Senator is present when the appeal is made to this body under the Constitution for a ye wand-nay vote to say whether he is present or not gives the power to this body alone. The whole question is prowhat that may be is another question. But the scheme and theory of this body is that it is a representative body, representing the opinion of the people: and that the men who come hero are responsible to their constituents, to the American people, and that is supposed to be a sufficient power to control them.

Now, Mr. President, in regard to the decision of Mr. Thur-

man in the case referred to by the Senator from New York.

The CONGRESSIONAL RECORD of the day the Journal of, which

was read by the Senator from New York contains the following

The President pro tempore (Mr. Thurman). There is no quorum voting but there is a quorum in the Senate present.

Mr. Conkling. In the opinion of the Chair.

The President pro tempore. There is; the Chair has counted. In the opinion of the Chair, upon reflection, the Chair was in error in causing this, last vote to be taken. That matter belongs to the morning hour. Its very true that if a motion had been made to amend the Journal or to correct the Journal it would be a privileged question that would have to be continued until it was disposed of; but no such motion as that was made.

Mr. Conkling. We had not an opportunity. We do not know what the Journal is.

Then, by unanimous consent, the question went over without ny action. No legislative action was taken. There was nothing any action. done and the President of the Senate only said: "In the opinion of the Chair there is a quorum present not for legislative purposes, but in colloquy between Mr. Coakling and Mr. Thurman, the President pro tempore of the Senate."

Then, to show that there was no attempt on the part of Mr. Thurman to decide that there was a quorum present by his counting without a roll call, Mr. Carpenter said:

Mr. President, I suppose by this time it must be evident to the majority of the Senate that they can not coerce the minority of the Senate to do what the minority thin a they do not want todoor out the not to do. This proceeding can go on just as long as the majority of the Senate choose to have it go on, and it may stop whenever they choose to stop it. The minority of every legislative body are driven at times to stand on their reserved rights, and as to those rights they are the exclusive judges.

I will not read further, but for three months that action had been continued and continued under the auspices of the distinguished leaders of the other side of the Chamber and the same amendment to the rules. The same propositions were made and met by distinguished Republicans and Democrats, and the same argument was made that has been made here to-day, and replied to on both sides, with the proposition that this rule of the Constitution, giving the right of a yea-and-nay vote upon any and every question on the demand of one fifth of the members, was an absolute b rrier to any change in the rules.

Why shall the Presiding Officer see a Senator here and count him for the purpose of a quorum, and for no other purpose, and if that quorum does not vote, of what avail shall the rule say that he shall be declared present? The purpose of this provision manifestly is that there shall be a quorum, a voting power in the body, for nothing can be done without a voting power. You can not pass a bill by a minority of a quorum. The Constitution fixes that. I presume the Supreme Court and no one else would undertake to declare that less than a majority of a quorum is a legislative power in this country. Of what avail, then, these propositions that are made for a change of the rules in this re-Every change of this rule can not deprive one-fifth of this body of the right to demand a yea-and-nay vote, nor can any rule give the right to any Presiding Officer to declare that yea-an i-nay vote null and void and of no effect.

Then. Mr. President, as the rule stands and as the body stands now, unless there be a dem and by one-fifth of the number present for a yea-and-nay vote, the President of this body can declare that a measure is carried when every vote is against it, and is shall be so entered in the Journal. He is absolute in his power over the Journal unless a yea-and-nay vote shall disclose the contrary, for it must be by unanimous consent. One-fifth of this body who are voting are required as the power to call for a record by yeas and nays. The Journal will record everything that is declared by the Presiding Officer of this body until the contrary is placed upon the record by the demand of one-fifth, which alone can require it to be placed there.

alone can require it to be placed there.

So the President of the Senate may now say when there is no Senator present in this body, that there is a quorum present, and it may be entered upon the Journal, but if there is anybody here who will require that the vote shall be taken. If there is anybody here to require that the Journal shall be truly stated, one-fifth of this body can call for what? Not for his declaration, but for the constitutional record of the ye us and mays. What is a yea and may? It is the calling of the roll and the response of the

members recorded upon the Journal, and so the Constitution de-

Therefore, Mr. President, as a matter of reason and argument the constitutional requirement is absolute and covers the entire

ground. So the authority of Mr. Thurman can not be invoked upon this So the authority of Mr. Thurman can not be invoked upon this proposition. He did not attempt to declare potentially, authoritatively, for legislative purposes, that he had the right to count a quorum. He declared as a matter of opinion, in a colloquy between him and Mr. Conkling, that there was in this body a sufficient number of Senators to constitute a quorum. He did not decide that they could proceed to legislative business, and they did not so proceed. He decided that the requirement of the amendment of the record at that time was not in order, and it was assented to by Mr. Conkling and by the other Senators pres-

ent.
So, Mr. President, the proposition that this body is to be controlled by the opinion of the nine learned men who are judges for life of the Supreme Court of the United States, either in respect of its powers, to its rules of proceeding, to the method in which it shall exercise the legislative powers conferred upon it. or in respect of the necessity of changing these rules, is without any kind of force. If the Supreme Court should declare less than a majority of a quorum could enact a law, while it would be the law in that case it would be an outrage which would demand of this boly the exercise of its constitutional power to see that the Constitution of the United States was respected and enforced. Mr. HOAR. I wish to utter only one sentence, and that is in

regard to the opinion of the Supreme Court. I think a correct statement of that doctrine is this: While the opinion of the Supreme Court does not bind any Senator except as a very respectful precedent, it does settle conclusively for all mankind that if we choose to pass a law in that way it is a valid law which the

American people must obey.

Mr. CALL. Let me ask the Senator from Massachusetts if the Supreme Court had declared the next day that it was not a valid law, would not that be the law of the case, as the former law was of that case; and if on the third day they were to rendera decision that neither of them were constitutional, would not that be the

Mr. HOAR. Undoubtedly. What the Senator supposes is entirely true; but, in other words, it seems to me it is a pretty serious consideration for the Senate to determine what course it may pursue if it see fit. If we see fit to pursue a certain course for any reason which binds our judgment and conscience in en-acting a law, that will be a valid law so long as the decision of the Supreme Court of the United States stands.

Mr. CALL. Now, I will ask the Senator if the question of judicial power is not confined absolutely to the case and the

parties before it as a question of power?

Mr. HOAR. Not at all. It is a binding precedent; it will govern every State court; it will govern every executive officer; it will govern inferior courts. It will, of course, be no law of the land after it is repealed, but it stands as the law of the land until repealed.

until repealed.

Mr. CALL. Now, will the Senator allow me to ask him to interpret the phrase of the Constitution, "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treates made."

Mr. HOAR. And in all cases of law arising under the Constitution it shall be held that an act of Congress passed in the state of the constitution is shall be held that an act of Congress passed in the state of the constitution is shall be act as with the House of Representatives.

manner in which the late law in the House of Representatives was passed, in the manner in which it is proposed by some Senators to pass a law here, is a valid standing law for all mankind.

Mr. CALL. The Senator from Mas achusetts reasons too well and too accurately to state that proposition. He must know as a matter of power that the law of the case is decided for the case: and if it b) true that to-morrow between two other parties the same court may decide precisely the contrary of what they decided to-day, then he must admit the conclusion as inevitable that under the Constitution and nature of the power that it extends no further than to the case and the parties which were before

If the Supreme Court, a life tribunal, absolute in its exercise of power, can by its decision make a new constitution every day, then they are the Government and our cathe should be to obey them and their decisions instead of the Constitution.

The Constitution creates a government of coordinate powers, and makes the legislative power the chief and paramount authority in that it confides to the Congress power to impeach and remove from office both the judicial and the executive officers when they transgress and abuse the authority confided to them; and to render this power effective to Congress alone does it give the power to maintain armies, to levy taxes, and grant supplies. It is here and in this power that the people have received their

supreme authority to control the Government and the exercise

of all its powers.

Mr. MILLS. Mr. President, this discussion falls far short of relieving the present situation. If it be admitted that Sen tors sitting in their places and refusing to vote may be counted as a quorum, if it be admitted that the Senate can compel Senators by the infliction of punishment upon them to cast their vote, by the infliction of punishment upon them to cast their vote, still that does not reach a solution of the question now pending before this body, because if every member of the senate were brought into the body and the doors locked and they kept here, still there are rules now in existence that will enable a minority to prevent a majority from reaching a conclusion until the 4th day of March, 1895. If it is desired by amanding the rules to enable a majority of this body to reach a conclusion and vote on the pending bill, then there must be some more stringent rule. the pending bill, then there must be some more stringent rule provided than that proposed by the Senator from New York.

It is useless for us to talk about what is a proper construction It is useless for us to talk about what is a proper construction of the Constitution on the question of counting a quorum. It is true the Supreme Court of the United States has decided that the Speaker can count a quorum, but that had not been the rule obtaining in either this body or the other body for one hundred years. No Speaker of the House of Representatives up to the Fifty-first Congress had ever supplemented the roll call by counting a quorum as being present. Mr. Speaker Bl ine, when the question was put before him repeatedly in the great civil rights contest in the Forty-fourth Congress, positively and unequivocally refused to make the count. Over and over again did he recuse to make it; and when it was stred that in various legislative bodies of States the speakers had been empowered legislative bodies of States the speakers had been empowered by the rules of those legislative bodies to make such a count in addition to the record count, his reply was that it had been the cause of more legislative frauds than anything else which had been done in the whole government.

It seems to me that when the courts came to review this question peculiar to the legislative department of the Government they should have adhered to a well established rule of construction and held that as the body itself h.d for a century maintained the opposite, that should be accepted as the proper construction of its powers. But, as I said, it is a matter of the least consequence

Suppose all the Senators are here present, a motion to go into executive session, a motion to djourn, a motion to fix the day to which the Senate shall adjourn may be alternated until the present Cong ess expires, and the Senate can not reach a vote. Something has got to be done. Either the majority on this floor will have to submit to the control of the minority or the ma-jority will have to exercise the power given to them by the Constitution to do business. It is not the minority that are charged by the Constitution to do business. The majority have no right to compel the attendance of a minority, to throw upon its shoulders the responsibility of doing business. It is majori-ties that are charged by the Constitution to do business in these There is a ma ority here and there is a majority in the other branch, a majority defined by line on great questions, and upon their shoulders is devolved the responsibility, and an intelligent public opinion will hold them responsibile for not doing

I do not believe, sir, we have the right to compel a member who sits in his seat to vote. I never have believed it. It has been tried in vain in this Government from its foundation to the resent time, and it has never succeeded in a single instance. The right of a member to vote is a right given to him by his constituency to protect their rights, and it must be left to his own judgment and his own conscience whether he can better protect the rights of his people by withholding his vote. If he thinks he can, then a majority have no more right to compel him to vote than they have to determine how he shall vote.

Mr. HOAR. I wish to ask the Senator what function or vital

Mr. HOAR. I wish to ask the Senator what function or vital power he attributes to the provision of the Constitution which authorizes the compulsion of the attendance of absent members in both House of Congress if the person whose attendance is compelled can refuse in all respects to perform the duty?

Mr. MILLS. I have heard that question asked before, and I will answer my friend. It has just this significance, the power was given in the Constitution to compel the attendance of a quorum, and when a quorum is present it rests upon the faith of the institutions of this country that when a majority is present it will transact the business of the country; and it is, I think, for them to determine whether they will vote or not. Let me ask my friend from Massachusetts a question. Suppose all the ask my friend from Massachusetts a question. Suppose all the people of the United States should refuse to go to the polls and vote, what are you going to do? Suppose every officer in the Government refuses to hold office when appointed, what are you going to do?

Mr. HOAR. If the Constitution of the United States pro-

vided that every citizen of the United States might be compelled to go to the polls, I should understand that the power to compel him involved the power to compel him to vote when he got there,

that that was the purpose of the Constitution. Mr. MILLS. The Government is established on the supposition that the people will accept office; that members of the Legislature when chosen to the legislative branch will go to the islature when chosen to the legislative branch will go to the capitol and attend to their business; and that when they get there they will vote. That faith has been assured throughout our whole history. It was not done to compel men to vote, but it was done to compel men to attend the body, some of them from negligence outside, some going off to attend to private business. The compulsory power was given in the Constitution to compel men to come here and discharge their duties; and when they come here it is left to them how they will discharge their duties.

Let me give the Senate a few instances of what has been tried in this way. One of the most distinguished men who ever lived in this Government, himself a citizen of the State of Massachusetts, an ex-President of the United States, sat in the other House refused to excuse him. The House ordered him to vote. He sat still in defiance of the orders of the House and refused to cast his vote in that body; and that body gravely debated and debated, and raised committees to investigate its powers. After two days' talking they dropped the whole thing because they reached the conclusion that they had no power to compel him to vote, and never has that power been exercised in this or the other branch of Congress.

My friend from Massachusetts [Mr. Hoar] was present in 1874 when we were members of the other House together during the great and prolonged civil-rights contest. Mr. Butler of Massachusetts great and prolonged civil-rights contest. Mr. Butler of Massachusetts and my friend from Connecticut [Mr. HawLEY] were in the House at the same time. Mr. Butler pointed out Mr. Randall sitting in his seat and said, "Mr. Speaker, I point him out. There he sits. I demand that he shall vote." What was the decision of the eminent statesman who was in the chair? His decision was, "You can lead a horse to water, but you can not make him drink." Never has such a rule been in force here. I say, if you have a right to compel a Senator or a Member to say, if you have a right to compel a Senator or a Member to vote you have a right to compel him to vote yea or nay. If you have the right to compel him to vote it involves the right to determine how he shall vote. If it is a power over a man and over his vote it is a power to exercise in any way the House may see proper to exercise it. I say it is a power for the use or nonuse of which he is responsible alone to his own constituency and not to this body. It is all child's play, it is all a vain effort to throw off the shoulders of the majority the responsibility which belongs to them and unload a part of it on the shoulders of minimum of the shoulders of the shoulders of minimum of the shoulders of minimum of the shoulders of minimum of the shoulders of the shoulders of minimum of the shoulders of minimum of the shoulders of minimum of the shoulders of the shoulders of minimum of the shoulders of the shoulders of minimum of the shoulders of minimum of the shoulders of the shoulders of the shoulders of minimum of the shoulders of minimum of the shoulders o longs to them and unload a part of it on the shoulders of minorities

We, sir, here on this side of the Chamber, are charged with the responsibility of legislation. The Senator from Ohio shot to the mark to-day when he told the Democrats on this side of to the mark to-day when he told the Democrats on this side of the Chamber that the responsibilities of legislation were on our shoulders. It is true. We can not escape it; we can not deceive the people about it either. It was Mr. Lincoln who said, and said most forcibly, "You may deceive a part of the people all the time, and all the people a part of the time, but you can not deceive all the people all the time." We are not going to de-ceive anybody. There is the Democratic project in the Chamber of the contract of the There is the Democratic majority in this Chamber, a Democratic majority in the other House, a Democratic President, and for the first time in thirty years the whole responsibility of the Government is on our shoulders, and we can not escape it by refining about the rules. If we have rules that do not permit a majority to enact legislation it is our duty to make rules that do permit it, and I am, for one, ready to proceed to do it. to do it

And, Mr. President, I do not belong to that other class of refiners who hold that the Constitution of the United States is emptied of any part of its power when it authorizes the House or Senate to make rules to govern its procedure, and that having once made rules it must necessarily continue under rules in accordance with those which they had already made. The Constitution of the United States is the supreme law of the land every moment of its existence, and the power to make rules is as full moment of its existence, and the power to make rules is as full and as plenary this moment as it was when the Senate was first organized. We have a right to-day to make rules to prosecute the business of this body. When our Republican friends were calling on Mr. Blaine to disregard the rules, he said repeatedly. "You have made the code of rules; I will enforce them. If you want to change them," he said, "I will not recognize any dilatory motion until I put the question to the House, whether it shall make rules to govern its procedure." That decision I beginned to be sound notwithstanding my own party was in the milieve to be sound, notwithstanding my own party was in the minority making the fight against it.

Mr. DANIEL. Will the Senator from Texas allow me to ask

Mr. DANIEL.
him a question?
Mr. MILLS. Certainly.
Mr. DANIEL. Does he think the rules as they are made are
Mr. DANIEL.

Mr. DANIEL. In other words, the majority has a right to disobey the rules and the minority has not?

Mr. MILLS. The majority have a right to make other rules

they want to do so.

Mr. DANIEL. I understand the majority has the right at

any time to make new rules.

Mr. MILLS. In a conflict between the rules of the Senate and the Constitution of the United States the Constitution is the supreme law of the land.

Mr. DANIEL. That is not the question I asked.

Mr. DANIEL. That is not the question I asked.
Mr. MILLS. It is easily answered.
Mr. DANIEL. But that is not the question I asked. Mr. DANIEL. But that is not the question I asked.
Mr. MILLS. What is the question?
Mr. DANIEL. Is it not constitutional for the Senate to make rules, and after those rules are made do they not bind every member separately; and does the fact that a majority wants to break them give it the right to break them after they have been adopted?

Mr. MILLS. Give them the right to unmake them and make

Mr. DANIEL. But in proceeding to unmake them must the majority proceed according to the rules as they stand before they are unmade, or is the majority a law to itself?

Mr. MILLS. The majority have the power under the Constitution to make rules every moment of its existence. Now, let me ask the Senator from Virginia a question. Does he think the Senate of the United States to day has any more power or ny less power than the Senate of the United States had when any less power than the Senate of the United States had when

it first assembled before it made any rules?
Mr. DANIEL. Certainly not any less.
Mr. MILLS. Then it had the right to make rules?

Mr. DANIEL. Yes; I understand that this body has a right to make rules.

Mr. MILLS. If they do not bind after they are made, what is

the use of making them?

Mr. ALDRICH. Will the Senator from Virginia allow me to

ask him a question, with the Senator from Virginia allow me to ask him a question, with the consent of the Senator from Texas?

Mr. DANIEL and Mr. MILLS. Certainly.

Mr. ALDRICH. Does the Senator from Virginia think that the Senate of the United States to-day can make a rule which will prevent the Senate for all time to come from changing that

Mr. DANIEL. Certainly not. They can change it at any time, provided the majority moves according to the rules which bind it while it is in power. What are you going to make rules for if it is not to bind the majority? Do you propose to make a rule that will bind the minority and not bind the majority, or is

the rule for all equally?

Mr. HOAR. Let me put to the Senator from Texas what Mr. HOAR. Let me put to the Sonator from Texas what may seem to be an extreme case, but it is a plain illustration of the question which has been put to him. Suppose the Republican party shortly before the 4th of March, going out of power in the Senate, had enacted a rule that every bill must be read separately forty times on forty separate days, as they have a rule in the other House that a bill must be read three times on three separated days and that a pull must be read three times on

three separate days, and that any amendment to that rule could only be adopted by being passed forty times on forty separate

days.

Mr. MILLS. Or by unanimous consent.

Mr. HOAR. Suppose we should the up the incoming party by a rule saying that it could not legislate for forty days? That is the answer to the Senator's question.

Mr. MILLS. Yes, sir; there is no question about that. The Mr. MILLS. Yes, sir; there is no question about that. The power which the Constitution gives to the Senate and House of Representatives is a continuing power in full force every moment of its existence. I do not think there can be any sound questioning of that position. The majority can not escape the responsibility placed upon its shoulders by the people of the United States. We have got to act; we have got to pass the laws; we have got to execute the public will. The people are not going to look to the minority; they are not going to look to not going to look to the minority; they are not going to look to those ou the other side of the Chamber; they are going to look to the majority, to whom they have intrusted the power to make laws, and they will hold them responsible.

Mr. MORGAN. Where is the majority on this side of the

Mr. MILLS. If you give us a chance to vote we will show you where the majority is.

Mr. BUTLER. 1 wish to ask the Senttor from Texas a ques-

tion, if he will pardon me. He says that it is the duty of the majority in all deliberative and parliamentary bodies to do business. I agree to that. If it is the duty of the Democratic majority in this body to transact business, is it not the duty of that majority to get together and see if they can not agree upon some proposition? I ask my friend that question.

Mr. MILLS. I should think it would be a very wise thing to the say and I want to say right here, as it is an open secret, that

do: and I want to say right here, as it is an open secret; that when I first came here I asked my friends to do that very thing,

when I have same here I asked my friends to do that very thing, but it has not been done.

Mr. BUTLER. Will the Senator agree to that now?

Mr. MILLS. I say it is a good thing to get together.

Mr. BUTLER. I ask the Senator if he will agree to that now, and if the Democratic family meets together will he consent to and if the Democrate raining ineets begether will be consist to abide by the majority of Democrate?

Mr. MILLS. It is a very different thing, Mr. President, to abide by the majority. That is in caucus. I will agree to abide by what the majority do in this body.

by what the majority do in this body.

Mr. BUTLER. But we will bring it down to a little lower point than that, down to the family. I agree with the Senator from Texas that it is the duty of this majority to agree; and if the Senator from Texas and his friends will agree to call a family. ily meeting and to abide by the result of that, it will be settled in twenty-four hours.

Mr. MILLS. I am gratified to hear the Senator; but we are

Mr. Mills. I am gratified to hear the Senator; but we are talking here now in a sort of open Democratic caucus. I want to say that never since I have been in public life have Democratic been bound, or Republicans either, to agree upon a certain line of policy in caucus. They agree to abide by nominations. But notwithstanding all that, Mr. President, the responsibility is on us, and I take my part of it.

Mr. BUTLER. So do I.

Mr. MILLS. The responsibility is over here on our side. We can not avoid it. Now we have heard the majority denounced almost on this floor to-day, and we have heard minorities praised. We have been told that the Government was created to protect minorities alone. That is true in a great respect, but not minorities alone. The Government was created to protect all rights, and minority rights have been secured in the Constitution by interdiction so far; but wherever legislative power has been conferred upon these two Houses it has been the Constitution by interdiction so far; but wherever legislative power has been conferred upon these two Houses it has been given to majorities, not to minorities.

Mr. HILL. Will the Senator from Texas allow me to ask the Senator from South Carolina a question?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from New York?

Mr. MILLS. Contains.

Mr. MILLS. Certainly.
Mr. HILL. The Senator from South Carolina having intimated that he thought this question might probably be disposed of by a Democratic caucus, I understood him to express his willingness to abide by a Democratic caucus of the Senate. Did I

ingness to ablde by a Democratic caucus of the Senate. Did I correctly understand him?

Mr. BUTLER. That is my position.

Mr. HILL. I simply desire to suggest to the Senator this, the Senate is but a portion of the law-making power of the Government, and our action requires the assent of the other House. The question I put to him is, Will he go into a caucus of the Democratic members of the House and Senate and abide by the That is my question. UTLER. Yes.

Mr. BUTLER. Yes. Mr. MILLS. Will the Senator agree to abide by that ma-

jority?
Mr. BUTLER. Yes.
Mr. MILLS. A joint caucus?
Mr. BUTLER. Yes, sir; but I will say now and here, it is a little premature to ask me to cross a bridge until I get to it.
Mr. HILL. We are getting to it.
Mr. BUTLER. I will ask the Senator from New York if he will go into a Democratic caucus of this body and abide by the

Mr. HILL. I may go into it, but—
Mr. BUTLER. Answer the question, Mr. President.
Mr. HILL. Let me answer it in my own way.
Mr. BUTLER. Certainly.
Mr. HILL. I prefer to go into a caucus, where the body itself has the power to legislate. This body alone can not determine this question. Therefore, if we should take in our Democratic brethren of the other House, with the result of that caucus I would abide.

would abide.

Mr. BUTLER. Mr. President, I should think the Senator—

Mr. MILLS. Mr. President, we are divided on both sides, and neither side is going to yield on this question, in my opinion.

But I want to say, and I will repeat, I will be frank about that. But I want to say, and I will repeat, that the majority of this body ought to rule, and the minority ought to permit a vote to be taken on the pending bill. That,

Mr. President, is Democratic doctrine; it is the Democratic doctrine announced by the father of Democracy, the author of our party. My friends have been stating what other great statesmen have said; I want to tell the Senate what Mr. Jefferson said. I am fond of quoting him, because I know when I quote him and have his approving words, my feet are in the right path. What

The first principle is that the lex majoris par'is is the fundamental law of every society of individuals of equal rights; to consider the will of the society enounced by the majority of a single vote, as sacred as if unanimous, is the first of all lessons in importance, yet the last which is thoroughly learnt. This law once disregarded, no other remains but that of force, which ends necessarily in military despotism. This has been the history of the French Revolution, and I wish the understanding of our Southern brethren may be sufficiently enlarged and firm to see that their fate depends on its sacred observance.—Jefferson's Works, volume 7, page 75.

To that union of effort may our citizens ever rally, minorities falling cordially, on the decision of a question, into the ranks of the majority, and beering always in mind that a nation ceases to be republican only when the will of the majority ceases to be the law.—Jefferson w Works, volume 5,

Again, in his great inaugural address delivered in 1801, Mr. Jefferson says:

Absolute acquiescence in the decisions of the majority—the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism.—Jefferson's Works, volume 8, page 4.

Now, Mr. President, I have done as much talking in public life in favor of the protection of minorities as any public man. I have been resisting the invasions of individual rights and minority rights ever since I have been in public life. But I have always contended that wherever a question was left to a number of persons, the fundamental law, written or unwritten, is that the greater part of that body shall decide the question and the minor part of it shall submit.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved. May 5, 1890; in which it requested the concurrence of the Sen-

HOUSE BILL REFERRED.

The bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1890, was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. VOORHEES (at 5 o'colock p. m.). Mr. President, I desire to pour some oil on the troubled waters this afternoon. We have had a good deal of complaint, and I do not wonder at it, about holding protracted night sessions. There has been a good deal of complaint on account of injury to health, and likewise that it is not a good time to discuss questions of great importance under the gaslights. I listened with marked attention and interest to the Senator from Colorado [Mr. Teller] on the appeal which he made for time to debate these questions in the hours of the day instead of the hours of the night.

With a view, Mr. President, to give full time for discussion, for I am the friend of free debate, and at the same time to relieve

for I am the friend of free debute, and at the same time to relieve the strain upon physical endurance, I move that the Senate at 6 o'clock this evening take a recess until to-morrow morning at 10. I trust there will be no objection to so reasonable and

proper a disposition of our time.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana.

Mr. BUTLER. I should like to have the motion stated.
Mr. VOORHEES. I will state it, with the permission of the
Chair. I move that at 6 o'clock the Senate take a recess until
10 o'clock to-morrow, so that we may sleep in our beds and at
the same time have ample time in the hours of the day to go on

with this discussion.

The VICE-PRESIDENT. The question is upon the motion of the Senator from Indiana, that at 6 o'clock the Senate take a recess until 10 o'clock to-morrow morning.

Mr. MORGAN. I wish to raise a point of order. It is now 5 o'clock.

Oclock.

The VICE-PRESIDENT. The motion is not debatable. However, the Chair will hear the inquiry of the Senator.

Mr. MORGAN. I raise a point of order. It is now 5 o'clock, and the motion is for a recess to take effect at 6 o'clock. I contend that a motion of that kind, postponing the hour of retiring from the Chamber, is a debatable motion. It is not an adjournment, it is not a motion to take a recess now, but it is a motion

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to take effect an hour hence, and it might be made to take effect

four days hence just as well.

The VICE-PRESIDENT. The Chair will overrule the point of order. The Chair thinks the motion is not debutable. The question is on agreeing to the motion of the Senator from In-

Mr. BUTLER. I move that the Senate do now adjourn. That often is in order. And upon it I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded motion is in order. to call the roll

Mr. GORMAN (when Mr. GIBSON'S name was called). sire to state that my colleague [Mr. Gibson] was called from the Chamber to day by severe indisposition, and is not able to be present to respond to his name.

Mr. HARRIS (when his name was called). I am paired with

the Senator from Vermont [Mr. MORRILL].

Mr. KYLE (when his name was called). I am paired upon this and kindred subjects with the Senator from Wisconsin [Mr. MITCHELL]. If he were present he would vote "nay" and I should vote "yea."

Mr. McMILLAN (when his name was called). I am paired with the Sens or from North Carolins [Mr. VANCE]. I do not

know how he would vote, and I withhold my vote.

Mr. MANDERSON (when his name was called). I am satisfied that the Senator from Kentucky [Mr. BLACKBURN], with whom I am paired, would vote "nay," and I will therefore vote.

I vote "nay" I vote nav

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], but I transfer that pair to the Senator from Maryland [Mr. Gibson], and vote "nay."

The roll call was concluded. Mr. HIGGINS. Is the vote of the Senator from Arkansas [Mr.

JONES | recorded? The VICE-PRESIDENT. It is not recorded. Mr. HIGGINS. I am prired with that Senator.

Mr. TELLER (after having voted in the affirmative). I de-

sire to withdaw my vote.

Mr. ALLISON. Mry I inquire whether the vote of the Senator from Missouri [Mr. COCKRELL] is recorded?

The VICE-PRESIDENT. It is not recorded, the Chair is advised.

Mr. ALLISON. I am paired with him. I should vote "nay "

if he were present.

Mr. CAREY (after having voted in the negative).

Mr. CAREY (after having voted in the negative). like to inquire if the Senator from South Carolina [Mr. IRBY]

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. CAREY. I am paired with that Senator, and withdraw

The result was announced-yeas 10, nays 43; as follows:

	Y	EAS-10.		
Butler, Coke, Dubols,	Martin, Morgan, Peffer,	Pugh, Roach, Vest,	Wolcott,	
	N.	AYS-43.		
Aldrich, Bate, Berry, Brice, Caffery, Call, Callom, Daniel, Davis, Dixou, Dolph,	Faulkner, Frye, Gallinger, George, Gordon, Gorman, Gray, Hawley, Hill, Hoar, Hunton,	Lindsay, Lolgo, McPherson, Manderson, Mills, Murphy, Palmer, Pasco, Perkins, Plate, Proctor,	Quay, Ransom, Smith, Stockbridge, Turpie, Vilas, Voorhees, Walthall, Washburn, White, La.	
	NOT	VOTING-32.		
Allen, Allison, Blackburn, Camien, Cameron, Carey, Chaudler, Coolrell,	Colquitt, Gibson, Hale, Hansbrough, Harris, Higgins, Irby, Jones, Ark.	Jones, Nev. Kyle, McMillan, Mitchell, Oregon. Mitchell, Wis. Morrill, Pettigrew, Power.	Sherman, Shoup, Squire, Stewart, Teller, Vance, White, Cal. Wilson.	

So the Senate refused to adjourn.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Indiana [Mr. VOORHEES], that at the hour of 6 o'clock the Senate shall take a recess until 10 o'clock tomorrow morning

Mr. STEWART. The motion is amendable, and I move to

amend it by making the hour 12 o'clock to morrow.

Mr. WOLCOTT. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Colorado will

state his point of order.

Mr. WOLCOTT. Rule XXII of the rules of the Senate pro-

vides as follows:

When a question is pending no motion shall be received but-

To adjourn,
To adjourn to a day certain, or that when the Senate adjourn, it shall be
a day certain.
To take a recess,
To proceed to the consideration of executive business,

o lay on the table, o postpone indefinitely, o postpone to a day certain,

To amend: which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to procee it to the consideration of executive business, to lay on the table, shall be decided without

Now, had the Senator from Indiana, whose attention I ask, for I think he will probably agree with me in my construction of the

Mr. FAULKNER. Mr. President, I rise to a question of o. The Senator from Colorado has risen and stated his point of order and it is not debatable.

Mr. WOLCOTT. I have not stated my point of order.
The VICE-PRESIDENT. The Chair will hear the Senator from Colorado suggest his point of order.
Mr. WOLCOTT. I am only seeking to suggest it. I hope my friend from West Virginia is not in so great a hurry that he will prevent me from stating it in such orderly fashion as shall occur

to me to be proper.

The VICE-PRESIDENT. The Chair will hear the Sentor from Colorado; but the motion of the Senator from Indiana is not debutable

Mr. WOLCOTT. The point of order I was proceeding to state to the Senate is that this is a motion that at a certain hour in the future we shall take a recess until some hour to-mor ow, and that under the definition laid down in Rule XXII such a motion is not in order. At 6 o'clock a motion that we then take a recess would be in order, but it is not in order at this time to move that at some future hour we shall take a recess

until some hour to-morrow.

Mr. VOORHEES. I ask leave to modify my motion. I have a right to modify it. I will withdraw the motion.

The VICE-PRESIDENT. The motion of the Senator from Indi ma is withdrawn.

Mr. VOORHEES. I move that the Senate take a recess now until 10 o'clock to-morrow.

Mr. STEWART. I move to amend that motion by making it 12 o clock to morrow

The VICE-PRESIDENT. The Senator from Indiana moves that the Senate now take a recess until 10 o'clock to-morrow morning. The Senator from Nevada moves to amend that motion by fixing the hour at 12 o'clock to-morrow.

Mr. VOORHEES. Does the Chair hold that the motion is

amendable?

Mr. STEWART. It certainly is.
Mr. VOORHEES. I understand that it is no more amendable than a motion to adjourn.

Mr. TELLER. Why not?
The VICE-PRESIDENT. The Chair is inclined to think that
the motion is amendable. He would be very glad to have a suggestion from the Senator from M. ssachusetts [Mr. HOAR] on that point.

Mr. HOAR. I am very sorry to say that the Chair is right.
Mr. VOORHEES. Well, let us vote.
The VICE-PRESIDENT. The question is on the amendment
of the Senator from Nevada to the motion of the Senator from

Mr. ALDRICH. If the Chair will permit me, I should like to make a suggestion in this connection. Is it in order for a motion to be made to take a recess beyond the regular hour fixed for the meeting of the Senate to-morrow?

Mr. BUTLER. We can take a recess to any time.
The VICE-PRESIDENT. The Chair thinks the amendment offered by the Sensor from Nevada is in order. The question is on agreeing to the amendment.

Mr. STEWART. On that I ask for the yeas and mays.

The yeas and nays were ordered.

Mr. VOORHEES. I ask for a count of the Senate on seconding the d mand for the yeas and nays. I do not think one lifth of the Senators present seconded the demand. It is a full Senate at this time

The VICE-PRESIDENT. The Chair supposed that one-fifth of these present had demanded the year and nays.

Mr. VOORHEES. That can not be very well ascertained un-

less a count is mude.

The VICE-PRESIDENT. As many as are in favor of taking the yeas and nays on the amendment of the Senator from Nevada will rise and stand until coun ed. [Sixteen Senators rose. The Chair holds that the e is a second to the demand for the year and nays. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. Cockrell].

Mr. CAREY (when his name was called). I am paired with Mr. CAREY (when his name was called). I am paired with the Senator from South Carolina [Mr. IRBY]. If he were present ishould vote 'may." I withhold my vote, Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

the Senator from Vermont [Mr. MORRILL].

Mr. HIGGINS (when his name was called). I again announce
my pair with the Senator from Arkansas [Mr. JONES].

Mr. KYLE (when his name was called). I announce that I am
paired with the junior Senator from Wisconsin [Mr. MITCHELL].

Mr. MCMILLAN (when his name was called). I am paired
with the Senator from North Carolina [Mr. VANCE].

Mr. VILAS (when his name was called). I am paired generally with the Senator from Oregon [Mr. MITCHELL], and again transfer that pair to the Senator from Maryland [Mr. Gibson], and vote " nay

The roll call having been concluded, the result was announced-

yeas 12, nays 46; as follows:

	3	EAS-12.	
Butler, Daniel, Dubois,	Martin, Morgan, Peffer,	Perkins, Pugh, Roach,	Stewart, Teller, Wolcott.
	1	NAYS-45.	
Aldrich, Alison, Bate, Berry, Brice, Caffery, Call, Comden, Coke, Cullon, Davis	Dolph, Faulkner, Frye, Gallinger, George, Gordon, Gorman, Gray, Hawley, Hill,	Lindsay, Lodge, McPherson, Manderson, Mills, Murphy, Palmer, Pasco, Platt, Proctor, Onay.	Smith, Stockbridge, Turpie, Vest. Vilas. Voorhees, Walthall, Washburn, White, La.

	NOT		
Allen, Blackburn, Cameron, Care/, Chandler, Co krell, Colquitt,	Gibson, Hale, Hansbrough, Harris, Higgins, Irby, Jones, Ark.	Jones, Nov. Kyle, - McMillan, Mitchell, Oregon Mitchell, Wis, Morrill, Pettigrew,	Power, Sherman, Shoup, Squire, Vance, White, Cal. Wilson.

So the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Indiana [Mr. VOORHEES], that the Senate

take a recess until 10 o clock to-morrow.

Mr. STEWART. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

Mr. HIGGINS (when his name was called). I announce my pair with the Senator from Arkansas [Mr. Jones].

Mr. KYLE (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL].

Mr. MCM LLAN (when his name was called). I announce my pair with the Senator from North Carolina [Mr. VANCE].

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], but transfer that pair to the Senator from Maryland [Mr. GIBSON] and vote "yea."

The roll call having been concluded, the result was announced—yeas 46, nays 5; as follows:

y e	888	40,	nays	0,	8.8	101	lows:		
								WEEK & AN	4.0

McMillan,

	XI	EAS-46.	
Aldrich, Allison, Bate, Berry, Brice, Caffery, Call. Camden, Carey, Coke, Cullom, Davis,	Dixon, Dolph, Fau kner, Frye, Galinger, Gordon, Gorman, Gray, Hawley, Hill, Hoar, Hunton,	Lindsay, Lodge, McPherson, Manderson, Mills, Murphy, Palmer, Pasco, Perkins, Plate, Proctor, Quay,	Ransom, Smith, Stockbridge, Turpie, Vest, Vilas, Voorhees, Waithall, Washburn, White, La.
	N	AYS-5.	
Daniel, George,	Martin,	Pugh,	Roach.
	NOT	VOTING-34.	
Allen, Blackburn, Butler, Cameron, Chandler, Cockrell, Colquitt,	Hale, Hansbrough, Harris, Higgins, Irby. Jones, Ark. Jones, Nev.	Mitchell, Oregon Mitchell, Wis. Morgan, Morrill, Peffer, Pettigrew, Power,	Squire, Stewart, Teller, Vance, White, Cal. Wilson, Wolcott

So the motion was agreed to; and (at 5 o'clock and 26 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, October 18, 1893, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, October 17, 1893.

The House met at 12 o'clock m. Prayer by the Rev. ISAAC W. CANTER, of Washington, D. C.

The Journal of the proceedings of yesterday was read and ap-

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows: To Mr. Bowers of California, indefinitely, after to-morrow, on account of sickness in his family.

To Mr. McGANN, for ten days, on account of important busi-

QUESTION OF PERSONAL PRIVILEGE.

Mr. KEM. Mr. Speaker, I rise to a question of personal priv-

ilege.
The SPEAKER. The gentleman will state it. Mr. KEM. In order that the House may understand me, I ask to have read from the Clerk's desk a marked article from the Omaha Daily Bee of date October 13, 1893.

The SPEAKER. Without objection the Clerk will read the article referred to.

The Clerk read as follows:

Washington Bureau of the Bee, 513 Fourteenth Street, Washington, October 12,

Washington, October 12, At last justice comes to a lot of settlers in northern Nebruska. By the act of March 2, 18:9, the great Sloux Indian Reservation in South Dakota and Nebruska was opened to settlement under the provisions of the homestead law in force at that time, which required residence on the land for the period of five years in order to require title, unless the settler wanted to pay the sum of \$1.25 per acre, in which case he would get title in six months. The act of March 3, 1891, amended the original act of 1883 so as to require a residence of only fourteen months in order to gain title. A provision of this last act, however, made it apply only to that portion of the reservation which is situated in South Dakota, leaving the old to apply to that situated in Nebraska.

brasks.

This discriminated very seriously against the Nebraska settler, for in order that he might acquire a title to his land he must reside on the tract settled upon by him five years, while his neighbor just across the line in South Dakota could acquire the title in fourteen months.

DID NOT PROTECT NEBRASKANS.

At the time this amended act passed Congress the Nebraska delegation, consisting of Messrs Bryan, McKERGHAN, and KEM, raised no objection. Strange to say, a bill so seriously affecting and discriminating against a large number of Nebraskans, and especially those in Boyd County, was allowed to pass without a single protest on the part of the delegation. During the session of the Flity-second Congress the attention of Senator Man. Debrow was called to this condition of things by very earnest and serious protests from Nebraskans directly interested, and he introduced and serious protests from Nebraskans directly interested, and he introduced and serious protests from Nebraskans of the Senate was sent to the House and was allowed to sleep the sleep of death, no member of the Nebraska delegation manifesting sufficient interest therein to secure its consideration. There never has been any opposition to the bill. The Nebraska Republican members of the present House, who had their attention called to this condition by petitions, memorials, etc., without number, held a consultation and decided upon a well directed plan insuring its passage and relieving these settlers.

Accordingly this morning Mr. Meikled low, of the Committee on Public Lands, called up the matter, and he are moments the delegation succeeded in passing through the House the bill which might have been passed two years ago had the delegation then in Congress acted with energy and good judgment.

It may be of interest to the settlers affected to know that neither Bryan.

yeirs ago had the delegator then at course affected to know that neither BRYAN, It may be of interest to the settlers affected to know that neither BRYAN, MCKEIGHAN nor KEM were present, nor in any manner aided in the passage of the bill this morning. The bill now goes to the Senate, and Senator MANDERSON will secure its passage there.

Mr. KEM. Mr. Speaker, I wish to call the attention of the House to this article, for the reason that it is a gross misrepresentation of the attitude of that part of the Nebruska delegation referred to in the article toward their constituents in Nebruska,

referred to in the article toward their constituents in Nebraska, and seems to be a continuance of the guerrilla warfare which has been waged against mysel by certain Nebraska Republicans ever since I have been a member of this body.

It is plain to be seen by those who have heard the article read, that it was the intent of the writer of the same to convey the idea to the readers of that article that the gentlemen so referred to have wilfully neglected their duty towards their constituents. have wilfully neglected their duty towards their constituents.

stand here to-day. Mr. Speaker, as an humble member of this body, to denounce the article as absolutely false in every respect.

What are the facts relative to this mutter? I hope the House will indulge me for a short time while I relate, as briefly as possible, what the facts are. We find here that the writer, in his zeal to vilify and misrepresent the attitude of this humble member and his honorable colleagues on this floor, has overreached himself, for he says:

At the time this amended act passed Congress the Nebraska delegation, consisting of Messrs. BRYAN, MCKEIGHAN, and KEM, raised no objection.

Now, I wish to say, Mr. Speaker, and gentlemen of the House, that when that act was passed it was next to the last day of the Fifty-first Congress, and neither Mr. BRYAN, Mr. McKeighan, nor myself were members of that Congress. The writer of this article holds out the idea, and lays stress on the fact, that these gentlemen failed to do their duty in not keeping down that

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proposition when it discriminated against settlers on that part of the reservation in Nebraska. I say, sir, if anybody is to blame for this it is the honorable gentlemen who preceded us as mem-bers of this House from Nebraska, namely, Mr. Dorsey, Mr. Connell, and Mr. Laws, the Republican delegation that represented Nebraska at that time.

I further state in the presence of the House that I, at no time, have neglected to perform any duties incumbent upon me in looking after these interests, either in the Fifty-second Con-gress or in the present session of this Congress. The writer would have us believe that the Republican Representatives from Nebraska on this floor, by concerted action or by an under-standing, have taken such action that passed that bill through this House on the 12th day of this month.

this House on the 12th day of this month.

I deny that proposition, and say that the bill would have passed the House if Mr. Meiklejohn had been dead as Julius Cæsar.

Now, what are the facts? Sometime in the early part of the Fifty-second Congress I introduced a bill covering exactly the same ground. After this I learned that Senator Manderson had introduced a like bill in the Senate, and had succeeded in passing it; but when I learned of this fact it was sometime after the bill had presed the Senate. the bill had passed the Senate. At once upon learning of this, I looked up Mr. MANDERSON'S bill and found that it had been referred to the wrong committee. I think the chairman of that committee, the gentleman from Ohio [Mr. OUTHWAITE], perhaps remembers the circumstances.

When I went to him, I learned that the bill had been referred to a subcommittee; but the chairman of that subcommittee had gone home, and there could be nothing done about the rereference until he returned. It was almost a month before he came back. As soon as he returned, I took action that led to the reference of the bill to the proper committee, of which the gentleman from Arkansas [Mr. McRAE] is chairman. I went before that committee and had a hearing, and the bill was reported by the gentleman from Pennsylvania [Mr. Amerman]. I myself wrote the report and he submitted it. Owing to these unfortunate delays the bill was delayed till we were drawing toward the close of the session of Congress, and everyone who knows anything about the situation here at such times knows how difficult it is to get a hearing upon a matter which is far down on the Calendar, and can not be reached in its regular order.

That was the condition of this bill, and the only way that there could be a hearing had on it at all was by unanimous con-sent. I state now that I tried for six long weeks to get a hearing on that bill by unanimous consent, but because of the many who were endeavoring to get hearings under similar circumstances, it was impossible for the Speaker to recognize me.

Now, this is the plain history of the bill in the last Congress.

Upon the second bill day of this session I introduced the bill,

and it was referred to the Committee on Public Lands, where I followed it and had a hearing upon it. It was ordered reported by Mr. Hare. He reported it, submitting the report that I had written in the previous Congress, and the bill was placed upon the Calendar.

In the meantime, Mr. Speaker, I was confined to my room by sickness and was unable to reach the House, but on the 12th day of this month I felt a little better and came to the House to see whether Mr. HARE had reported the bill. The chairman of the committee had informed me that as soon as it was reported

it would be called up and disposed of.

What was my surprise when I entered this Hall, and upon meeting the chairman [Mr. McRAE], was informed that my colleague from Nebraska [Mr. Meiklejohn] had called up the bill

and it had passed by unanimous consent.

Now, gentlemen, this is simply a plain statement of the history of the bill up to this time. I said nothing about Mr. Metteljohn's action, which, in my estimation, was action that does not become a gentleman of highmindedness. I said nothing about it at the time, but awaited developments; and now follows this report in the Omaha Bee, made by the reporter who is doing the work here for that paper, which report is totally false in every respect. I have been accused by my political enemies and have been held up to my constituents as having neglected and failed to do my duty in this respect.

Now, we see the animus of the whole matter very plainly. Mr. MEIKLEJOHN goes out of his own territory to hunt up business that does not belong to him; then comes this article in the Bee, stating that the Republican members from Nebraska are entitled to all the honor of passing this bill, when the facts show that the work had all been done; that the bill had been reported fa-vorably by the committee, and that the only thing necessary was for somebody to rise in his place and ask unanimous consent to have the bill passed.

I make this explanation, Mr. Speaker, in justice to myself, in justice to the people I represent, and in justice to my honorable colleagues [Mr. BRYAN and Mr. McKeighan].

The article savs further:

It may be of interest to settlers affected to know that neither Mr. BRYAN, r. McKeighan, nor Mr. Kem were present, nor in any manner aided in the passage of the bill this morning.

As I have said, Mr. Speaker, I was confined to my room with illness. The fact is that for six weeks I have not been well enough to attend the sessions of this House, and if I had done myself justice I would not have been here any of that time, but have been here the most of the time, but only by coming when I felt very unwell. As I have said, on entering the Hall on the 12th of this month, to see if the bill had yet been reported. I found that Mr. MEIKLEJOHN had been previous enough in his action to call the bill up without warrant and without any good reason, for I should have called it up next day, and if I had not been able to have been here, the chairman of the committee would have done it, as he has informed me.

Mr. RAY. May I interrupt the gentleman?
Mr. KEM. Not now. I will say in exoneration of my honorable colleagues [Mr. BRYAN and Mr. MCKEIGHAN] that upon that day Mr. McKeighan was dangerously ill in his bed, under the care of a physician. I will say further in this connection that it was a matter in which neither Mr. BRYAN nor Mr. Mc. KEIGHAN were personally interested and they were too highminded to interfere in a matter relating to my district without consulting me, as did the gentleman, Mr. MEIKLEJOHN. a matter wholly belonging to me; it was a local matter in my own district, the care of which I was alone responsible for; and I Speaker, that the action of Mr. MEIKLEJOHN, in my estimation, was not that of a high minded gentleman toward his colleague in this matter.

This, Mr. Speaker and gentlemen, is my explanation of the

Art. RAY. Before the gentlemen takes his seat, I want to ask him a question. Now, I understand you to complain this article in the newspaper charges that yourself and certain other gentlemen were not present when this legislation went through the

Now, that is the truth, is it not? EM. I will say to the gentleman House. Now, Mr. KEM.

Mr. RAY. Answer my question.

Mr. KEM. I propose to answer the gentleman's question, but in doing so I do not propose for him to put any words into my

Mr. RAY. Then I want to ask you are can answer them both at the same time. Then I want to ask you another question, and you

Mr. KEM. I will answer the gentleman's questions, but they must come one at a time. I say to the gentleman from New

The SPEAKER. If the gentleman has finished his personal explanation the House will proceed to the consideration of other matters. The privilege the gentleman is exercising is only to

make a personal explanation.

Mr. DOCKERY. I demand the regular order.

The SPEAKER. The Clerk will call the committees for re-

CHEROKEE ALLOTTEES.

Mr. McRAE, from the Committee on the Public Lands, reported back adversely the bill (S. 457) authorizing certain Cherokee allottees or claimants to purchase certain tracts held and claimed by them; which, with the accompanying report, was ordered to be printed and laid on the table.

The call of committees for reports was resumed and concluded.
The SPEAKER. The morning hour begins at twenty minutes
past 12, and the call rests with the Committee on Indian Affairs.

BOUNTY LANDS AND PENSIONS.

Mr. CULBERSON (when the Committee on the Judiciary was reached). Mr. Speaker, I call up for consideration the bill (H. R. 3130) to repeal in part and to limit sections 3480 and 4716 of the Revised Statutes of the United States, and I will yield the floor to the gentleman from Alabama [Mr. OATES].

The bill was read, as follows:

The bill was read, as follows:

A bill (H. R. 3130) to repeal in part and to limit sections 3480 and 4716 of the Revised Statutes of the United States.

Be it enacted, etc., That sections 4716 and 3480 of the Revised Statutes of the United States be, and the same are hereby, so far, and no further, modified and repealed as to dispense with proof of loyalty during the late war of the rebellion as a prerequisite to being restored or admitted to the pension roll of any person who otherwise would be entitled thereto under existing laws; nor shall proof of loyalty be necessary in any application for bounty land where the proof otherwise shows that the applicant is entitled thereto: Provided. That no soldier restored or admitted to the pension roll under this act shall receive any back pay: And provided further, That this act shall not extend to or embrace any person under the disability imposed by the fourteenth article of amendment to the Constitution of the United States.

Mr. OATES. Mr. Speaker if no one desires an explanation

Mr. OATES. Mr. Speaker, if no one desires an explanation of the bill, I do not care to take up any time to explain it.

Mr. BURROWS. Mr. Speaker, I hope the gentleman will make some explanation of this bill. I see that it absolutely repeals one section of the Revised Statutes.

Mr. OATES. No. Mr. BURROWS. Well, the gentleman says no; but it takes out of the section all that is vital in it. Section 4716 provides—

That no money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased persons, who in any manner roluntarily engaged in or aided and abetted the late rebellion against the authority of the United States.

And the gentleman proposes to modify that section by adding a proviso—for it amounts to that—providing that no applicant for a pension shall be required to prove loyalty. That absolutely nullifies that section and wipes it from the statute book, if it

means anything.

means anything.

The gentleman is mistaken. It does not. It Mr. OATES. The gentleman is mistaken. It does not. It only dispenses with proof of loyalty as to those who were upon the pension rolls before the war and were dropped from it in consequence of that war, which was the case as to those who lived within the States in so-called rebellion. That is the limitation in the bill and consequently it does not prove the conseq tation in the bill, and consequently it does not propose to repeal the section at all. The section may properly be applied to some other cases still. I will state for the information of the House that last Congress, being the second one in which this bill had been favorably reported by the Committee on the Judiciary, we sent a copy of it with an inquiry to the Secretary of the Interior, and he also referred it to the Commissioner of Pensions, for rior, and he also referred to the Commissioner of Pensions, for information with respect to its effect if it were passed. They stated that the number of pensioners who had been dropped and who were still in life and not restored was exceedingly small.

Mr. DINGLEY. Will the gentleman please explain what

classes this amendment refers to?

Mr. OATES. I had just done so; but I will do it again. Mr. DINGLEY. And the probable number.

Mr. OATES. Those who were upon the pension rolls for service rendered in some war and who lived in the seceding States when the war came on were all dropped from the rolls. All those who have been able to prove affirmative acts of loyalty since have been restored, and those who were not able to prove affirmative acts of loyalty were not restored. For instance, if one of them had a son or relative in the army of the Confederate States, if he had any sympathy for them, he could not prove affirmative acts of loyalty. I suppose there were scarcely one of them who served in the army of the Confederate States. They were too old.

I do not recollect the number given, in response to that refrence to the Department, but it was an insignificant number. So Gen. Raum and Secretary Noble both approved the bill and recommended its passage, or did not object to it. Now, the more important feature of the bill is this. There are a number in the South still who had served in the Mexican war, or some of the Indian wars, and for such service Congress had granted them bounty land. Those who had not obtained that bounty land when the war came on were cut off from it. Some of them have succeeded since the war. But although there are very few, indeed, some have not obtained the bounty lands they were entitled to, because these sections require proof of affirmative acts of loyalty; such, as if performed, in many localities in the Southern States

during the war, it would have resulted in their being incarcerated in jail in all probability.

Now, wherever those grants of land were made, they were made for services already rendered, and the parties to whom they were made had a right to them. There is nothing in the law which forfeits that right. Furthermore, it has been decided by which forests that right. Furthermore, it has been decided by the Supreme Court in sundry cases, the Armstrong case, the Pigaud case, and two or three others, that after the war, even as to those who participated in the rebellion, if not within the fourteenth article of amendment, they were relieved by the President's proclamations of amnesty and pardon, so that it was not necessary for them in any court to prove acts of loyalty even though the law required it. For instance, the law with reference to captured and abandoned property provided that all property which was left by citizens fleeing before the Union Army, or captured in the course of the progress of the Army, should be taken possession of by agents of the Government and sold, and the net proceeds covered into the Treasury, and that at any time within two years after the close of hostilities such property, or the net proceeds of sale might be reclaimed by loyal citizens by action in the Court of Claims. The question was brought up in that way, and the Supreme Court decided that persons who were covered by the President's proclamations of amnesty and pardon did not have to prove loyalty at all. And even when the Congress, by way of a proviso to an appropriation bill, enacted that in proceedings in the Court of Claims, whenever a man pleaded his pardon under the President's proclamation his suitshould be dismissed, the Supreme Court decided that that proviso was a nullity, that the President's proclamations, which the Constitution expressly gave him a right to make, could not be overturned in that way, and that the President's proclamations absolved all

those who were covered by them from the obligation of making

any such proof of loyalty.

Now, with reference to these men who had served the Government in the war with Mexico or in Indian wars, Congress saw fit to vote them bounty lands, and they were entitled to those lands, and now these sections have no practical operation except that they are retained in the Departments as rules of evidence, when in fact they are not legally so. All that this bill proposes is to dispense with proof of loyalty in respect to those men who had earned, as Congress declared, these bounty lands, and who are now in a condition where they can not make the proof which is required by the Departments under these absurd exertions although in the courts they would not be received to sections, although in the courts they would not be required to make such proof at all.

So that you here, by denying these men the benefit of this log-islation, subject them to the requirement of making this proof, which is when those sections have been practically overturned and declared null by the highest court in the land. should this bill be objected to? It seems to me that there is no good objection to it, and I think that the Secretary and Gen. Raum took the right view of it. Gen. Raum made a calculation as to how much it would amount to. The bounty land feature amounts to a good deal more than the other; the other is a good deal more than the other is a good deal more th exceedingly small, and at this time provides for very few, if any.

For the information of the House, I will ask that the report be read. I think it states the amount.

Mr. PICKLER. Is the report unanimous?
Mr. OATES. It is.
Mr. CANNON of Illinois. Before the report is read I wish to ask the gentleman a question. If this bill passes, it will allow a number of claimants to locate their scrip upon the public

Mr. OATES. Yes; upon lands subject to homestead entry.
Mr. CANNON of Illinois. Anywhere?
Mr. OATES. Anywhere that the Government has such lands.
Mr. CANNON of Illinois. Some years ago any kind of scrip that could be located upon the public lands commanded a very high premium, I think at times as high as \$50 or \$60 an acre. Mr. OATES. I never heard of that. In my country it has gen-

erally sold for about a dollar per acre.

Mr. CANNON of Illinois. Anything that could be located upon the public lands generally commanded at one time a very high premium, and I am under the impression that it still does. Mr. OATES. None of these cases are for more than a hun-

dred and sixty acres.

Mr. CANNON of Illinois. Precisely; but scrip for 160 acres would be worth, perhaps, three or four thousand dollars. Now would that be equitable? Would it not be better to commute

these claims.

Mr. OATES. I have never heard of the scrip selling for any such price as the gentleman suggests. I never heard of it sell ing for more than a dollar and a half or two dollars an acre, and I have no idea that it would sell for any such sum as the gentle-man has mentioned. The truth is that in a great many of the States there is no land on which scrip could be located.

Mr. BURROWS. How much of the public lands will this bill

Mr. OATES. I do not remember precisely. I have asked that the report be read, which will probably give the informa-

Mr. BURROWS. The report does not state.

Mr. OATES. It does not?

Mr. BURROWS. No. How much of the public lands will be required under this bill?

Mr. OATES. I do not recollect the number of acres.
Mr. BURROWS. How many persons who were stricken from
the pension roll for their supposed disloyalty to the Government
will be put back on the roll by this proposed legislation?
Mr. OATES. According to my understanding, not exceeding
one hundred. Perhaps not one-fourth that number.

Mr. BURROWS. Has the gentleman any positive knowledge on that question?
Mr. OATES. The Pension Office has better information on the subject than anybody else.

Now, let me ask the gentleman whether

Mr. BURROWS. Now, let me ask the gentleman whether the Department, in the report to which he has alluded, did not report against the proposition to allow these land warrants to be located

Mr. OATES. The Department reported in favor of it. I presented that report with the report of the committee in the last Congress, and the bill thereupon was passed. I thought it was printed with the report.

Mr. BURROWS. I had understood that the Department re-

ported against that portion of the bill which related to the location of land warrants.

Mr. OATES. No, sir; the report was favorable; that is my

distinct recollection. Furthermore, I will say that if this bill passes I will move a reconsideration if it can be shown that there has been a report against the proposition. I do not want anything but what is fair and right. I do not want anybody to be misled by any statement of mine.

Mr. BURROWS. Mr. Speaker, if the gentleman from Ala-

bama is through I desire to be heard a moment.

Mr. OATES. How much time does the gentleman want?

Mr. BURROWS. I can not tell. I will need some little time. ten or fifteen minutes.

Mr. CULBERSON. I should like to know from the gentleman from Alabama [Mr. OATES] what time he yields to the gentleman from Michigan [Mr. Burrows]. This matter is in the morning

Mr. BURROWS. Then I will take the floor when the gentle-

man is through Mr. CULBERSON. I am perfectly willing that the gentleman from Alab ma should yield to the gentleman from Michigan, but I would like to know what time is to be occupied by the gen-

tlem in from Michigan.

Mr. BURROWS. I can not tell; I suppose ten or fifteen minutes will be all I shall need.

Mr. OATES. I yield the gentleman not exceeding ten minutes.

Mr. BURROWS. Now, Mr. Speaker, this bill proposes a modification of a certain section of the Revised Statutes which has not been read and which I propose to read. Section 3480 of the Revised Statutes which the policy of Statutes which the statute of Statutes of Statutes which the statute of Statutes of Statutes of Statutes which the statutes of Statu the Revised Statutes, which the bill proposes to "modify," is in the following language:

It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the 13th day of April, 1861—

The time legally determined as the commencement of the re-

in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon hereiofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this section is modified or repealed.

This may touch the question of pardon to which the gentle-

man from Alabama has referred.

Mr. OATES. The Supreme Court has already decided that pardon dispenses with all proof of loyalty.

Mr. BURROWS. The section continues:

But this section shall not be construed to probabit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to the lat day of April, 1861, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the ist day of March, 1861.

Now, the bill before the House proposes to modify that section in so far as to allow land warrants to be located without proof of loyalty on the part of the claimant—to allow persons who were disloyal to locate their land warrants upon the public lands; and the "trifling modification" proposed to be made in this section is simply adding this proviso:

Provided. That in all applications for bounty lands the applicant shall not be required to make proof of loyalty.

That is the scope of the bill so far as this section is concerned. The other section which, adopting the language of the bill, it is proposed to "modify," is as follows:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

That is to be modified by adding in substance-

Provided. That no proof of loyalty shall be required to restore a pensioner to the pension roll.

This bill, if enacted into law, wholly repeals this statute. Instead of calling this a "modification" of the statute—
Mr. OATES. This does not affect the payment of any money

claims.

Mr. BURROWS. That is the other section. I am reading this last section—the proposed modification in regard to pensions. The bill simply wipes out the provisions of the existing law and puts upon the pension roll, without regard to loyalty, everyone who was on the pension rolls prior to 1861, without requiring proof of loyalty from any person making application

for a pension.

Mr. OATES. It applies only to those who were on the pen-

sion roll and were dropped.

Mr. BURROWS. It does not say that. It says "no money on account of pensions shall be paid to any person—
Mr. OATES. But the bill does say it.
Mr. BURROWS. I think not. The bill says "restored or admitted to;" so that a person who served in the Mexican war or any of the wars prior to 1861 could apply for a pension now, and, under the "modification" which the gentleman proposes,

could be put on the pension roll, notwithstanding the fact that

he may have served four years against the Government.

Now, we have been very liberal in this matter of pension
We have already relieved by repeated measures those engine in the Mexican war and restored them to the pension roll, although they were hostile to the Government during the war. I therefore insist, sir, we ought not to go to the extent proposed in this measure and wipe this provision wholly from the statute books of the country.

The gentleman in his report accompanying the bill I see uses

this language

Mr. OATES (interrupting). Let me ask the gentleman from Michigan if it is not the law now that all those who served in the Mexican war get pensions

Mr. BURROWS. I do not know to what extent that law went.

Mr. OATES (continuing). Without proof of loyalty being required?

Mr. BURROWS. If that be true, then what do you want this

Mr. OATES. That bill to which I referred related to pensions and bounty lands to those who served in the Mexic in war. But there is another class of cases not embraced, those who erved in the Indian wars and were once pensioned, but were dropped from the rolls at the time of the war. There is no pro-

vision for their relief in the Mexican war pension bill.

Mr. BURROWS. Mr. Speaker, I have neither the time nor the disposition to prolong the debate. I simply enter my protest against this proposition. I know we are powerless, we are test against this proposition. I know we are powerless, we are helpless, and that a majority of the House can destroy these statutes if they desire, but it shall not be consummated without my protest. But I submit it is a most inopportune time to propose to restore to the pension rolls the names of persons who were disloyal to the Government, with one hand, while with the other this Administration is striking from the pension rolls by the thousands the men who defended the country in the hour of its peril. [Applause on the Republican side.] Call the hounds of the track of the Union soldier before attempting to restore to the pension roll the men who were disloyal to the Government. [Applause on the Republican side.]

But, sir, I was proceeding to say that I notice in the report of the gentleman he uses this language:

The Committee on the Judiciary, having had under consideration H. R. 4548, find that the bill is intended to suspend the operation of sections 389 and 4716 of the Revised Statutes of the United States in two classes of cases

only. Soon after the war between the States—usually called the war of the rebellion—began, the names of all persons resident in the seceding States who were receiving pensions were dropped from the pension roll on account of their supposed disloyalty, as they were citizens and residents of territory over which the so-called rebellion extended.

"So-called rebellion," and "the war between the States. would not notice this uncalled-for declaration in this report were it not to vindicate the truth of history. There never was a "war between the States' except in the minds of those who believed in the doctrine of State sovereignty and who would exalt the State above the nation. The civil war, of 1861 was a war in which the Government of the United States was engaged on the one side and citizens in armed rebellion against its rightful authority on the other. These were the contending forces and not the "States."

But, Mr. Speaker, I rose simply to enter my protest, as I stated before, against this legislation, not because I expect it will be of any avail, but that this country may know whither we are drifting. I expect these statutes will be wiped from the statute books. I expect the majority of the House will declare the "so called rebellion" to have been a "war between the States," reasserting the old doctrine of State sovereignty, and that you will, while approving of the policy of this Administration in driving Union men from the pension rolls without a hearing and without mercy, restore to that roll of honor all those who were untrue to the Government in the hour of its supremest

oril. [Applause on the Republican side.]
Mr. OATES. Mr. Speaker, I want to say but a word or two in reply to what the gentleman from Michigan has said. He has taken a very wide range in his remarks, and has made an assault upon the Pension Office because of a provision of this bill with reference to the res oration to the pension rolls of a very insignificant number, a dozen or two, of pensioners who were dropped from the rolls without their fault just before the war. The Secretary of the Interior of the gentleman's own party, the last Republican Secretary, and the last Republican Commissioner of Pensions both recommended after a full examination of the of Pensions both recommended, after a full examination of the bill, that it should be passed. That shows how little the gentleman's objection or criticisms have to rest upon.

There is nothing partisan in the bill. It is an act of simple justice to keep the rules which prevail in the Department, which are of no use except as statutes of limitation against conjured up

claims against the Government. This does not repeal but susclaims against the Government. This does not repeal but suspends them, so as to prevent their being extended to these meritorious claims. A mu who served the Government and has a claim against the Government which Congress before the war claim against the Government which Congress before the war recognized, and granted him a bounty-lind warrant, ought cer-tainly to have the benefit of it. It was a vested right before there was any war between the Southern States and the Union.

Now, there is nothing in this provision of law but what will commend itself to the sense of right and justice of anyone who will consider it fairly. The right in these parties had vested; that is to say, while it was a vested right the land to which the parties were entitled had not been located. It are nothing in respect to that clause of the bill with reference to the restoration to the pension rolls, for it amounts to nothing, as stated by Gen. Raum, the number being very insignific int. The truth is, that those who served in the Mexican war have already got their pensions. 1 presume those who are living and those who served in that war doubtless obtained bounty-land warrants too. But those who were entitled to bounty l.nds and can not make proof of their loyalty should be entitled to receive the benefits of the law, and that is the class of claims that is sought to be reached by this bill.

These were not confiscated. A great many of the men who were entitled to them had nothing to do with the Confederate war; and even if they had, what difference does it make before

the courts of the country?

The highest court in the land has declared that if a man who participated in the war was covered by the President's proclumation of amnesty, he had nothing more to prove than the facts which constitute his claim. Here I am on this floor, about as bad a rebel as ever served in the Confederate army, having fought in twenty-seven battles for my honest convictions. I have the right under the law to come here and act as a Representative, and am as devoted a friend to the Union and this Government now, and I would stand by it, and I venture to say in the case of war I would shed qu te as much blood for it as the gentleman from Michigan [Mr. Burrows], and more than he ever did shed for the Union. [Applause on the Democratic side.] I move the for the Union. [Applause on the Democratic side.] I move the previous question.

Mr. CULBERSON. Will the gentleman yield to me for a

moment?

Mr. OATES. I will.

Mr. CULBERSON. Mr. Speaker, I think there is some mis-apprehension about this bill and its effects. It is an old bill, which has been introduced into Congress in quite a number of

I think it had its origin long before the passage of the bill allowing pensions to all Mexican veterans. Now, the fact about it is that about seventy old soldiers, who served in the Mexican war, were dropped from the rolls on account of their participation in the rebellion.

This bill was originally intended to replace those men on the ension rolls, notwithstanding the section which is involved in

this controversy

Now, since that took place, all the soldiers of the Mexican war, including those dropped from the pension rolls, have been placed upon the pension rolls as they arrived at the age of 62 years, we all know. Therefore the proposition in this bill in relation to pensions amounts simply to nothing whatever. It will not place any disloyal man upon the pension roll who is not allowed to go there now, by a bill which I think the gentleman from Michigan [Mr. Burrows] voted for, the Mexican pension bill.

Mr. BURROWS. I did. I voted for it.

Mr. CULBERSON. Mr. Speaker, as to the next proposition, it is simply this, that those surviving soldiers of the Mexican war who are entitled to a bounty of 160 acres of land, and who had not before the war received the land, who had participated in the rebellion against the Government of the United States, may now come forward and receive the bounty to which they

were entitled as soldiers of the Mexican war.

I beg to suggest that in my opinion there are not a dozen men in the United States, survivors of the Mexican war, who were entitled to bounty lands, who have not already received them, for it is a notorious fact that when the war with Mexico closed, the soldiers in the main sold and transferred their rights to bounty lands upon the final pay rolls of the Army; and if you go to the Department containing the records of that war, you will find that hundreds and thousands of these soldiers, at the time they left the Army and received their pay, transferred their right to bounty lands to some persons who paid them for it. Now, I have been in Congress quite a number of terms—eight-

I have lived in a country that furnished a great many soldiers to the Mexican war. Yet since my time here I have only found one soldier who failed to transfer or sell his right to

this bounty long before the war of the rebellion.

I do not think there is any real reason for this bill. Certainly there is no reason why the gentleman from Michigan [Mr. Bur-ROWS] should make it the basis of a war cry against the Democratic side of the House. Certainly all these men have been penwould be entitled to beauty-land warrants under the measure.

Mr. BURROWS. May I inquire of the gentleman from Texas

[Mr. Culberson] if this bill in no way modifies the question of

the right of the claimant to a place on the pension rolls, possibly the gentleman would modify the bill as to strike that out.

Mr. CULBERSON. If I had charge of the bill, I would do it

Mr. BURROWS. Possibly the gentleman from Alabama [Mr.

OATES] will strike that out.

Mr. OATES. It is so small—

Mr. BURROWS. The smaller it is the easier it can be stricken out.

Mr. OATES. And since the soldiers of the Indian war are

Mr. OATES. And since the soldiers of the Indian war are being placed upon the pension rolls—
Mr. CULBERSON. If the gentleman will permit—I hope I am not trespassing—I would call the attention of the gentlem in from Michigan [Mr. Burrows] to the reason why this bill should pass, so far as it relates to bounty lands. There are only a few of these men left. We have, by the section which has been referred to, a rule of procedure, and evidence in that r spect in the Departments of the Government which the Su, reme Court has decided to be uncoexitational and up not has decided to be unconstitutional and unjust.

They have decided it in the Pendleton case in 9 Wallace, the Klien case in 13 Wallace, the Armstrong case in 13 Wallace; that since the President's proclamation of general amnesty, that the disability of disloyalty no longer existed, and suitors in the courts are not required to prove loyalty as a jurisdictional fact.

Mr. BURROWS. I will say to the gentleman from Texas that
I have no objection to it, as far as the bounty land is concerned.

Mr. OATES. I want to say in reply to what the gentleman has said about scrip, that he is probably misled by another class of scrip, granted to some of the Indian tribes a few years ago, of scrip, grated to some of the indian tribes a few years ago, which were locatable upon any character of land, on mineral as well as agricultural lands. These are locatable only upon agricultural lands, and they are never of a high price.

Mr. TURNER. Will the gentleman permit me a moment?

The gentleman from Texas has just suggested that all the survivo: s of the Mexican war suspended from pensions by the operation of the section of the Revised Statutes to which the gentleman refers have been restored by the Mexican pension act.

Mr. CULBERSON. They have.

Mr. OATES. I stated that awhile ago; that it required no proof of loyalty.

Mr. TURNER. I want to suggest, further, what my friend may have overlooked for a moment, that while that section of the Revised Statutes did apply to suspended pensioners who claimed pensions on account of disabilities incurred in the Indian wars, and to surviving soldiers of the Indian wars, that the Indian pension act restored them. So that there are really no pensioners

to be affected by this bill.

Mr. OATES. The gentleman from Georgia had anticipated me a little, because I was going to say to the gentleman from Michigan that I am perfectly willing, because there are a very small number affected by it, to strike out the provision referring

to pensions, so as to let the bill apply to those who have gained bounty lands by their services to the Government.

Mr. BURROWS. Mr. Speaker, I understand the gentleman proposes to modify the bill by striking out that part to which have referred, and I desire to say in this connection that this matter was brought up unexpectedly to me this morning, when I had a number of letters on my desk from Union soldiers who had just been stricken from the rolls; and I did feel a little indignant, and do feel a little indignant, that the men who fought for the country should be stricken from the rolls in the face of a proposition to restore men to the pension rolls for cer

Ince of a proposition to restore men to the pension rolls for certain reasons, and I think they had better wait until after this onslaught on the Union soldiers shall cease.

Mr. OATES. I say to the gentleman from Michigan that he is no better friend, and is not discosed to do any more, which is truly merited, for the Union soldiers than I. [Applause.]

Mr. BURROWS. I have always found the gentleman very

Mr. OATES. And if there has been anything wrong done in the Pension Office, I am satisfied when it is brought to the attention of the proper authorities that it will be corrected. I do not know that any injustice has been done.

Mr. BURROWS. I understand the gentleman proposes to modify his bill, and I will accept a modification of it.

The SPEAKER. From examination of the bill, it would appear that it would require to be almost remodeled.

Mr. WHEELER of Alabama. Mr. Speaker, in each Congress for several years I have introduced a bill similar to the measure now being considered, and notwithstanding my interest in the subject, I have refrained from participating in this debate, as the proposed legislation seems so just that I could not assume that any members in this body would interpose objections to its enactment, but while the amendment is being prepared I will say actment, but while the amendment is being prepared I will say that the gentleman from Michigan [Mr. Burrows] is clearly in error in the supposition that these limitations are demanded by the best soldier element. I will say further, in defense of and in commendation of Federal soldiers, that within the limit of my experience the brave men who entered the Union army in 1861 and fought foremost in the great battles until the war closed in 1865, are not asking for these restrictions, but from the bravest and most distinguished generals down to the youngest private, they are not only willing but anylous that every statute of this they are not only willing, but anxious that every statute of this character shall be repealed, and that every existing restriction shall be removed from those against whom they fought. [Ap-

Mr. CULBERSON. Let us have a vote. Mr. OATES. I now send up the amendment.

The Clerk read as follows:

Strike out the following words, commencing with the words "to being," in line 7, and reading as follows:

"To being restored or admitted to the pension roll of any person who otherwise would be entitled thereto under existing laws; nor shall proof of loyalty be necessary."

Also the following words in line 7:

"Provided. That no soldier restored or admitted to the pension roll under this act shall receive any back pay: And provided further, That this act shall not extend to or embrace any person under the disability imposed by the fourteenth article of amendment of the Constitution of the United States."

The SPEAKER. The Clerk will now read the bill as proposed to be amended.

The Clerk read as follows:

A bill to repeal in part and to limit sections 3480 and 4716 of the Revised Statutes of the United States.

Be it enacted, etc., That sections 4716 and 3480 of the Revised Statutes be, and the same are hereby, repealed so far and no further modified in the bill as to dispense with the proof of loyalty during the late war of the rebellion as a prerequisite in any application for bounty land where the proof otherwise shows that the applicant is entitled thereto.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.
The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. BURROWS. Mr. Speaker, I did not listen to and can not understand exactly the amendment or the bill as reported after amendment. Does that eliminate from the bill everything in regard to section 4716?

Mr. OATES. It takes out everything about restoring the soldiers to the pension roll, and now relates only to bounty

lands.

Mr. BURROWS. May I ask to have the bill read again?

Mr. BURROWS. May I ask to have the bill read again?
The bill as amended was again read.
Mr. BURROWS. Why does not the gentleman strike out all
in regard to section 4716?
Mr. OATES. It distinctly says that the sections are so modified only in respect to those applications for bounty lands.
Mr. BURROWS. But section 4716 does not relate to bounty

land at all.

Mr. OATES. It is a rule of evidence retained in the Depart-

ments, and they might construct as being extended. If it does not have any effect on land bountles it will not hurt.

Mr. BURROWS. Is section 4716 used as a rule of evidence in determining questions as to bounty lands?

Mr. OATES. It is used as a rule of evidence in the Depart-

ments; I do not know how far they extend it.

Mr. DINGLEY. The section is expressly restricted to applications for pensions.

Mr. OATES. Well, I am unable to account for the construction that they put upon it in the Departments.

Mr. BURROWS. Will not the gentleman consent to strike

dion that they put.

Mr. BURROWS. Will not the Mr. BURROWS. Will not the out all mention of that section?

OATES. Read the section.

The section process.

Mr. BURROWS. The section provides that-

No money on account of pension shall be paid to any person, or to the widow, children, or helrs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Mr. OATES. I have no objection to that section being struck

Mr. BURROWS. Then let that be struck out and the words

that are applicable to it.

The SPEAKER. The Clerk will read the bill as it will then

The Clerk read as follows:

Be it enacted, etc., That section 3480 of the Revised Statutes be, and the same is hereby, so far, and no further, modified and repealed as to dispense with proof of loyalty during the late war of the rebellion as a prerequisite in any application for bounty land where the proof otherwise shows that the applicant is entitled thereto.

Mr. BURROWS. That will make it all right.

The bill as modified was passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid

The latter motion was agreed to.
The title was amended so as to conform to the modification of

UNITED STATES COURTS, IDAHO AND WYOMING.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H. R. 2002) to amend an act entitled "An act to provide the times and places for holding terms of United States courts in the States of Idaho and Wyoming," approved July 5, 1892; and I yield to the gentleman from Kansas [Mr. BRODERICK].

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act entitled "An act to provide the mes and places for holding terms of the United States courts in the States (Idaho and Wyoming," approved July 5, 1892, be amended to read as fol-

of Idaho and Wyoming," approved July 5, 1892, be amended to read as follows:

"Sec. 6. That the terms of the district court for the district of the State of Idaho shall be held at the town of Moscow, beginning on the second Monday in May and the second Monday in October in each year; at Boise City, beginning on the first Monday in December: at the city of Blackfoot, beginning on the first Monday in March and the second Monday in September in each year; and the provision of statute now existing for the holding of said courts on any day contrary to the provisions of this act is hereby repealed; and all suits, prosecutions, proce-s, recognizances, bail bonds, and other things pending in or re-urnable to said court are hereby transferred to, and shall be made returnable to, and have for in the said respective terms in this act provided in the same manner and with the same effect as they would have had had said existing statute not been passed."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

Mr. BRODERICK moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MATERIALS AND LABOR FOR PUBLIC WORKS.

Mr. CULBERSON. I call up the bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works; and I yield to the gentleman from Illinois [Mr. LANE].

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for extensive repairs upon any public building or public work, shall be required before commencing such work to execute the usual penal bond, with good and sufficient sureties, with the additional obligations that such contractor contractors shall promptly make payments to all persons supplying him or them labor and materials in the prosecution of the work provided for in such contract: and any person or persons making application therefor, and furnishing affidavit to the Department under the direction of which said work is being or has been prosecuted, that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, shall be furnished with a certified copy of said contract and bond, upon which said person or persons supplying such labor and materials shall have a right of action, and shall be authorized to bring suit in the name of the United States against said contractor and sureties and to prosecute the same to final judgment and execution: Provided, That such action and its prosecution shall involve the United States in no expense:

The bill was ordered to be engrossed and read a third time:

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LANE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLERKS AND MARSHALS' FEES, ETC.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H. R. 3963) to amend sections 828, 833, 847, and 1014 of the Revised Statutes of the United States, relating to clerks' fees, semiannual returns of fees by district attorneys, marshals, and clerks, commissioners' fees, and to offenders against the United States.

I yield to the gentleman from Pennsylvania [Mr. WOLVER-

The bill was read, as follows:

Be it enacted, etc., That section 828 of the Revised Statutes of the United States be, and the same is hereby, amended by adding the following to the end of said section: "For filing declaration of intention to become a citizen by an alien, 81: for final papers and all services connected therewith, 82." SEC. 2. That section 833 of the Revised Statutes of the United States be amended so as to read as follows: "SEC. 833. That every district attorney, clerk of a district court, clerk of a circuit court, and marshal shall, on the 1st day of January and July in each

vear, or within thirty days thereafter, make to the Attorney-General, in such formas he may prescribe, a written return of the half year ending on said days, respectively of all fees and emoluments of his office of every name and character, including all naturalization fees and all necessary expenses of his office ter, including all naturalization fees and all necessary expenses of his office including the himself of the same including the himself of the same including the himself of the same including the himself personality, those paid or received or payable for services rendered by elimself personality, those paid or received for services rendered by himself personality, those paid or received for services rendered by himself personality, those paid or received for services rendered by himself personality, those paid or received for services rendered by each of his deputies, naming him, and the proportion of such fees and emoluments which, by the terms of his service, such deputy is to receive. Said returns shall be certified by the oath of the officer making them.

Sec. 3. That section 84 of the Revised Statutes of the United States be, and the same is hereby, amended so as to lead as follows:

"Sec. 3.7. For adminyviedgment, 25 cents."

"For taking a warrant, docketing the same, and all proceedings on a criminal charge where no arrest is made, 82.

"For taking and deciding on criminal charges, including docketing of same, recognizances of defendant, sureties, and witnesses, and return to court, and all proceedings thereor, 85, and no more.

"For attending a reference of a litigated matter in a civil case of law, in equity or admiralty, in pursuance of an order of court, 83 per day."

"For taking and certifying depositions to file, 25 cents for each folio.

"For actualing and services of a civil and the same and concentration as is allowed clevels for law and the same and the concentration as is allowed clevels for law and the same for each of an order of court, 83 per day.

"For the armination and actifica

Mr. WOLVERTON withholds his remarks for revision. See Appendix.

The SPEAKER. The morning hour has expired.

LEAVE OF ABSENCE.

Mr. BLANCHARD, by unanimous consent, obtained leave of absence for one week, on account of important business

NATIONAL BANKS.

I desire to call up the bill (H. R. 2344) for the better control and to protect the safety of national banks.

The SPEAKER. The gentleman from Illinois [Mr. CANNON]

is entitled to the floor.

Mr. CANNON of Illinois. I yield three minutes to the gentleman from Nebraska [Mr. MEIKLEJOHN].

Mr. MEIKLEJOHN. I thank the gentleman from Illinois

Mr. MEIKLEJOHN. I thank the gentleman from Illinois [Mr. CANNON] for the courtesy extended.

Mr. Speaker, a few moments ago my colleague [Mr. KEM] had read from the desk an extract from a paper purporting to be the Omaha Bee relative to the passage of the Sioux Indian Reservation bill, and which served him as the basis of some astonishing observations permitted under the license of personal privilege. I desire to state to my colleague and the House that I am neither the president editor was represented by the terroricator editor. I desire to state to my colleague and the House that I am neither the proprietor, editor, nor reporter of that paper. On the 12th of this month, after the morning hour, I asked of the House unanimous consent for the consideration of this bill, which provides that the same conditions which apply to that portion of the Sioux Reservation in South Dakota shall apply to the portion in Nebraska. The measure was of special interest to the people of my State.

Before calling that measure up I sought my colleague, but found him absent from the House. As a member of the Committee on Public Lands, it was certainly my privilege to call up the measure, especially in view of the fact that many citizens of our State are deeply interested in this legislation. Through the courtesy of the House that bill was passed, and I desire now to express my gratitude for the unanimous consent which was then granted for the consideration of the measure.

Mr. Speaker, my colleagues from Nebraska on this side of the

House have received memorials, petitions, and requests in other

forms, asking for this legislation. Such memorials and retitions were forwarded to me; and upon the strength of these applications as a member of the Committee on Public Lands I called up this bill for consideration. I now desire to say that if the care and attention which I devote on the floor of this House to the interests of the people of the State of Nebraska are grounds to indict me as a gentleman who is not "high-minded," I stand here to express my supreme satisfaction in having the indictment which has been presented against me by my irate colleague stand.

Allow me also, Mr. Speaker, to suggest a matter which should have occurred to one who constitutes himself the final arbiter of gentlemanly conduct on this floor, that while since the pussage of this bill in question I have frequently met my colleague and conversed with him, the last time being only a moment before he made his remarkable attack on me, he asked for no explanation, not even made mention of the matter which seems to have

been rankling in his breast for five days.

I am quite content to submit the whole matter to my associates

I am quite content to submit the whole matter to my associates who know what gentlemanly conduct is.

Mr. CANNON of Illinois. I yield to the gentleman from New York [Mr. Lockwood] such time as he may desire.

Mr. Lockwood. Mr. Speaker, I desire to state in a few words the reason why the bill now under consideration does not seem to me to be of that class or character which ought to receive the approval of this House. The national banks of the country, with rare and infrequent exceptions, have for more than a quarter of a century been intelligently and honestly administered under the law as it stands to-day. Their management has been the pride of their officers and stockholders; and their descriptions have felt in them a safety and security heretofore unservices. been the pride of their oncers and security heretofore un-positors have felt in them a safety and security heretofore un-known with reference to financial institutions. The laws under known with reference to financial institutions. The laws under which they have been managed and operated have become familiar, well defined, and certain; the public has demanded no change

of this House or of Congress.

A great business and financial panie came suddenly over the country, and a few of these institutions—a small percentage in comparison with the whole number of national banks—found themselves unable to meet the sudden and universal demand of their depositors. Suspension followed. Among them a few—to the credit of the national banking system be it said, only a few—were found to have been wrecked by their officers. The misconduct of the presidents and cashiers of these few institutions has been the cause and the sole cause of the presentation of this bill to the House at this time.

My position with reference to this measure is this: That it is absolutely powerless for good, and that its passage at this time would work an absolute injury to the national banks and to the people of the country. It only requires a calm and business-like perusal of this bill, in my judgment, to show that it is unadapted to the banking system of this country, either in the large cities or the smaller ones. By its provisions every officer of the bank and I understand from the centleman presenting the bill that (and I understand from the gentleman presenting the bill that this includes all the directors) is compelled, if he desires to obtain a loan, to submit in writing to the officers of the bank and by them to be submitted to a meeting of the directors, or to the executive or finance committee as it is called in many cases, an application for the executive for

application for the amount desired to be borrowed.

Another provision declares that in any such banking association, if any official or agent of such association knowingly violates the sections of this act, or aids or abets any such violation, he shall be guilty of a misdemeanor and be punished by a fine of not less than \$5,000, or by imprisonment for not more than five years, and, if I recollect correctly, or by both fine and imprison-ment. That adds nothing by way of penalty to what the present law provides as it stands upon the statute books at this day.

Mr. COX. Will the gentleman allow a correction? Mr. LOCKWOOD. Certainly.

Mr. COX. There is no provision in this bill fixing a fine of not less than \$5,000."

Mr. LOCKWOOD. I should have said not more than \$5,000.
Mr. COX. That is the language of the bill, "not more than \$5,000." It is quite an essential difference, the gentleman will see.
Mr. LOCKWOOD. Yes; that is the language of the provi-

But let us see, Mr. Speaker, for a moment the practical working of this bill. A director of a bank, for instance, who is one of the most valuable customers of the bank, in the afternoon at 2 o'clock finds that some one has drawn on him by sight draft, say for \$20,000 or \$30,000. He has not the cash on deposit in the bank to meet the draft, and yet his business credit, his business reputation demands that that draft shall be met promptly at the time and not be permitted to go to protest or returned. He goes time and not be permitted to go to protest or returned. He goes to the bank, the bank in which he deposits his money, and to the building up of which he devotes his business energies and abilities, and says to the president of the bank, "I want \$20,000 immediately to meet a draft just drawn upon me." The president says: "Well, sir, you will have to make an application in writing, and wait until I can get together either the board of directors or the finance committee of the bank." It is then say half past 2 o'clock. It is an absolute impossibility in any banking institution in this part of the country to get either the board of directors or the finance committee together between that time and the time when the draft will go to protest.

Mr. COX. Will the gentleman allow an interruption?

Mr. LOCKWOOD. Yes.

Mr. COX. Do you mean that the draft is subject to protest.

Mr. COX. Do you mean that the draft is subject to protest within two hours after it has been received by the bank?
Mr. LOCKWOOD. Many of them are.
Mr. SPRINGER. Without the three days of grace?

Mr. LOCKWOOD. Many of them are drawn on sight, without grace.

Mr. COX. I never heard of one being drawn that way.
Mr. LOCKWOOD. That may be, but it is nevertheless a fact.
The president can not get the officers of the bank together to
consider the question of the loan; it is manifestly a physical impossibility to do so before the draft will go to protest. What, then, does this director do? He goes to another bank and he

Is he, with his recognized business ability, with his value to the bank as one of its directors, to be compelled to go through all of that paraphernalia to get a discount? Is he going to submit all of that paraphernalia to get a discount? all of that paraphernalia to get a discount? Is he going to submit to it do you think? Do you suppose he will be willing that the entire board of directors shall be able to know just exactly how much money he is drawing out at this moment or borrowing to meet his obligations? Not by any means. He will take his business and his deposits to some other bank.

But they say this is done to give the directors information as to the arrown of money the officers of the board, and described the second of the se

to the amount of money the officers of the bank are drawing from the bank. Now, every director of a national bank or any other bank has a perfect right to walk into the bank at any time, to go to the discount ledger and find out exactly how much paper is there discounted for every director or any director or any body else. Then they say it is for additional information to the Comptroller. By the law to-day the Comptroller has a special examiner who goes to the bank and examines it and makes certificate and report as to the amount of money loaned to every director and officer of the bank.

Not only that, but the Comptroller of the Currency can at any time when he sees fit, and certain times are prescribed by law when he must do it, compel the officers of the bank to deliver to him a sworn statement upon which, as the law stands to-day, the cashier and president of the bank are compelled to state not

only the amount loaned to each director, but also the amount each director has become indorser for on other paper in the bank. Then it is said, too, it is for the protection of the stockholder and for the protection of the depositor. Where is the protection? If the president and cashler of a bank desire to steal the funds of the bank, I would like to see the law that ever passed this House or any other House which can oppose and prevent it if they are dishonest. It has never been done and never will be done. They need not loan the money to themselves, but can have a convenient friend. Any one can come in for that purpose, and in that way the officer can make off with it. That would obviate this law and dispose of its effect entirely, and thus this bill would have no influence or power to prevent the wrecking of the leak. of the bank

But, sir, the officers and directors of national banks have done But, sir, the officers and directors of national banks have done all that is possible for men to do heretofore to protect these banks, and in the past four months their efforts to prevent the suspension of their banks command the commendation and admiration of the whole financial world. They well knew, and none knew better than they, that suspension meant great embarrassment, not only to the depositors, but also great embarrassment and hardship to the people and the business institutions in the country in which they were located, and incidentally to the whole country.

right here that the presidents of banks are men who should be encouraged and not hampered with adverse legislation, not treated as though they were a set of thieves and scoundrels that were preying upon the money of the depositors of this coun-

try. [Applause.]
Many presidents of national banks and many individual directors, in order to save their banks from suspension—not that they were in any wise insolvent—raised from outside sources, from the individual and private securities, and at great pertheir own individual and private securities, and at great personal sacrifies, large sums in currency, and placed them in the banks, in order to supply the demands of depositors, who, as we all know, can at any time withdraw a part or the whole of their deposits. These demands, to the great credit of the banks be it said, were well met, and the country saved, in part at least, from a great financial and business panic.

Do not now, I pray you, embarrass these heroic financiers further by the passage of a law which can only act as an embarrassment and hindrance to their regular business, and cause many of the most honorable and upright business men of the country to refuse to acteither as officers or directors of a national

Mr. HALL of Missouri. Will you yield for a question just

Mr. LOCKWOOD. Yes.

Mr. HALL of Missouri. I understand your statement, coupled with the statement made by the gentleman from Pennsylvania [Mr. BINGHAM], to be that if this bill is passed it will prevent the president and officers of banks, the cashiers and other employes, from borrowing money. I want to know, as you have doubtless had experience with the banks of the city of New York, whether any national bank in the city of New York ever allows its president or cashier to borrow money from the bank?

Mr. LOCKWOOD. I can only speak of the banks that I know of personally, in my own part of the country.

Mr. HALL of Missouri. My question is as to the banks of the city of New York.

city of New York. Mr. LOCKWOOD. Mr. LOCKWOOD. As to that I shall have to refer to some other gontleman, who is familiar with the course of business in the city of New York.

Mr. HALL of Missouri. I just wish to make this point. The

gentleman from Pennsylvania [Mr. BINGHAM] made the statement that a man who came with \$300,000 in securities, who had to have the money immediately, he being a broker, could not get the money in time to be of use to him. The gentleman spoke, in that connection, of the president and cashier. I wish to make the statement that my information is that the presidents and cushiers of banks in the city of New York are never allowed to borrow any money from their own banks.

Mr. LOCKWOOD. They may perhaps not be allowed to borrow any money; but it was a director who came there and wanted the money, not the president or cashier that the gentleman from Pennsylvania [Mr. BINGHAM] spoke about.

Mr. BINGHAM. My statement was that the director of a bank, excluded by this act unless it is complied with, being a broker or a banker, coming in at a late hour of the day with a body of securities upon which he had to have money immediately, would be put to great distress in the very bank in which he owned stock, in which he is a stockholder or director, and would have to go to a bank other than his own bank, to give his clientage and his percentages to other banks rather than to his own because of the requirements of this law.

Mr. RAYNER. But it is necessary to have a directors' meet-

ing to get the money anyway.

Mr. BINGHAM. Oh, no.

Mr. LOCKWOOD. Not at all.

Mr. RAYNER. There are no daily discounts in any bank un-

Mr. RAYNER. There are no daily discounts in any bank unless the directors meet,
Mr. LOCKWOOD. There are hundreds of thousands of dollars loaned every day in banks all over this country without any meeting of the board of directors.
Mr. RAYNER. That is not done in my city.
Mr. HOPKINS of Illinois. It is done in all other large cities.
Mr. RAYNER. In Baltimore the board of directors meet

every discount day

Mr. LOCKWOOD. There are discounts in Buffalo, in all of York without meetings of the board of directors.

Mr. RAYNER. Who grant the discounts?

Mr. LOCKWOOD. The president and cashier.

Mr. FITCH. That happens in New York City every day in

the year.

Mr. HALL of Missouri. Can't you make the president and cashier members of the discount committee?

Mr. LOCKWOOD. Then they would form a majority of it, and could borrow the money under the propositions of this bill.

Mr. HOPKINS of Illinois. Why have any legislation at all, if the president and cashier are to be a majority of the discount committee?

Mr. LOCKWOOD. Why do you want to legislate against

Mr. LOCKWOOD. Why do you want to legislate against these individual men?
Mr. HALL of Missouri. I will answer it. For the very reason that it has a tendency to prevent these men from robbing the hanks, the very thing the Comptroller of the Currency, not only this one but every other one, has tried to prevent.
Mr. LOCKWOOD. Right there I want to correct you. The present Comptroller of the Currency has never sanctioned this bill. On the contrary, my information is that he disapproves of this bill. And I will say further, that he oughtnot to commend any such bill as this. Now, I beg to complete my statement without being interrupted. I say this further, that by the passage of this bill.

Mr. COX. Will you yield to me for one moment?
Mr. LOCKWOOD. Yes.
Mr. COX. I gave you the floor yesterday.
Mr. LOCKWOOD. Certainly.
Mr. COX. Let me ask you this. You stated that your president and your cashier are members of your finance committee, or your executive committee; the name is not important.
Mr. LOCKWOOD. Yes.
Mr. COX. Now then the present a substitute.

Mr. COX. Now, then, the paper is submitted to them, as you stated to the House a moment ago.

Mr. LOCKWOOD. Mr. COX. Do you Yes. Mr. COX. Do you mean that that paper is discounted without consultation with the directors? Now, tell me what object tion there is to that executive or financial committee reporting it back to the board of directors and making a record on their

Mr. LOCKWOOD. My dear sir, what would be the use of, Mr. LOCK WOOD. My dear sir, what would be the use of, after it had been discounted, their reporting it back, when they will not have a chance, perhaps, to report it back to the board of directors for one or two months after the money has been borrowed? It would be of no benefit or information to the board of directors. Any member of the board of directors can look at the discount ledgers and see at any time what is going on and what discounts there are recorded in that book.

what discounts there are recorded in that book.

Mr. COX. Do you mean to say that your directors do not meet in less than two or three months?

Mr. LOCK WOOD. I state with great frankness that in many of these large banks the board of directors do not meet more than once a month or two months, and there is no law requiring them to meet at any specific time, except twice each year.

Mr. DUNPHY. But they are at the bank every day.

Mr. LOCKWOOD. Furthermore, if this bill is passed, it will cause many of the most active, upright, and business-like men of the country to refuse to act either as officers or directors of national banks. All will concede that a national bank, to be successful, must have for its stockholders, directors, and officers, active, wide-awake business men. The stockholders select the directors, and the directors in turn select the officers of the bank, rectors, and the directors in turn select the officers of the bank. the most competent and trustworthy men they can find. All undirectors of the bank.

All understand full well that the value of their stock and the success of the bank depends upon the confidence of the people in the judgment and wisdom shown in the selection of the officers and directors of the bank.

Why should Congress now seek to destroy this confidence in the officers of national banks? It certainly will do much to destroy confidence by the passage of an act which virtually impugns the honesty and integrity of all bank officers, as this bill does. The confidence of the people has been for many months and is still sorely tested. It is in my judgment far better for the people, far better for the stockholders, and far better for the depositors, and best for the interests of this country to cease these attacks upon the national banks and the other banks of the coun-Stop this legislation and let the law as it stands remain un-

changed.

The future success of national banks depends upon the confidence of the people in their faithful and honest administration. The law as it stands to-day punishes with severe penalty every violation either by the officers or directors of a bank who commit any offenses by which any of the moneys of the bank are diverted from their legitimate and honest purpose. Banks are an absolute necessity for the management of public business. Their future prosperity depends largely upon the lawmaking power not interfering with the just absolute and well-settled laws as they have existed for so many years.

And I will say right here, that there has not been an offense

And I will say right here, that there has not been an offense And I will say right here, that there has not been an offense committed by any national bank officer, either president or cashier, that it has not been in the power of the Government for the last twenty-five years, at any time, to have that man indicted, tried, convicted, and sentenced under the law as it stands to-day, and more quickly and more certainly than by the bill which you have here at the present time. Pass this bill and you strike a blow at the national-bank system of this country.

The laws now relating to national banks are strict, and so ironclad are the penalties for their violation, so severe the punishment, so certain to follow their violation, that men of high standing and men of high responsibility hesitate, greatly hesitate, to

ing and men of high responsibility hesitate, greatly hesitate, to become directors of national banks; and the only reason why you can induce a proper man to become a director in a national bank is the reason that he has become the owner of large blocks of stock in the bank and feels compelled to aid in caring for his own property. For no other purpose and for no other reason can you induce any man to assume the responsibility of putting himself under the law, strict and sovere as it stands to-day, and under its penalties and liabilities to become a director of a national bank. National banks are fast disappearing in my city; out of twenty-four or twenty-five banks and banking institutions,

all are State banks except two. We have only two national

all are State banks except two. We have only two national banks in the city.

I am not, and I do not wish to be understood as being, in favor of any loose or dishonest system of banking, either under legislation by the Federal Government or by the States. I am in favor of the strictest, the most honorable, the most honest system of banking that can be secured by legislation. But I do say that when you bring in a bill of this kind simply because of the thieving speculations of the few bank presidents and enshiers, you are throwing in the face of the hundreds and thousands of honest and honorable bank presidents, cashiers, and directors in this country an imputation that they are not to be trusted by the public

I am opposed to this bill, Mr. Speaker, for another reason, because, as is stated in the report of the minority, it is of a paternal character, a kind of legislation that ought not to become a settled or fixed rule in this House. I believe, sir, that the future success of our banking system in this country will depend upon your leaving it in the hands of honest men, under honest and your leaving it in the hands of honest men, under honest and fixed laws, and not by perpetually or annually changing your laws. The present banking laws have stood the test of time. Good judgment, good legislation, and good financiering each and all alike demand that they remain undisturbed.

Mr. PAGE. Let me ask the gentleman if it is not true that under the present law the bank examiner, appointed by the Government of the state of the state

ernment, has the right to go into any national bank and examine its books on any day he chooses, without notice to the bank?

Mr. LOCKWOOD. Certainly. The examiner may go, on any day, at any hour, and demand to see the books, and the whole bank must be virtually closed up for the purpose of his examination. Not only that, but the Comptroller of the Currency can on any day demand a report from a national bank, not of that day, but of any previous day that he sees fit to select, and from the books of the bank the officers must make a sworn report as to the condition of the institution on that day.

Mr. CANNON of Illinois. Mr. Speaker, I believe I have five

minutes of my hour left.

The SPEAKER. The gentleman has four minutes.

Mr. CANNON of Illinois. I yield that time to the gentleman

Mr. CANNON of fillnois. I yield that time to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, very little can be said in the few minutes allowed me, but I desire to make one statement. The gentleman in charge of this bill [Mr. Cox] has cited the case of the Maverick Bank as one of his illustrations to show the necessity for this legislation. I am not a defender of the Maverick Bank, or of the Keystone Bank, or of the Spring Garden Bank, or of any of these banks which have been broken and de-stroyed by maladministration or unlawful action on the part of their officials; but this fact ought to be stated, for it is a matter of history, that in every case where the officers of a national bank have been guilty of these violations of law, when they have been called to account, they have either committed suicide or they are to-day in the penitentiary. The crime is a great one, and to many death is preferable to life branded with dishonor and crime.

The history of every one of these bank failures has been a tragedy. In the case of the Maverick Bank, Mr. Potter, the president, had associated with him one Irving A. Evans in stockbrokerage business. The firm failed, and Evans shot himself. Magruder, the bank-examiner, who was under the control of the bank officials, was in impaired health, and when his assistant took possession of the Maverick Bank he died on the next day. suddenly. The president and eashier of the Spring Garden Bank are to-day in the penitentiary for a term of ten years. The president of the Keystone Bank is a fugitive from justice, and the bookkeeper is undergoing imprisonment for a term of ten years. In other words, wherever there has been a violation of law by the officers of a national bank affecting the protection of the depositors and the stockholders, a tragedy or imprisonment has followed.

Now, as I said yesterday, the present Secretary of the Trea Now, as I said yesterday, the present secretary of the Treasury, Mr. Carlisle, was of the committee that made the investigation of the Maverick Bank, and Mr. BRICE, Mr. HIGGINS, Mr. PEFFER, and Mr. CHANDLER were also members of that committee. If the gentleman referred to, connected with that bank, is now at large, it must be through some dereliction of that committee, or else because there could not be a case made against

him in the United States courts.

him in the United States courts.

Mr. COX. Will the gentleman yield to me for a minute?

Mr. BINGHAM. I have only four minutes.

Mr. COX. I yielded to you very cheerfully yesterday.

Mr. BINGHAM. I have only four minutes, so the gentleman will understand that I have no time to spare. I want to say this further in reference to these national banks, that they can not have a spare in their administration a body of directors all the have present in their administration a body of directors all the time. The directors are stockholders and generally depositors in their own bank, from which they receive, as a matter of course,

courtesy and accommodation in preference to outsiders. The limitations of the law indicate the amount allowed to be loaned to any man appealing to the bank, and when these gentlemen make their applications for discount the law runs, and it is the duty of the bank examiner to be so thoroughly familiar with the several banks in his district, by frequent examinations, that he can easily tell whether there has been any violation of the law or not. The trouble has been, in relation to these many failures of banks, that the examiners have not carried out the instruc-tions of the Department and the injunctions of the law.

Mr. COX. Mr. Speaker, by agreement between the gentleman from Illinois [Mr. CANNON] and myself the debate is to be extended until 3 o'clock, when the previous question is to be ordered. The gentleman from Illinois is to control half the time

the SPEAKER. The Chair will submit the proposition to the House. The gentleman from Tennessee [Mr. Cox] asks unanimous consent that the debate on the pending bill be extended until 3 o'clock; that at that hour the previous question tended until 3 o'clock; that at that hour the previous question shall be considered as ordered upon the bill and any pending amendments, and that the time intervening, thirty-two minutes and a half, shall be controlled, one-half of it by him, the gentleman from Tennessee [Mr. Cox], and the other by the gentleman from Illinois [Mr. Cannon]. Is there objection?

There was no objection, and it was so ordered.

Mr. COX. 1 [Mr. HARTER] I yield three minutes to the gentleman from Ohio

Mr. HARTER. Mr. Speaker, I have no wish to occupy much of the time of the House; but I favor the bill now before us. I believe that any measure, which will restrict the power of bank officers who borrow the funds of the bank must be wholesome and need not be onerous. I shall therefore vote for the bill. I should vote for it with much more heartiness if it extended farther than it does. I think this measure may lead up in the end to a bill which will be very much more useful, a bill which will absolutely and irrevocably prohibit the president, the vice-president, the cashier, teller, bookkeeper, or any other employé of a bank from borrowing under any circumstances whatever the money of the institution with which he may be connected.

Such a restriction of course ought not to extend to men whose sole connection with the bank is that of stockholder and director;

for the reason that under the operation of such a restriction it might be almost impossible to secure for the board of direction the class of men who would be most valuable. Hence I say that the power of a man to borrow money if his sole connection with the bank is that of stockholder and director ought not to be abridged any more than that of the outside public; because it is very advantageous to be able to secure upon a bank board in any of our cities the attendance and advice of some man, for instance, who is a wholesale dry goods merchant, of another who is a good lawyer, of another who is engaged in manufacturing, another who may be a wholesale dealer in groceries; and so on. It is very immay be a wholesale dealer in groceries; and so on. It is very important to have directors of this class, because their knowledge portant to have directors of this class, because their knowledge with respect to trade and their familiarity with the business ability and credit of the men applying for discounts is of great service to the bank. Such men as I have indicated are often obliged to borrow money for the needs of their own current business; and if, as directors, they were prohibited from borrowing they would be obliged to decline serving upon the board.

But these considerations do not apply to the men directly in charge of the business of the bank and in control of its funds. The nearer you can come to making the actual bank officers, those in charge of the business of the bank, trustees for the safety of the capital and the deposits of the bank, the better it

I shall vote for this bill, regretting, as I have said, that it does not reach farther than it does, for I should like, as I have said, to see its provisions extended so as to prevent officers directly interested in the control of the bank from borrowing money from it under any circumstances whatever.

Mr. DINGLEY. You object, then, to the pending amendment to insert the word "directors."

Mr. HARTER. I object to that amendment.

Here the hammer fell.]

Mr. HARTER. I will be glad if the gentleman from Tennessee [Mr. COX] will yield me two minutes that I may give that time to the gentleman from Massachusetts [Mr. DRAPER].
Mr. COX. That is all right.

That is all right.

Mr. COX. That is all right.
Mr. HARTER. I yield two minutes to the gentleman from Massachusetts [Mr. DRAPER].
Mr. DRAPER. Mr. Speaker, I am very sorry to disagree on this question with eminent gentlemen on my own side of the House for whom I have the greatest respect. I have had some little experience as a business man: I have been and am the director of a bank; I am also a depositor in banks; and I am, unterpretable a fractional horrower from the banks. frtunstely, a frequent borrower from the banks.

Now, it seems to me that this bill, so far as it goes, is simply a bill for the safety of the stockholders and depositors of these in I can not see how legitimate business can be in any way retarded by requiring that the president, cashier, teller, and other officers of the bank must consult the board of direct. and other officers of the bank must consult the board of directors before they borrow the money of the bank. If in opposition to this proposition it be said that the president or cashier may desire to speculate in stocks, and for that purpose may wish to deposit securities and borrow upon them, it does not seem to me that that is a kind of business which we as members of Congress should be particularly anxious to advance.

of Congress should be particularly anxious to advance.
It is said by some gentlemen that the law as it stands is sufficiently stringent. In answer to that suggestion, I wish to refer to our recent experience in the State of Massachusetts in the case of the Maverick Bank. Under the present law, as I understand that case has been decided, it is held that the president and directors of a bank may take the money of the stockholders and depositors, may go into stock speculation with that money; if they win, pay the bank back, and if they lose, the depositors and the stockholders lose their money.

[Here the hammer fell.]

Mr. COX. I yield two minutes to the gentleman from Missouri [Mr. Heard].

Mr. Heard. Mr. Speaker, I desire to offer an amendment in order that it may be considered pending when the time comes for its consideration. My amendment is to insert after the word "quorum," in line 12 on page I, the words "and then not in excess of the amount now allowed bylaw." While this amendment may not be necessary, I agree with the gentleman from Texas [Mr. Culberson] that it can do no harm, and it may serve a useful nurpose. useful purpose.

I wish to say only one or two words in regard to the general policy of this bill. As just stated by the gentleman from Massachusetts [Mr. Draper] the bill is designed to affect a very small percentage of the business done by any bank. It does not affect the general business of the banks at all; and as to the business which it does affect, it is only wise, it is only justice to the depositors and stockholders of these institutions that such re-

strictions should be imposed.

Referring to the remark of the gentleman from New York [Mr. LOCKWOOD], to the effect that this measure is an assault upon the credit of the banks and is calculated to impair the confidence which the people repose in these institutions. I beg to take issue with him. My judgment is that you will strengthen the confidence of the people in these institutions by throwing around the officers who conduct them such legal restrictions as will prevent them from making the scandalous misuse which has, in some instances, recently been made of the money of the people to the great detriment of the depositors and stockholders, as well as to the discredit of the institutions themselves.

[Here the hammer fell].

The SPEAKER pro tempore [Mr. Montgomery]. Does the gentleman from Missouri offer his amendment now?

Mr. HEARD. I have offered it to be considered pending when

the previous question shall apply.

Mr. COX. There is no objection to that amendment.

Mr. DINGLEY. Let the amendment be read.

The Clerk read as follows:

After the word "quorum," in line 12, page 1, insert the words "and then not in excess of the amount allowed by law."

Mr. CANNON of Illinois. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. VAN VOORHIS].
Mr. VAN VOORHIS of New York. Mr. Speaker, let us see what a national bank is. In the first place, the stockholders are the owners of the bank. The directors are merely the agents of the the stockholders. They are also trustees for the stockholders. the stockholders. and under certain circumstances and in certain cases they also become trustees for the creditors.

Now, the stockholders have a perfect remedy for the malfeasance in office of any director. If they have a dishonest director

ance in omce of any director. If they have a dishonest director they can turn him out. Banking can not be done unless full faith be had in the men that manage the banks. The integrity of the managers is the safety of any bank.

As my colleague [Mr. Lockwood] says, you may pass all the penal laws the statute books will hold, and you can not prevent stealing. So the remedy is in the hands of the stockholders for improper conduct of directors. improper conduct of director

Again, the president and the cashier and the other officers of

the bank are the agents of the directors, and the directors have the entire power to change them at will. Now, Mr. Speaker, it strikes me that this is one of that class of bills which come from influences hostile to the national banks. If you want to break down the national banks bring in a bill for that purpose and wipe them out of existence, but do not attack them in a surreptitious way like this. Why, these national banks are the very best we have. They are loaded down with all the

weight they can carry.

In my own town we have eight State banks and two national banks. The national banks are in every way the best in the country. Weight them down a little further, and they will have to go out of existence as national banks and become State banks, and everywhedy knows everywhere throughout the country. to go out of existence as national banks and become State banks, and everybody knows everywhere throughout the country that the State bank furnishes no better security to the depositor than that furnished by the national banks. We want to maintain the national banks, and I say again let the enemies of those banks come to the front squarely, and say that they want to legislate national banks out of existence and present a bill for that purpose, and not attack them in the insidious manner in which this till makes the assault. hill makes the assault

Mr. CANNON of Illinois. I now yield five minutes to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Speaker, what I have to say I desire to direct

Mr. RAY. Mr. Speaker, what I have to say I desire to direct more particularly to the proposed amendment to include in this bill the directors of national banks.

I am a friend to the national banks because I believe that they I am a friend to the national banks because I believe that they give life and energy to the business of the country, and that without them we should be substantially unable to do business in a safe and speedy manner. These banks take care of the money of their depositors without charge, and depend on loans made for profits in the business. They should not be embarrassed. The directors are chosen for their business capacity and integrity, they having little to do with handling the money. Practically they stand in the same footing with outsiders so far as borrowing at the banks is concerned.

The practical effect of including in this bill directors of national banks will be, in the smaller towns, to substantially para-

tional banks will be, in the smaller towns, to substantially paralyze the business carried on by many of the directors of the banks. In the smaller towns, as in the town where I reside, and the smaller cities of the country, the directors of the national banks are made up of the business men of the town, merchants and men engaged in actual business. These men never know twenty-four engaged in actual business. I ness men never know twenty-four or forty-eight hours, or three or four days in advance, exactly what their needs are to be in conducting their business. When they desire to borrow money it is in some emergency that usually comes upon them suddenly. Now, in the afternoon perhaps ally comes upon them suddenly. Now, in the afternoon perhaps they find that in order to meet their engagements they need to borrow five hundred or a thousand or two thousand dollars or five thousand dollars.

It is to be supposed that the other officers of the bank know the directors; it is to be supposed that the other officers of a bank and the stockholders have considered whether these men are good or not; and it is to be supposed that all know the business standing of the directors of the bank, that reasonable consideration has been given to their applications for loans before, and whether or not it is proper to loan money to them again, to continue making loans and whether it is improper undersorted. continue making loans, and whether it is improper under any circumstances to loan a reasonable amount of money to these men. Should loans to directors be considered improper there would be some prohibition placed on the officers of the bank having the

some prohibition placed on the officers of the bank having the making of loans in charge.

Now, if you say these men can not borrow of the bank when the emergency arises in their business and can not get a fund to remit to New York or some other city, a thousand or two thousand dollars, as the case may be until a meeting has been called to consider the application, they will find it absolutely impossible to meet their engagements on the day when they mature and their paper away from home will go to protest and they will be otherwise embarrassed. Therefore you will not only embarrasse otherwise embarrassed. Therefore you will not only embarrass the bank, but impair its business as well as the business of the director without doing any good in the way of securing the bank or its depositors against loss. You are doing no good by including the directors in this proposition, but are doing great harm not only to them, but to the business men with whom they deal in other towns, and through them to the business of the entire country

There are many objections to all of the features and provisions of this bill, but this proposed amendment is especially obnoxious. I do not believe, Mr. Speaker, that it is at all necessary to say, by insinuation, that we believe the presidents and officers of the national banks of this country of ours are thieves or dis-The presumption is that they are honest men; the presumption is they will not steal. There are laws which I believe to be sufficient now on the statute books providing for the punishment of these men, when they overstep the bounds pre-scribed by the law in the performance of their functions. I shall, however, make no objection to the bill as it stands, but only to this proposition to include directors of national banks within the terms of the bill. To that I do object, and if it is

incorporated therein I shall vote against the bill.

Mr. CANNON of Illinois. I yield a minute to the gentleman

from Massachusetts [Mr. DRAPER].

Mr. DRAPER. Mr. Speaker, my time was so short that I was unable to say what I desired to say before closing, which was that I was opposed to the amendment excluding directors. in favor of the bill so far as it applies to the president, cashier, and other officers, but not in so far as it applies to directors, who are not salaried officers of banks, and who only act in directors' meetings

Mr. CANNON of Illinois. I suggest to the gentleman from Tennessee [Mr. Cox] that he occupy ten minutes of his time The gentleman to whom I propose to yield is not quite

read v.

Mr. COX. There are a number of gentlemen who have been begging for time, but who are not on the floor at this moment.
Mr. CANNON of Illinois. If the gentleman from Pennsylvania [Mr. BINGHAM] is ready to proceed I will yield to him five minutes, with the understanding that I will yield more time to him if that is not not likely that it is not not likely that is not not likely in the large transfer of the second of the s

him if that is not sufficient.

Mr. BINGHAM. Mr. Speaker, one of my objections to this proposed legislation is, first, that I think the safeguards that are now a part of the law fully protect the general administration of

national banks.

I do not believe it to be wise, in view of the history of national banks in this country—with their acknowledged usefulness, with their trial periods that have been gone through, with the ac-ceptance by the people of the established system that exists today -- to go into any of the details of bank management by further

day-to go into any or the details of bank management by further legislation.

This is distinctly an inroad upon the directorship control of moneys of their own and moneys of their customers, in a line of detail that I think neither wise nor justified by any of the experiences in the history of national banks, although there have been many failures and although there have been many defalcations.

The general business of country national banks is entirely and radically different from the business of banks in the great centers of money, of commercial and manufacturing industry. In my own city of Philadelphia the banks, at the later hours of the day, are literally overrun with the brokers of the city, negotiating their loans, either time or call loans.

What is called the general discount paper, as a rule, goes fore either the finance committee or the body of the board of directors; that is, one or two name paper, upon which there is no collateral save the good repute of the merchant, his standing in the bank as a depositor, and the knowledge on the part of the business men on the board of directors as to his standing in either the commercial or the industrial line of work in which he is engaged. But in the great cities, the large business of the banks is in the line of their relations with the brokers.

line of their relations with the brokers.

The brokers give to the banks better security than your one or two name paper. They bring to the bank securities of positive actual value. They must have the money at once, within five minutes, in order that they may close the transactions of the day. When you consider that New York at times negotiates six hundred thousand shares of stock in a day, all of which go through the banking operations of that great city, you can form some idea of the necessity for closing transactions quickly. My own city of Philadelphia, and Boston, negotiate, through their brokers, hundreds of thousands of shares of stock a day, running into the millions of dollars, and all these negotiations must be into the millions of dollars, and all these negotiations must be perfected within a short time.

That occurs every day in the year. The board that passes upon this class of securities consists generally of the president, upon this class of securities consists generally of the president, vice-president, and cashier. It is not a question of judgment with them as to the standing of the men who offer the paper, as it is in the discounting of one or two name paper, but the broker brings in collateral. They know the marketprice by looking at the tape or at the daily list. You know that Manhattan is worth over a hundred. You know that Pennsylvania Railroad, New York Central, and Union Pacific are worth so much. They borrow upon cell. The banks can cell upon they to move the property that row upon call. The banks can call upon them to-morrow for the repayment of the money.

No board of directors can be assembled to pass judgment upon

these loans. These gentlemen are pursuing their individual lines of business, for they are paid no compensation for their bank work. These questions can best be and are trusted to the

officers of the bank.

officers of the bank. Now, what is called defalcation on the part of the officers of national banks has been the exception in the history of banking. The directors are taken from a body of business men. They can not give their whole time to the business of the bank. No salary is connected with that honorable place. They are there for the protection of their stock, for the protection of their own deposits, because they go to their own banks to make their deposits, and to pass judgment upon the paper of the business men of the community with whose standing they are familiar.

They are there when the general discount business is to be

considered, when exceptional loans are to be made, and to generally examine at fixed stated times the business of the bank. simply object to this proposition because I believe it is a line of legislation that would trench upon the well-established, the wellexperienced, safe, and acceptable modes of conducting our banks as they exist to-day. The trouble in the past has been that the bank examiners, the executors of your law, have failed to do their full duty. I do not know whether the head of the Department has been derelictor simply the bank examiners; but in the case of the Maverick Bank there were five examinations, so Mr.

He says:

The most appalling feature of the Maverick Bank failure was the method of false returns resorted to in order to keep a knowledge of the true condition of the bank from appearing in the five returns sent each year to the Com troiler of the Currency.

It will be seen from the foregoing portions of this report that the committee had no difficulty, from the very commencement of the inquiry, in reaching the discovery that the disastrous failures of national banks have nearly all resulted from two concurring causes, as follows:

I. Excessive loans beyond the lawful limit to officers or stockholders of the banks.

2. The unfaithfulness of the bank examiners who, through gross neglect or from corrupt motives, have failed to make full and accurate reports to the Comptroller of the Currency.

[Here the hammer fell.] Mr. CANNON of Illinois. I yield the gentleman one minute more if he desires to finish his statement.
Mr. BINGHAM. I desire one minute more.

Mr. BINGHAM. I desire one minute more.

No system of law can prevent conspiracy in a national bank, and no system of law can prevent an expert housebreaker from breaking into my house. If a national bank-official is dishonest and a man who proposes to use the money of the depositors for his own purpose, and loses the same in speculation, I can say this, that the history of national banks follows the history of recent years, that a man either goes behind the bars of the pent-tentiary or commits suicide, and you can not by this enactment or any other enactment make men honest who are dishonest. say that I believe your law as it exists to-day on the statute book is far better than this proposed legislation, and if wisely, judiciously, faithfully, and honestly carried out will protect the national-bank system as it now exists. [Applause.]

tional-bank system as it now exists. [Applause.]

Mr. COX. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. HALL].

Mr. HALL of Missouri. Mr. Speaker, let us just for a moment brush the undergrowth out of the way, and clear the trash that has been thrown into this matter, and see what the real facts are. A large part of the argument of the gentleman from Pennsylvania [Mr. BINGHAM] is that we have 600,000 stock transactions in one day in the city of New York, or 100,000 in the city of Boston, in the period of twenty-four hours, and they shall all be settled in a period of five minutes. He intimates that all this is to be done away with in the event this bill is passed, and that this bill is an attack or injury on the bank dipassed, and that this bill is an attack or injury on the bank di-

The gentleman has failed to recognize one fact, Mr. Speaker, and that is the fact that when a man becomes a director of a bank he takes the position, if he accepts the position, of a trustee with regard to the money of the stockholders and the depositors in that bank, and he has no right, and no trustee has any right, to handle funds that are intrusted to his charge, or if he is han-dling funds that he shall not handle them without legal restric-

Let us notice another of the sophistries indulged in by the gentleman from New York [Mr. Lockwood]. I will take his argument and that of the gentleman from Illinois [Mr. Cannon] and put them together. The gentleman from New York [Mr. Lockwood] objects to the bill on account of the restriction on bank officers being too severe. The gentleman from Illinois [Mr. Lockwood] objects to the bill on account of the restriction on bank officers being too severe. The gentleman from Illinois [Mr. Lockwood] objects to the bill on account of the restriction on bank officers being too severe. linois [Mr. Cannon] says that the restriction amounts to nothing on earth to a dishonest bank director. Now, let us simply place the two arguments together and let them devour themselves, and either one of them will have small food to work

Now, it seems to me, Mr. Speaker, with all due deference, that this bill throws around the directors and officers of the banks an additional restriction or incentive to honesty. I mean by that incentive to honesty, that punishment will be certain when a man is found to be dishonest. I do not suppose that this will be indorsed by dishonest directors of a bank or dishonest

officers, for-

No rogue ere felt the halter draw With good opinion of the law.

It is for the purpose of protecting the stockholders, the directors and the depositors from dishonesty, and that rolls up into the millions. The depositors in a bank that has been robbed in this manner have no remedy, because of the insolvency of the bank; and in the miserable transaction of incarceration of the dishonest

man in a prison you may satisfy the criminal law of the United States, but the injury received to the country is as set forth in the report of the committee upon this matter. Mr. Speaker, I do not see that further time need be spent upon this matter Mr. CANNON of Illinois. I yield ten minutes to the gentle-

man from Texas [Mr. Balley].

Mr. Balley. Mr. Speaker, I have no disposition to detain the House if the gentleman from Tennessee wishes to bring the debate to a conclusion now.

debate to a conclusion now.

Mr. COX. I have no control of the time on the other side.

That belongs to the gentleman from Illinois [Mr. CANNON].

Mr. BAILEY. Mr. Speaker, I am one of those who still believe in the wisdom of leaving every man as free as possible to manage his own affairs in his own way, unvexed by the interference of the law. It too often happens that in some particular community there occurs a case of peculiar hardship, and gen-tlemen imagine that the plague is about to become universal, and they straightway appeal for legislation on the subject. For my part, I do not think that a general law ought ever to be enacted except in response to some pressing need and to serve some great and useful public purpose. I can not bring myself to think that the evil at which this bill aims is so serious or so extensive as to justify Congress in entering still further upon the minute and specific regulation of the dealings between the banks of this country and their customers.

It is true, sir, that a dishonest officer will sometimes despoil the bank and rob the stockholder, and even the depositor, but I undertake to say that in nine cases out of every ten of that kind which have occurred it could have been prevented by a reasonable enforcement of our existing laws; and this bill, if it becomes a law, will simply embarrass the honest men who could use the accommodation without loss to the banks, but banks for their

will not deter the thieves.

I can see no necessity, sir, for still further divesting the men who own a bank of their right and power to direct its affairs. Is it to be done for the benefit of the depositor? Mr. Speaker, waiving all question as to how far it is proper for the Government to interfere between the banks and their depositors, I submit to the candid judgment of the House that the losses which depositors have sustained have not been such as to warrant this House in passing this bill. During the more than thirty years since the inauguration of this banking system, depositors have lost less than \$10,000,000; which means that in all that time they have lost less than one-half of I per cent of the present deposits on a system can apply less than one of this banking system. ent deposits, or an average annual loss of less than one-fiftieth of 1 per cent. Reflect upon it, sir! A loss of less than one-fiftieth of 1 per cent under what is admitted to have been a lax and inefficient administration of the law, and yet we are confronted with a demand for more restrictions upon the right of men to control their own property.

Sir, it seems to me that instead of yielding to this demand for

more law it would be better to trust the men having money to deposit to look more to the honesty of the officers and less to the rigor of the law. There are many men engaged in the national banking business to-day who could not carry one-tenth of their present deposits if it were not for a vague and indefinite idea

which possesses the minds of many people that, somehow or somehow else, the law will take care of their money.

Instead of multiplying the regulations of law until men come to rely upon them for protection and security, it would be the wiser plan to so frame your legislation that none but men of high character and integrity will be trusted with the money of the

The best service this Congress can do this country under present conditions is to repeal many laws and make no new ones. except such as are absolutely necessary. Instead of committing the Federal Government still more closely to the national banking system we would deserve better of our constituents if we would lead off in the opposite direction of divorcing this Government from all banks and banking systems. We need to be schooled again in that wisest of all legislative maxims that "the people are governed best who are governed least." I believe it was Tacttus who said that there is no surer evidence of a nation's decay than the multiplicity of its laws, and the history of all governments has confirmed him in his declaration. Usually it is true that the size of their code is a good index to the character and habits of a people. A model state is one in which there are but few laws and every one of them well and faithfully executed; and a wise legislator ought to insist upon enforcing the laws which we already have rather than encumber the statute book with new ones. When I asked my friend from Tennessee [Mr. Cox] yesterday if it were not true in nearly all the cases where national banks had become insolvent through the mismanagement or defalcation of their officers, that the enforcement of the existing law would have prevented the result, he replied that it was. I submit to him, then, that instead of he replied that it was.

making more laws we should enforce the ones we have, and upon that idea, Mr. Speaker, I shall cast my vote against this

Mr. CANNON of Illinois. I reserve the balance of my time,

Mr. Speaker Mr. COX. We have the conclusion of the debate on this side,

I believe.

Mr. CANNON of Illinois. Does the gentleman propose to take

Mr. COX. No, sir; but when the time comes to conclude the debate I shall yield to the chairman of the committee that reported the bill.

Mr. CANNON of Illinois. I will reserve my time, though I do

Mr. CANNON of Hillots. I will reserve my time, though I do not know that I shall use it.

Mr. COX. Mr. Speaksr, I have listened patiently to all this discussion, and I must say with the utmost respect that I have been astonished at some of the arguments which have been made. The matter seems to me to involve a very plain proposition. A director of a bank (and this seems to be the point on which the argument hinges) has been decided by every court of the United States to be a trustee. He is the trustee, not only for the depositors States to be a trustee. He is the trustee, not only for the depositors but for the stockholders. Now, let me submit a very plain proposition of law. Here is a trustee who controls funds belonging to others. Associated with him are other trustees with similar authority and acting in the same capacity. Now, when he comes to deal with this trust fund placed in his hands, is it unreasonable to say to him, "We will put such a restraint on you that you can not use the funds belonging to others until you submit your proposition to your cotrustees"?

proposition to your cotrustees If such a proposition were made as a matter of State law, gentlemen would readily concede its propriety. But here the proposition to put restrictions around a trustee, so that he shall not improperly use the funds belonging to others is met with the objection that such a restriction will embarrass him in his busi-

Mr. BAILEY. Will the gentleman allow a single sugges-

Mr. COX. I have but a moment.

Mr. BAILEY. I venture to say that there is not a line in the law books treating bank deposits as trust funds. Such funds are the money of the bank, and the bank becomes a debtor to the de-positor. That has been decided by every court that has ever passed on the question.

Mr. COX. Does the gentleman undertake to say that bank directors are not trustees?

Mr. BAILEY. They are trustees for the bank, but not for

Mr. DATIET. They are transfer to the depositors.

Mr. COX. Then let me ask the gentleman how it is that the liability attaches not only to the stockholders but to the directors in case there is any destruction of this trust fund?

Mr. DATIET. They are transfer to the directors in case there is any destruction of this trust fund?

Mr. BAILEY. That results from positive law, not by reason

of any trusteeship.

Mr. COX. Let me submit a question to the gentleman from Texas, as he has interrupted me: Suppose a director in a bank, with the consent of his codirectors, appropriates the funds of the bink to his own use; does the gentleman insist he is not

Mr. BAILEY. He would go to the penitentiary, under the statute law of the United States.

Mr. COX. What good does it do to send a man who is insolvent to the penitentiary—a man who has taken the money of other people? That does not return the money. There is the trouble.

But, Mr. Speaker, I rose to occupy only a few moments in pressing this point, and I will not occupy further time. I yield four minutes to the gentleman from Mississippi [Mr. STOCK-DALE

Mr. STOCKDALE. Mr. Speaker, the result of the existing law is that the depositor has practically no choice as to where he will deposit his money. The United States Government laid its hand upon and destroyed every State bank wherein the citizen might have chosen to make his deposits. He is, therefore, by the law of the United States driven to deposit his money, if at all, in a United States bank.

Mr. DINGLEY. I would like to call the attention of the gen-

tleman to the fact

Mr. STOCKDALE. The gentleman must excuse me; I have but four minutes, and I wish to direct attention to another point. having destroyed the other banks, it should make depositors in the United States banks as safe as possible. And the fact that gentlemen having these extraordinary privileges, controlling United States banks created in this way, resent any interference by the Government with what they call their business is a very

suspicious circumstance

According to the last accounts they owe 0. Those depositors put their money ime as this. When they come to get it positors \$2,020,000,000. depositors \$1,700,000,000. Those do there for just such a time as this. there for just such a time as this. When they come to get it they are answered that the bank can not pay them; and it goes on dealing with their money. Other banks answer that the president or the cashier has squandered the money—

Mr. KYLE. "Borrowed" it.

Mr. STOCKDALE. "Borrowed" the money, as my colleague suggests; and the cashier and president, when the depositors want to see them, are in Canada or Kamskatka!

Now, I say—and this is all I want to say—that the United States ought to enlarge, as proposed in this bill, the restrictions upon these people, so that they will not be able to accept the deposits of their fellow-citizens and then loan them to themselves, lose

these people, so that they will not be able to accept the deposits of their fellow-citizens and then loan them to themselves, lose them in speculations, and then flee the country, leaving nobody responsible. This enlargement of the present restriction hurts no honest man, but bears heavily upon dishonest men.

If depositors have not now sufficient safeguards, if the officers appointed by the Government to look into these institutions have neglected their duty, so that officers of the bank have been enabled to speculate with the money received from depositors and then when the money has been called for have been found wanting, it is wise to enlarge the restriction so that the directors or executive committees of banks in such cases may not complace ntly answer that the cashier and the president have complacently answer that the cashier and the president have done the mischief and have absented themselves. The directors should make themselves responsible for these transactions con-

should make themselves responsible for these transactions connected with the loaning of money, should put the matter upon record, so that they may be called upon to answer for the use or misuse of the money of the people.

The people who deposited their money in these banks can not go and look after the management of the institutions. They do not want to be told, when they go for their money and expect to receive it, that it has been squandered or stolen. When a man goes for his money to meet the circumstances of such a time as this or to meet sighness or business engagements or is out of this, or to meet sickness or business engagements, or is out of employment—and most of the depositors are small ones—they want to be told, "Here is your money," or told why it is not

Therefore it is the duty of the Government-not only good policy to pass the bill promoted by the gentleman from Tennessee [Mr. Cox], but I concede it to be the absolute duty of the Government, when it is responsible for these institutions, to se-Government, when it is responsible for these institutions, to secure to the people who deposit their money in them the right to receive their money on demand, or when they want it, and they ought not to be answered that the Government officers are inefficient. That is in fact the strongest argument I have heard for the passage of the bill, that the Government officials and inspectors of banks have failed to discharge their duties. Let us put it somewhere where they can not fail to discharge their

Mr. COX. Mr. Speaker, in the discussion of this bill there have been some amendments offered to it, merely to change the verbiage, and I thought they would be considered with the bill. But to reach all the amendments, and to avoid any confusion on that point, I offer the bill which I now send to the desk as a substitute for the pending bill. There is no change in the bill, I will state to the House, except that it includes the various amendments indicated. The word "director" is iu, and the other amendments, and the same exception to the liability of the men who borrow money. There is also an amendment which was offered by the gentleman from Missouri [Mr. Hall] which includes the idea that this provision of law now in force shall be continued, that no one shall draw from the bank beyond the legal limit. I do not ask for the reading of the substitute now.

Mr. DINGLEY. I think the substitute had better be read. We are to have further discussion, and some of us may like to

nsider and discuss the amendments proposed in the substitute

Mr. STOCKDALE. Mr. Speaker, the result of the existing aw is that the depositor has practically no choice as to where will deposit his money. The United States Government laid the hand upon and destroyed every State bank wherein the citiven might have chosen to make his deposits. He is, therefore, by the law of the United States driven to deposit his money, if tall, in a United States bank.

Mr. DINGLEY. I would like to call the attention of the gendleman to the fact—

Mr. STOCKDALE. The gentleman must excuse me; I have been uniquely minutes, and I wish to direct attention to another point. Now, the Government having furnished these depositories and the United States banks as safe as possible. And the fact that gentlemen having these extraordinary privileges, controlling United States banks created in this way, resent any interference by the Government with what they call their business is a very unsticious circumstance.

Not long ago the national banks of the country owed the de-

to the substitute. Is the amendment proposed to a pending amendment

Mr. HAINER of Nebraska. No, sir; these are new sections

to be added to the bill.

The SPEAKER pro tempore. They are not in order at this

Mr. HAINER of Nebraska. I simply desire them to be pend-

ing.
The SPEAKER pro tempore. But there are as many pending as can be at this time, under the rules.
Mr. HAINER of Nebraska. Then I give notice that I will

Mr. DINGLEY. It will not be in order to offer them at all

because the previous question is to operate upon the bill at 3 o'clock, and before any of the amendments are disposed of.

Mr. HAINER of Nebraska. Then I move them as an amend-

ment to the substitute.

The SPEAKER pro tempore. That would not be in order.

Mr. DINGLEY. The amendments are now pending as far as they are admissible under the rules.

Mr. COX. I yield the remainder of the time on this side to the gentleman from Illinois [Mr. SPRINGER].

Mr. CANNON of Illinois. If my colleague desires the time to which I am entitled I will also yield it to him, so that he will have a quarter of an hour at his disposal.

Mr. SPRINGER. Mr. Speaker, my colleague [Mr. CANNON] has kindly yielded me the portion of time, also, to which he is entitled.

If I can get the attention of the House I will endeavor to explain, briefly, this bill. The Committee on Banking and Currency, in reporting the proposition, have shown no disposition whatever to embarrass or cripple in any way the operation of the national banking laws. On the contrary, it is the opinion of this committee that the propositions contained in this bill are very reasonable and can work no harm or injury to anyone who is engaged in honest and legitimate banking business; and that they are such as will meet the approval, generally, of those en-

they are such as will meet the approval, generally, of those engaged in the national banking business.

Two Comptrollers of the Currency, one, Mr. Lacey, known to every member of this House, as he was formerly a member of this body, the other, the late Comptroller, Mr. HEPBURN, have specifically recommended to Congress the adoption of the provision which has been reported in this bill.

Mr. DINGLEY. The gentleman will pardon me. They do

Mr. DINGLEY. The gentleman will pardon me. They do not recommend the inclusion of the directors. They expressly declare that that should not be included.

Mr. SPRINGER. Mr. HEPBURN did recommend that directors be allowed to borrow upon the same terms as other persons will read from the report of 1892, by Mr. HEPBURN, page 41:

There is no reason why a director should not borrow money of his bank upon the same terms and conditions that other patrons are accommodated. There is every reason why he should not take advantage of his position to secure better rates or greater accommodations than his bank equities entitle him to. Officers of a bank should not be allowed to borrow money by overdrawing their accounts, by putting tickets in the cash, by discounting their own notes, or by discounting their business paper, or in any way except by application to the board of directors; and a law regulating such loans would be a wise enactment.

That is the recommendation of Mr. HEPBURN.

Comptroller Lacey went much further. In his report of 1891, page 31, he said:

The Comptroller, therefore, takes this opportunity to recommend that the active officers of a bank be excluded from incurring liabilities to the association with which they are connected, and that the direct and indirect is billities of a director be confined to 30 per cent of the paid-up capital, leaving the limitations contained in section 5200 United States Revised Statutes in-

tact.
The Comptroller is also of the opinion that the publication of the liabilities of officers and directors would afford a valuable safeguard—

Just such publication as is required by this bill.

Comptroller Lacey makes this further statement, to which I wish every member of this House to give attention, because we all know that Mr. Lacey was a very conservative officer, who so ably managed the business of his office during his term that he was called to the head of one of the largest banks in the city of Chicago, and now occupies that position as a national banker.

Mr. Lacey says: The active officers of the bank, who are charged with the custody of its assets and the handling of its funds, should not, in my opinion, be permitted to appear as borrowers or become in any way liable to the association with which they are connected.

That is the recommendation of one of the ablest Comptrollers of the Currency we ever had, that the officers should not borrow anything from the banks.

Mr. Lacey further says:

While this might work hardship in exceptional cases, it would, without doubt, add greatly to the security of the creditors of the bank as a whole. It would be unwise to forbid an association to loan to or discount for its several directors, as they are generally selected from among the leading men in the various branches of business, for the reason that they possess

information which is of great value in passing upon paper offered by those engaged in the same line of trade with themselves.

These two gentlemen, therefore, have substantially recommended the provisions of this bill.

It has been asserted by members upon this floor that you can not prevent stealing by whatever safeguards you may throw around these institutions.

I desire to call attention to the fact that the persons who are

I desire to call attention to the fact that the persons who are elected presidents and cashiers of banks are persons who do not belong to the criminal classes. They are persons who at the time of their election occupy high positions and enjoy good reputations for honesty and integrity.

And in every case of a bank failure, it will be found that where the dereliction occurred through borrowing on the part of the president or officers of the bank, that the borrowing began by the taking of small amounts which were invested in speculative enterprises, under the supposition at the time that the loans would terprises, under the supposition at the time that the loans would

be returned to the bank, and that they were safe ones.

Such a venture proved unprofitable, and they had to borrow again and again until they had loaded the bank down with paper that was worthless. Now, if this bill had been in operation when the Maverick Bank was organized, and when the bank in Cincinnati known as Harper's Bank failed, or when the bank at Indianapolis recently failed, and the bank at Philadelphia, where the officers had operated largely on the funds of the bank, there would have been no failure in those cases—

Mr. BAILEY. And if you enforce the present laws, there would be norm.

would be none.

Mr. SPRINGER. Yes, there would; for the reason that these transactions of the officers would have been reported to the Comptroller of the Currency, and the Comptroller of the Currency would have caused an investigation to be made, which rency would have caused an investigation to be made, which would have begun at a time before the case was hopeless, while the bank was still solvent, and while the loans could have been at least partially made good. But having been concealed, as they are permitted to be under the present law (notwithstanding the statement of the gentleman from Texas), from the Compressing with the investigation of those accounts, these persons went on from bad to worse, until inevitable calamity overtook them. These restrictions are not imposed for the purpose of conversing these now engaged in banking, but in the interests oppressing those now engaged in banking, but in the interests of the banks and the depositors in national banks.

I want to call the attention of gentlemen to the fact that the supervision of national banks, under the laws which have been passed by Congress to secure supervision, being so much more stringent than the laws governing State banks and banking or ganizations under the laws of the several States, the percentage of failures of national banks is much less than of banks organized under the laws of the States. This fact is attributable to the severe investigations to the better supervision to the better supervision. verer investigations, to the better supervision, to the better provisions of law throwing restrictions around the officers of the national banks than are found in the laws of the States in regard to the officers of those State banks. If time permitted, I could point out from statistics furnished by the Comptrollers of the Currency numerous instances showing that the percentage of loss was vastly less under the national banking system than in the banks of discount under the State laws

Now, some gentlemen have complained that this bill will embarrass the operations of the banks. The gentleman from Pennsylvania [Mr. BINGHAM] has stated that large transactions are immediately done in the banks, and that they can not call the board together. In all such cases as that the board of finance, or the discount board could always be on hard to writing. board together. In all such cases as that the board of finance, or the discount board, could always be on hand to anticipate this, and it need not consist of more than three persons. It is no hardship, when hundreds of thousands of dollars in contracts are to be made, for this committee, the trustees, to be there to see that the proper security is put up. You propose to leave that to the president himself, who may lend money to himself, and we see that the proper security is put up. and we say they should have a committee on discounts to see

whether the security he offers is sufficient.

All that this bill requires is that he should submit that to somebody else; that a committee of the board of directors should pass upon it; that the fact should be entered upon the record of the board of directors at the next meeting, and that the fact disclosed by that statement should be returned to the Comptroller of the Currency, so that he could have knowledge of it, and it

there was any wrong done by the officers of the bank the Comptroller could call a halt before it was too late.

I do not believe that persons interested in the national banking business have offered any opposition to this bill. It passed this House in the last Congress. I have received no letter from any banking institution objecting to one line of it, and I do not know that any member of the committee has. It has been pending in this House for two or three weeks. It was known to the whole country that such a bill was pending, and no national bank

has protested against its passage. I believe they desire its passage. It is in the interest of the stockholders and other persons interested, those who must be heavy losers in case of any loss, interested, those who must be neavy losers in case of any loss, because they not only lose their own capital which they have put in as stock, but as much more for which they are liable. They are interested in having the bank honestly managed, and they are interested in and desire that every safeguard of legislation should be thrown around their interests.

The SPEAKER. By order of the House, the previous question is ordered now on the bill and pending amendments. The Clerk will report the first amendment to the bill.

The Clerk read as follows:

After the word "quorum," in line 12, insert:
"And then not in excess of the amount now allowed by law."

The amendment was agreed to.
The SPEAKER. There is a substitute pending, which the Clerk will now report.
The substitute was read, as follows:

A bill (H. R. 2344) for the better control of and to promote the safety of national

The substitute was read, as follows:

Abill (H. R. 2344) for the better control of and to promote the safety of national banks.

Be it enacted, etc., That no national banking association shall make any loan to its president, its vice-president, its cashier, directors, or any of its clerks, teliers, bookkeepers, agents, servants, or other persons in its employ until the proposition to make such a loan, stating the amount, terms, and security offered therefor shall have been submitted in writing by the person desiring the same to a meeting of the board of directors of such banking association, or of the executive committee of such board, if any, and accepted and approved by a majority of those present constituting a quorum, and then not in excess of the amount now allowed by law. At such meeting the person making such application shall not be present. The said acceptance and approval shall be made by a resolution, which resolution shall be voted upon by all present at such meeting, answering to their names as called, and a record of such vote shall be kept and state separately the names of all the persons voting in favor of such resolution, and of all persons voting against the same, and how each of such persons voted in case such proposition shall be submitted to the executive committee, the resolution and its vote thereon shall be read at the next meeting of the board of directors and entered at length in the minutes of such directors' meeting. No such association shall permit its president, its vice-president, its vice-president, its cashier, or any of its directors, or any of its directors and entered at length in the minutes of such directors' meeting. No such association shall permit its president, its vice-president, or agent of any such association who knowingly violates section one of this set, or who aids or abets any officer, clerk, or agent in any such violation, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars, or by imprisonment not more

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] offers an amendment to the substitute, which the Clerk will re-

The amendment was read, as follows:

Page 1, line 4, strike out "directors.

The question was taken on the amendment of Mr. DINGLEY, and the Speaker declared that the ayes seemed to have it.

Mr. COX. I ask for a division.

The House divided; and there were-ayes 50, noes 60; so the amendment was rejected.

The SPEAKER. The question now is on agreeing to the sub-

stitute. The question was taken, and the Speaker declared that the

noes seemed to have it.

Mr. COX. I ask for a division.

The House divided; and there were-ayes 78, noes 45; so the The SPEAKER. The

The question now is on the engrossment

and third reading of the amended bill.

The question being taken, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was

passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. HOOKER of Mississippi, by unanimous consent, obtained indefinite leave of absence on account of sickness.

ORDER OF BUSINESS.

the House resolve itself into Committee of the Whole for the purpose of considering bills on the Union Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

PRINTING BILL.

The House is in Committee of the Whole The CHAIRMAN. for the consideration of business on the Union Calendar. Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H.R. 2650) providing for the public printing and binding and the distribution of public documents.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

On page 19, section 55. line 9, instead of "six" insert "seven;" so as to read, one thousand seven hundred and eighty-two copies," etc.

Mr. RICHARDSON of Tennessee. Mr. Chairman, this amend-

ment increases the usual number printed of these documents to The amendment was offered by the gentleman from Indiana [Mr. TAYLOR]. The object of the gentleman is that these extra hundred copies may go to the Clerk's document room, and if that document room is to be retained these copies will be re-

Mr. TAYLOR of Indiana. My understanding is, Mr. Chairman, that the gentleman in charge of the bill is willing that this amendment shall be adopted.

The amendment was agreed to.
Mr. WEADOCK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In section 55, line 17, and also in same section, line 22, each, after the word "copies" insert "to each designated depository and State and Territorial library, one copy."

Mr. WEADOCK. Mr. Chairman, the object of this amendment is to provide that State libraries and libraries not designated as depositories of public documents may have copies of these documents in the first instance that they may not have to wait until the documents are bound, as they prefer to take them and bind them themselves rather than to wait until they become practically useless. The demand for this provision is made by substantially all the State libraries and large public libraries throughout the country, and I trust the Chairman of the Committee on Printing will make no objection to it.

Mr. RICHARDSON of Tennessee. Mr. Chairman, 1 hope very much that this amendment will not be adopted. I wish discuss it for a moment. This amendment was first suggested by a librarian in the State of Indiana. Mr. WEADOCK. The suggestion comes to me from Michi-

Mr. WEADOCK. The suggestion comes to me from Michigan, from several librarians.

Mr. RICHARDSON of Tennessee. The suggestion to the gentleman may come from Michigan, but originally it comes from Indiana. In other words, it is a machine-made amendment. I hold in my hand several letters from New York, Texas, and other States, all stereotyped, sent out on the suggestion of one librarian in the State of Indiana, who, I understand, is a very estima-Of course that does not detract from the merit of the suggestion, but I am satisfied that this amendment is unnecessary. It provides for an increase of 500 copies of each report and document printed by Congress. Now, what is the object of this increase? It is to give to each public library an unbound copy of each one of these documents and reports. The law already gives them bound copies, but this proposes to give them also unbound copies. I do not think that is necessary. There is some ground for the complaint that they do not get the bound copies as promptly as they ought to get them, but if this bill passes they will find that they will get the bound copies as soon as they are ordered bound by Congress. Thus the difficulty now complained of, that these libraries get these documents a year or two after they are writted.

after they are printed, will be obviated.

Mr. WEADOCK. They would be glad to get the unbound copies and bear the expense of binding them, rather than wait so long for the bound copies

Mr. RICHARDSON of Tennessee. I understand the complaint which the gentleman makes; and it has been well founded heretofors. The Printing Office has been one or two years behind in printing the reserve copies. But if this bill passes, that difficulty will be removed. Heretofore the Printing Office has been unable to print the reserve, because there was no provision for the prompt preparation of the index. This bill provides a system of indexing and cataloguing which will enable the Public Printer to furnish this reserve without delay, because the regular number and the reserve will be printed at the same time. At present this is not done, and hence the delay. Under the system Mr. RICHARDSON of Tennessee. Mr. Speaker. I move that ber" will be printed at once, instead of being held back as now.

Mr. PICKLER. How would it be possible to obtain these books as soon as they are published? Can the Printing Office do the work?

Mr. RICHARDSON of Tennessee. Why not?

Mr. PICKLER. Why do they not do it now?
Mr. RICHARDSON of Tennessee. I am stating the reason why this reserve has been held back. Under the system of indexing heretofore prevailing these volumes have been held back until the close of Congress, awaiting the preparation of the index. This bill provides a system by which the indexing can be expe-

dited, so that all the copies can be printed at one time.

It has been stated that the librarians would prefer to receive their copies unbound. I am perfectly willing there shall be inserted in the bill a provision allowing them the privilege of taking the unbound copies and binding them themselves, if they wish to do so.

Mr. WEADOCK. That will be satisfactory.
Mr. RICHARDSON of Tennessee. Iam perfectly willing they shall exercise their discretion in that way. Let them signify to the Public Printer at the beginning of a session, or before it begins, whether the copies are desired bound or unbound.
Mr. WEADOCK. That will be satisfactory.

Mr. WEADOCK. That will be satisfactory.

Mr. PICKLER. As I understand, bound copies can be purchased under this bill at cost price.

Mr. RICHARDSON of Tennessee. Precisely; anyone can obtain them in that way. If the gentleman from Michigan will modify his amendment so as to give these librarians the option of taking these copies bound or unbound, there will be no objection. But 1 do insist that we ought not to give them the documents in both forms. This is no small item—

Mr. PICKLER. Has the gentleman made any estimate as to the cost of furnishing these libraries extra copies bound?

Mr. RICHARDSON of Tennessee. I have an estimate from the Public Printer, in which he states that if this amendment which has been circulated among members—an amendment coming, as I understand, from these different librarians—be adopted it will cost just \$37,500 additional. Now, I say this is too much to add to the cost of our printing in order to give these libraries to add to the cost of our printing in order to give these libraries two copies of the same document.

Mr. WEADOCK. We do not want to supply each library with two copies; and it certainly will cost less to furnish unbound

copies than bound copies.

Mr. EVERETT. If the amendment suggested should be adopted would there not be some saving in the cost of binding?

Mr. RICHARDSON of Tennessee. There would be, unques-

tionably.

Mr. EVERETT. Will the chairman of the Printing Committee [Mr. RICHARDSON of Tennessee] pledge himself (if I may so say) that these librarians shall receive their unbound copies

as soon as other people receive theirs?

Mr. RICHARDSON of Tennessee. The gentleman from Indiana [Mr. COOPER] has prepared an amendment covering the point suggested by my friend from Mussachusetts [Mr. EVER-ETT]; and that amendment I will not object to.

I desire now to complete my statement with regard to this mat-ter. In the Fifty-first Congress (I am sorry I have not the statistics of the Fifty-second Congress) there were printed of House reports 4 0.8 of House 4,058, of House executive documents 764, and of House reports 4,058, of House executive documents 764, and of House miscellaneous documents 398, making 5,220 of reports and documents. In the Senate there were printed 2,624 reports, 314 executive documents, and 349 miscellaneous documents, making 3,287 reports and documents for the Senate, and making the aggregate for both Houses 8,507.

[Here the hammer fell.] Mr. TAYLOR of Indiana. Mr. Chairman-

Mr. RICHARDSON of Tennessee. I was going to say in reply, if the gentleman will permit me, that if we carry the amendment it will effect the publication of a very much larger number of copies. He will see by an examination that it is an enormous amount of increase.

But I understand the gentleman from Michigan has modified his amendment, and I ask that it be read.

Mr. WEADOCK. I will send to the desk the modified amendment, withdrawing the first one I offered.

The Clerk read as follows:

In section 55, line 17, and also in the same section, line 22, after the word

In section as the fr, and the control of the first the first to the Public Printer before the beginning of Congress whether they wish a bound or unbound copy."

Mr. RICHARDSON of Tennessee. I have no objection to that

amendment and I think there will be none to it generally.

Mr. COFFEEN. Mr. Chairman, I desire to obtain some information with regard to this question from some member of this committee. My purpose is to make an inquiry of the gentleman in charge of the bill, and by receiving the information

doubtless other members will be furnished with it at the same time. We all know what "State and Territorial libraries" are without asking, but we may not have a very clear conception as to what is meant by the term "designated depositories." I wish then to know of the gentleman in charge of the bill, or some other gentleman, who and what libraries, and how many, are designated libraries or depositories, and by what authority they have been so designated; also whether they are equally distrib-

uted among the States?

Mr. RICHARDSON of Tennessee. They are equally distributed, because each depository is designated by the member of Congress or by law. You have a right to name a depository or depositories in your district. That is a right which all of the members have

Mr. COFFEEN. Then, may each member as he comes to Congress designate new depositories, or is he bound by the old list? May he, in other words, add new ones to the old list, or change the list? If so, how is it limited as to number?

Mr. COOPER of Indiana. Each member of Congress, if the

gentleman from Tennessee will permit me to answer the question, receives at the beginning of each session of Congress, if not more frequently, a notice from the Secretary of the Interior—Mr. RICHARDSON of Tennessee. From the superintendent

of documents in the Interior Department.

Mr. COOPER of Indiana (continuing). Well, through the Secretary of the Interior. He receives a blank, which he has to fill out, in which he specifies the names of the public libraries to which the documents may be sent, and they are then called designated depositories; that is to say, they are designated by the member of Congress.

Mr. COFFEEN. This is getting at the point I desire. But let me ask further: Is there any limit as to how many depositories may be designated, and if so, how is the limitation fixed?

Mr. COOPER of Indiana. My understanding is that there are

ten in each district.

m in each district.

Mr. COFFEEN. In each Congressional district?

Mr. COOPER of Indiana. That is my recollection.

Mr. COFFEEN. That is satisfactory, and I shall support the

Mr. RICHARDSON of Tennessee. Let us have a vote on the pending amendment.

Mr. DINGLEY. I ask that the amendment be again reported.

The amendment of Mr. WEADOCK was again read.

The amendment was agreed to.

Mr. TAYLOR of Indiana. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In section 55, paragraph 1, in line 15, insert "to the Clerk's document room.

Mr. TAYLOR of Indiana. Mr. Chairman, that amendment is in line with the amendment already agreed to.

Mr. RICHARDSON of Tennessee. That is correct.

Mr. RICHARDSON of Tennessee.

The amendment was agreed to.
Mr.COOPER of Indiana. I have an amendment which I send to the Clerk's desk

The amendment was read, as follows:

Amend section 55 by inserting after the words "full sheep" in line 33, the words "and in binding documents the Public Printer shall give precedence to those that are to be distributed to libraries and to designated deposi-

Mr. RICHARDSON of Tennessee. That is satisfactory.

The amendment was agreed to.
Mr. TAYLOR of Indiana. I offer another amendment, which is also in line with the amendments previously agreed to.

The amendment was read, as follows:

In paragraph 2, line 22, insert "to the Clerk's document room, 20 copies.

The amendment was agreed to.
Mr. TAYLOR of Indiana. Now, Mr. Chairman, I have another amendment which I send to the Clerk's desk. The amendment was read, as follows:

In paragraph 2, page 20, in line 24, in place of the words "one thousand and eighty-two" insert "one thousand four hundred and forty-two."

Mr. TAYLOR of Indiana. That is in line with the amendment already offered, and is necessary on account of the increased number.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill by sections, read as follows:

SEC. 56. There shall be printed of each Senate and House public bill and joint, concurrent, and simple resolution 625 copies, which shall be distributed as follows: To Senate document room, 225 copies; office of Secretary of Senate, 15 copies; House document room, 385 copies. There shall be printed of each Senate and House private bill 250 copies, which shall be distributed as follows: To Senate document room, 135 copies; to Secretary of Senate, 15 copies; House document room, 160 copies. The term private bill shall be construed to mean all bills for the relief of private parties, bills granting pensions, and bills removing political disabilities. All bills and resolutions shall be printed in bill form, and unless specially ordered by

either House shall only be printed when referred to a committee, when reported back, and after their passage by either House.

Mr. TAYLOR of Indiana. I offer another amendment, which mend to the Clerk's desk. That amendment is also in line with I send to the Clerk's desk. those previously agreed to.

The amendment was read, as follows:

In section 56, line 3, insert "fifty" in place of "twenty-five." In line 6 insert "to the Clerk's document room, 25 copies."

The amendment was agreed to.

TAYLOR of Indiana. I have another amendment in the same line.

The amendment was read, as follows:

In line 8 insert "sixty-five" in place of "fifty." In line 11 insert "to the Clerk's document room, 15 copies."

The amendment was agreed to.

Mr. COOPER of Indiana. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend section 56 by inserting, after the words "eighty-five copies," the

following:
"And the Public Printer shall print such additional number of copies of each Senate and House public bill, joint, concurrent, and simple resolution as will enable him to send I copy of each to each State and Territorial library, and to each depository of public documents, which shall notify him prior to the convening of each Congress of its desire to receive them."

Mr. COOPER of Indiana. Mr. Chairman, in support of that amendment I desire to say that I have been appealed to a number of times by persons having charge of libraries in different parts of the country to see if a provision could not be inserted in this bill by the aid of which libraries could be supplied with what we might designate current bills or current public litera-

The colleges are now engaged quite extensively in teaching political science in connection with current political history. Those having charge of those classes of political science have written me frequently, and I have been advised that they have appealed to other members of the House, to be supplied with pending public bills in order that they may intelligently discuss the merits of such measures before the classes of students they are teaching. This amondment was suggested to me by a professor of political science in the Indiana University. It is useless to supply these bills a year or two after they have passed. They will then be a matter of history, and if they are to be of any benefit to these libraries and students of political science

any benefit to these libraries and students of political science from current history, they should have them at once, and should not be compelled to rely on members of Congress for such supply. It is well known that members of Congress are quite willing when these appeals are made to them to furnish this material, it should not be necessary to make an appeal to them. The supply should be made direct from the Public Printer to these llbraries, in order that they may be had for use, and it should not be necessary for them to write to members to procure them

under the methods now in vogue.

I offer this amendment in good faith, not for the purpose of weakening or detracting from the provisions of the bill, and those with whom I have corresponded are anxious that this bill should pass substantially as it now stands; that it shall not be at all crippled in such a way as to defeat the bill; but this is one of the measures which they insist is important and should be in-corporated in the bill.

Mr. COBB of Alabama. Will the gentleman allow me to ask

Mr. COOPER of Indiana. Certainly.

Mr. COBB of Alabama. Do I understand the gentleman to say that bills that are enacted into law shall be sent to these liaries, or pending bills?
Mr. COOPER of Indiana. All bills, as they come from the

printer; every bill.

Mr. COBB of Alabama. You mean that every bill introduced

shall be sent to these libraries.

Mr. COOPER of Indiana. The resolution provides that.

Mr. COBB of Alabama. I did not hear it read.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I want to say that my friend is in sympathy with this bill generally, but I think that it would be a mistake to adopt the amendment. It provides that every bill introduced into either House of Congress of a public character shall be sent to these public libraries or designated depositories. That will increase enormously the expense of printing these bills. If my friend would provide in his amendment simply for bills reported favorably to the two Houses, there might be some merit in it; but the idea of sending a copy of every public bill introduced is very objectionable, and I

think unnecessary.
Mr. COBB of Alabama. Will the gentleman allow me to ask

him a question?
Mr. RICHARDSON of Tennessee. Yes.

Mr. COBB of Alabama. How many bills are there introduced

on an average in each Congress?

Mr. RICHARDSON of Tennessee. I can give the gentleman that information.

Mr. COBB of Alabama. And how many of them are enacted

Mr. RICHARDSON of Tennessee. I can give him that also. Looking at page 52 of this celebrated report, that contains everything that is worth knowing, I find that there were introduced in the House in the Fifty-first Congress, bills of all character, 14,350; in the Senate, 5,393; making 19,623 bills introduced. (I have not got the number of bills introduced in the last Congress.) I have not got the number of public bills introduced in the last Congress.) duced in the Fifty-first Congress, but there were about 5,000 or 6,000 public bills

Mr. COOPER of Indiana. Will the gentleman allow me to

ask him a question?
Mr. RICHARDSON of Tennessee. Yes.
Mr. COOPER of Indiana. Is not by far the greater number of those private bills?

Mr. RICHARDSON of Tennessee. I have just said that there were about 5,000 or 6,000 public bills. Now, of all these public bills introduced in the Fifty-first Congress, 611 bills became laws, and 1,579 private bills, making 2,190 private and public bills out of 19,623; or a little over 9 per cent of those introduced became laws.

Mr. COBB of Alabama. And to send all of these bills to these libraries would be furnishing them with useless rubbish of just

how many bills?

Mr. RICHARDSON of Tennessee. It would be the difference between 20,000 and 2,000, and would be just so much waste paper between 20,000 and 2,000, and would be just so much waste paper. that would not be worth anything except to throw in the waste-

paper baskets.

Now, Mr. Chairman, these public libraries can get these bills whenever they want them. All they have to do is to address a postal card to a member of Congress and he will be ready and eager to reply, as he can, without money and without cost, frank one of these bills to whoever asks for it. You can always get one of these offis to whoever asks for it. You can always get them, for they are carried out in cartloads, and it seems to me that the amendment ought not to be agreed to. And, furthermore, whenever any of these original bills are of great public interest there is always a resolution or order in one House or the other to print extra copies, and that is the way that the extra demand is always met. I insist, therefore, that this amendment ought not to be agreed to. And now I desire permission to have

The CHAIRMAN. The time of the gentleman has expired.
Mr. RICHARDSON of Tennessee. I ask unanimous consent for an extension of time to have this letter read, because it is from the president of the American Library Association, and the object I have in having it read is to show that while these little libraries, and I mean that in no disrespect-these State and county libraries—have sent this vast number of publications here, machine made, when the American Library Association, through its president, Mr. Larned, has, in this letter addressed to the chairman of the House Committee on Printing, stated that the libraries of the United States are content with this bill as it is.

I ask to have the letter read.

The Clerk read as follows:

BUFFALO, N. Y., September 22, 1893.

BUFFALO, N. Y., September 22, 1893.

DEAR SIR: I write, on behalf of the American Library Association, to express its urgent desire for favorable action in Congress on the bill now pending which relates to the printing and distribution of public documents.

It may be fairly claimed that the public libraries of the country represent in this matter the public interest. It is only through the agency of the libraries that the public interest. It is only through the agency of the libraries that the public ations of the Government can reach the greater number of the people to whom they will be beneficial. Their distribution through other agencies is necessarily limited in comparison.

Not many persons can have had so much experience of the defects of the present system under which public documents are printed and distributed as those who are in charge of the public libraries. Not many can have had either occasion or opportunity to consider so carefully the changes that are needed in it, for the purpose of realizing the utmost usefulness of the valuable printed records and publications of the Government. At their yearly national meetings they have discussed the question again and again in all its bearings, and, while all they would recommend is not embraced in the bill now before Congress. I can safely say that they are of one mind as to the urgent need of its passage. I submit to you, for them, their petition to that effect, and it is equally the petition of the great public whom they serve. We pray for the adoption of the bill without amendments that will change its essential provisions, and especially for those parts of it which provide for the cataloguing and indexing of public documents, and for their distribution to public libraries.

The subject has an importance to the country that grows greater every year, and its treatment by proper legislation has already been deferred too long.

long. Respectfully,

J. N. LARNED.
President American Library Association.

Hon. J. D. RICHARDSON, Chairman of Committee on Printing.

Mr. COOPER of Indiana. Mr. Chairman, I concur in every word of that letter, and I would not by any act of mine delay for

a moment the passage of this bill. Many of its features are exa moment the passage of this oill. Many of its features are excellent and necessary, and I think it ought to pass. But there is nothing in that letter adverse to the suggestion made by me, and I doubt not that if the attention of the writer was called to my suggestion he would concur in it. My friend from Tennessee who has this bill in charge objects to these circular letters sent out from the various libraries, recommending this amountment. out from the various libraries recommending this amendment, and says that they are "machine made."

and says that they are "machine made."

It is true, sir, that the State librarian of the State of Indiana has called general attention to the subject; but librarians are not persons who would be likely to sign statements, or recommendations, or petitions addressed to members of Congress without knowing their contents; and the fact that so many librarians have island in this recommendation. I have before me at least but knowing their contents; and the fact that so many librarians have joined in this recommendation—I have before me at least a dozen from different parts of the country—ought to weigh very strongly in favor of the amendment. It is true that these recommendations are all in the same language, but they are all intelligently directed to the point, and they express the uniform view that this bill should be amended in this particular.

Now, a word in reference to the suggestion which has been

view that this bill should be amended in this particular.

Now, a word in reference to the suggestion which has been made as to the possibility of the libraries getting these documents through members of Congress. Many of these libraries and depositories are in the principal cities of the country where important newspapers are edited and printed, able newspapers, papers which formulate public opinion, and which, in the end, make law. If the public is to rely, as it must rely, upon the newspapers for its information concerning pending measures, then it will not do to ask the newspaper editor to wait until he then it will not do to ask the newspaper editor to wait until he can correspond with his member of Congress, and until he can get copies of bills by the slow process of correspondence through

A bill may have passed the House, it may be a pernicious measure, it may be that if attention had been called to those objectionable features it could not have passed the House. Now, if that bill could be delivered at once from the hands of the printer to the public libraries, where the properties of the problem. to the public libraries, where the newspapers could have access to it, very possibly great good might result. One of the complaints of the existing state of things comes to me from the editor of a very able newspaper, himself an ex-librarian, and his views are in line with the suggestions which I have just through our or a very able newspaper, filmself an ex-librarian, and his views are in line with the suggestions which I have just thrown out. If these bills are worth printing, if the object is to give the public a knowledge of the proceedings of Congress, then they should be disposed of in such a way as to reach the public promptly.

Complaint is made, Mr. Chairman, that public documents are Complaint is made, Mr. Chairman, that public documents are rotting away in the cellars and warehouses of the Government. We have no difficulty in getting documents printed, we have considerable difficulty in finding room to store them. This amendment looks toward the distribution of these documents the country toward putting them into the hands of throughout the country, toward putting them into the hands of the people, where they may be instructive and useful, and it seems to me that it is a matter in which the public are largely inter-ested. It should be remembered also that my amendment provides that these bills and documents shall be sent only to those depositories and public libraries which express a desire to have

Mr. WARNER. Mr. Chairman, I desire to offer an amendment to the amendment.

The amendment of Mr. WARNER was read, as follows:

After the words "each" insert "bill favorably reported to the House, with the report thereon."

with the report thereon."

Mr. WARNER. Mr. Chairman, the want that has been described by the gentleman from Indiana [Mr. Cooper] is a genuine one and a constantly increasing one. The suggestion that it can be met by permitting persons in any part of the country desiring these documents—editors, scholars, public men engaged in discussion—to write to their Congressmen to send them copies of discussion—to write to their Congressmen to send them copies of such bills as they have seen described in the newspapers is a suggestion which is practically of no value at all. When a man wants a copy of a certain bill he wants it at the time that want converted him; and what is more any one copyed in the diswants a copy of a certain bill he wants it at the time that want occurs to him; and, what is more, any one engaged in the discussion of public questions needs to have upon his desk what bills are being discussed, in order that he may choose from them those to which he desires to pay particular attention.

On the other hand, while the object of the gentleman from Indiana is entirely good. I fear that it would be defeated if the

Indiana is entirely good, I fear that it would be defeated if the provision were inserted in the shape he has proposed, for this provision were inserted in the shape he has proposed, for this reason. If five thousand or ten thousand bills are piled upon the desk of each librarian throughout the country the result will be that no man will be able to find in that mass of rubbish

just what he may desire.

If on the other hand we wait until the bills have been sifted

by the committees of the Houses and put into a position where they stand some ghost of a chance to be enacted into law, and if then we provide that there shall be forwarded to these depositories copies of the bills favorably reported, together with the reports made upon them, those libraries will receive everything

that is of public moment and they will not have what is useful and valuable drowned under an avalanche of matter so great as to keep them from finding what they do want. They will have the bills reported favorably, with the reports for and against them. I therefore move this amendment, which I believe to be not merely conducive to a great saving of expense, but to a still conductive to the efficiency of the means proposed. greater extent conducive to the efficiency of the means proposed

greater extent conducive to the emerge of the means proposed for enlightening the public.

Mr. WAUGH. The gentleman's amendment, as I understand it, puts the matter in this way: That each library will receive a copy of every bill that is favorably reported, together with the report of the committee. I understood the amendment of the gentleman from Indiana [Mr. Cooper] simply to provide that they should receive copies of all bills introduced. Now I submit to my colleague whether the amendment of the gentleman

they should receive copies of all bills introduced. Now I submit to my colleague whether the amendment of the gentleman from New York [Mr. WARNER] is not much better?

Mr. COOPER of Indiana. While I do not agree that my original contention was not the correct one, yet in the hope that I may get something by assenting to this amendment, and fearing that I may not get anything if I do not, I accept the amendment suggested.

The CHAIRMAN. The Clerk will read the amendment as modified.

The Clerk read as follows:

And the Public Printer shall print such additional number of copies of each Senate and House public bill, joint, concurrent and simple resolution, as will enable him to send one copy of each bill favorably reported to either House, with the report thereon, to each State and Territorial library and to each depository of public documents which shall notify him prior to the convening of each Congress of its desire to receive them.

Mr. CLARK of Missouri. Mr. Chairman, I am not certain but that the amendment of my friend from New York [Mr. WARNER] may cut out the most important bills introduced here, if you take into consideration the educational effect to be obtained from the church of these documents are all the second than the results of the second control of the second contr take into consideration the educational effect to be obtained from circulating these documents among these libraries. This may sound like a paradoxical proposition, but it is not. Let me state the reason for the remark. It frequently happens that bills introduced here Congress after Congress, are reported upon adversely; but the idea or principle contained in those measures grows in strength year by year, until after awhile a majority report is obtained.

port is obtained.

Let me give an illustration. I have introduced at this session a bill to levy an income tax. Bills of similar purport have been introduced here session after session. I have no doubt in the world that the bill introduced by me will be reported upon adversely; but that in the course of time an income tax will be levied in this country is to me no more a matter of doubt than that the sup will rise to moreow.

that the sun will rise to-morrow.

Mr. WAUGH. Would not such a bill with the adverse report upon it go to these libraries under the amendment now pending?

Mr. CLARK of Missouri. No, sir. My understanding is that the amendment of the gentleman from New York is confined to bills reported favorably.

the amendment of the gentleman from New York is confined to bills reported favorably.

Mr. WAUGH. Yes; I believe the gentleman is correct.

Mr. COOPER of Indiana. I think the suggestion of the gentleman from Missouri [Mr. CLARK] is a good one. I would like to incorporate his idea in my amendment; and if further difference of opinion on this question can be obviated in that way, I am willing that the word "favorable," be struck out and that all bills reported be circulated as provided in the amendment.

bills reported be circulated as provided in the amendment.

Mr. CLARK of Missouri. I was about to give another illustration of the proposition I had laid down. Minorities are not

tration of the proposition I had laid down. Minorities are not always in the wrong by a great deal.

A MEMBER. "Not by a large majority." [Laughter.]

Mr. CLARK of Missouri. Let me give an illustration on that point, which every lawyer in Missouri knows to be true. Twenty years ago Thomas A. Sherwood was elected one of the judges of the supreme court of Missouri. During his occupancy of that position he has rendered more dissenting opinions than any other man who has ever sat upon that bench the same length of time; and he has lived to see a majority of the dissenting opintime; and he has lived to see a majority of the dissenting opinions he has rendered become the majority of the dissenting opinions he has rendered become the majority opinions of that court, with the approval of the lawyers and the people of the State. So, there are plenty of bills introduced here which, at the time of their introduction, may not have more than one man in favor of them, we they may be right.

of their introduction, may not have more than one man in large of them; yet they may be right.

Mr. WAUGH. I think the gentleman's point is well taken.

Mr. CLARK of Missouri. If you give the people a chance to take these bills and digest them and study them, the man who to day is right by himself will some years from now be found to to-day is right by himself, will some years from now be found to be right with the majority at his back.

Here the hammer fell. The CHAIRMAN. The Chair desires to understand how the gentleman from Indiana desires his proposition to be stated. The Chair understood the gentleman to accept—

Mr. COOPER of Indiana. The parliamentary status of the

matter is this: I accepted the amendment of the gentleman from New York, not observing at the time that the word "favorable" was included in that amendment. The gentleman, however, was included in that amendment. The gentleman, however, agrees as I do, that the word be struck out, so that the amendment may apply to all bills reported.

Mr. DINGLEY. That brings the matter back precisely where it started, because all bills must be reported back either favora-

bly or adversely. Several MEMBERS. Oh, no.

Mr. COFFEEN. The gentleman from Maine [Mr. DINGLEY] has brought out a correct point; I had the same thing in my mind. We now come around to the provision that all public bills, whether reported favorably or unfavorably, shall under this provision be sent out; and when we take into consideration the fact that all bills referred to committees should be reported back, we have no advance at all; we are where we started. We are providing for vast expenses in piling on the tables of each designated depository five or six thousand documents at every session, according to the statistics given by the chairman of the

Committee on Printing.

Mr. WILLIAMS of Mississippi. But the majority of bills referred are not reported back at all; they die in committee.

Mr. COFFEEN. I was about saying, Mr. Chairman, that it is contemplated that all bills will be reported back, and I think the committee that does its duty will report them back. That is as I understand the situation.

But I shall oppose the amendment in either case, certainly in the present case. I take this ground, that it is the duty of the Congressman to look after the interests of his district. I take the ground that if he does not do it properly he will be remanded to private life and a better man sent here. That ought to be

Mr. CLARK of Missouri. Let me ask the gentleman this ques-

Mr. COFFEEN. Mr. Chairman, that is a practical question. If the supply already printed and remaining in the document room is exhausted, then the argument on that point would be good. But when there is ordinarily a surplus every time we send out for them we need not make provision for printing more, and increase the expense for such a purpose until the usual sur-

plus as now printed is exhausted.

I am inclined to take the view of this matter taken by the chairman of our Printing Committee; and for the additional reason when we remember that it is the two Houses of Congress which these documents, pertaining to Congressional action, are designed primarily to benefit. They are for the benefit and convenience of the members of the House and Senate in the discharge of their duties, and so far as their distribution to the pubconcerned they ought to be distributed through the mem-

hers themselves.

In that way our people can judge of what is going on and what ought to be done, and they can be sent to interested parties, and our Congressmen can be expected to discharge that duty on all important bills, even before the committees report. Again, we have provided already at considerable expense that special galleries and special opportunities shall be afforded for the great public press of the country, which has great privileges accorded to it, so they can observe what is done on this floor. They are not required to await the action of the committees, but, even on the immediate presentation of a bill, they are expected to give the public information. They are anxious to do it, because in serving the public they are serving their own interests. Therefore, I favor the arrangement suggested by the gentleman in charge of the bill, and that this distribution be made through

the membership of the House.

Mr. RICHARDSON of Tennessee. To meet the technical difficulty which has been raised, I ask the gentleman from Indiana to modify his amendment by inserting the words, "all bills reported back, where the reports go on the Calendars of the House." Of course, if they are simply understood to be techni-cally reported, or not reported, they will not be placed on the

Mr. COOPER of Indiana. I will accept the suggestion and

modify the amendment accordingly.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Indiana as modified.

The Clerk read as follows:

After the words "eighty-five copies," in section 56, insert the following: "And the Public Printer shall print such additional number of copies of each Senate and House public bill, joint, concurrent, and simple resolution as will-enable him to send one copy of each bill reported to either House, and all bills reported back, where the reports go on the Calendar with the reports thereon, to each State and Territorial library," etc.

The amendment was agreed to.

Mr. TAYLOR of Indiana. Mr. Chairman, I would like consent to recur to section 55 again. The Clerk read so hastily that a couple of amendments were omitted.

The CHAIRMAN. Is there objection to recurring to the section indicated?

There was no objection.

Mr. TAYLOR of Indiana. I offer the amendment I send to

The Clerk read as follows:

In paragraph 3, section 55, on page 20, line 29, insert, after the word copies," "to the Clerk's document room, 360 copies."

The amendment was agreed to.

Mr. TAYLOR of Indiana. I now offer another amendment to paragraph 4.

The Clerk read as follows:

Paragraph 4, line 35, after the word "copies," insert "Clerk's document room, 360 copies."

The amendment was agreed to.

TAYLOR of Indiana. I now offer an amendment to section 57, line 8.

The CHAIRMAN. The section will be read first.

The Clerk read as follows:

SEC. 57. There shall be printed in slip form 1,810 copies of public and 460 of private laws, postal conventions, and treaties, which shall be distributed as follows: To the House document room, 1,000 copies of public and 100 copies of private laws; to the Senate document room, 550 copies of public and 100 copies of private laws; to the Department of State, 200 copies of all laws; and to the Treasury Department, 60 of all laws. Postal conventions and treaties shall be distributed as private laws.

The CHAIRMAN. The Clerk will now report the amendment proposed by the gentleman from Indiana. The Clerk read as follows:

Amend the section, in line 8, by striking out 2 and inserting 5 in lieu

The amendment was agreed to.
Mr. DINGLEY. Mr. Chairman, I ask the gentleman from Tennessee [Mr. RICHARDSON], in charge of the bill, before passing from section 56, to insert the word "favorably" after the word "when," in the sixteenth line, so as to read "when favorably reported back." Of course a bill should not be reprinted unless favorably reported.

Mr. RICHARDSON of Tennessee. I think that is desirable.

The amendment was considered and agreed to.

The Clerk, proceeding with the reading of the bill by sections, read as follows:

read as follows:

SEC. 58. There shall be printed of the Journals of the Senaté and House of Representatives 1,110 copies, which shall be distributed as follows: To the Senate document room, 90 copies for distribution to Senators, and 25 additional copies; to the Senate library, 15 copies; to the House document room, 360 copies for distribution to members, and 25 additional copies; to the Department of State, 10 copies; to the superintendent of documents, 500 copies; to the Library of Congress, 52 copies; to the Court of Claims, 2 copies, and to the ibrary of the House of Representatives, 10 copies. The remaining number of the Journals of the Senate and House of Representatives, consisting of 21 copies, shall be furnished to the Secretary of the Senate and the Clerk of the House of Representatives, respectively, as the necessities of their respective offices may require, as rapidly as signatures are completed for such distribution.

Mr. RICHARDSON of Tennessee. In section 58, line 8, there a provision for 10 copies to be sent to the Department of tate. A letter from the Department of State to the chairman of the committee states that 4 copies will be sufficient. fore move to strike out "ten" and insert "four."

The amendment was agreed to.

Mr. TAYLOR of Indiana. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In section 58, line 6, strike out the word "House" and insert the word Clerk's" in lieu thereof.

The amendment was agreed to.

Mr. BRETZ. Mr. Chairman, I think the amendment adopted a few moments ago, offered by my colleague, the gentleman from Indiana [Mr. COOPER], is inconsistent, and therefore I ask unanimous consent that we recur back to it. I think what he intends to express is not clearly expressed. The amendment I refer to is the amendment offered by my colleague [Mr. COOPER]. If I can get unanimous consent to have it read, it will be seen that it provides that each public bill together with the reserved. provides that each public bill, together with the report thereon, shall be sent to the public libraries. It also says that the Public Printer shall print extra copies of each joint and simple resolution, but it does not provide, as I remember it, anything about the sending of the simple or joint resolutions to the libraries.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana [Mr. Bretz] to recur to that amend-

ment for the purpose of correction? There was no objection.

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Mr. BRETZ. Now I ask to have the amendment read. The Clerk read as follows:

And the Public Printer shall print such additional number of copies of each Senate and House public bill, joint, concurrent, and simple recolution as will enable him to send I copy of each bill reported to either House that goes upon the Calendar, together with the report thereon, to each State and Territorial library, and to each depository of public documents which shall notify him prior to the convening of each Congress of its desire to receive them.

Mr. BRETZ. Now you will see that it simply provides for the sending of bills and reports. It should also provide for the sending of the resolutions

Mr. WARNER. If you would strike out the word "bill" that

would accomplish it.

Mr. BRETZ. I suggest the striking out of the word "bill."

That will perfect the amendment.

The CHAIRMAN. Does the gentleman offer that as an amendment'

Mr. BRETZ. Yes.

The amendment was agreed to.
Mr. BLACK of Georgia. Do I understand that this will include all the resolutions introduced in the House?

Mr. WARNER. Only those that are printed and reported. It does not refer to resolutions of inquiry or resolutions of investigation, which are acted upon in the House without being

Mr. BLACK of Georgia. I am opposed to the whole proposi-

tion myself. On my brief acquaintance with the House I hesi-tate to indulge in anything like criticism of what is being done; but it strikes me that we are engaged in a very useless expenditure of public money. As I understand, this section provides that every bill that is offered in the House, and that goes upon the Calendar, shall be furnished to State libraries; and the reason given for it, as I understand, is that it may inform the people of the state of the second of t

ple what public measures are pending before Congress.

Of course we are all obliged to speak from our own experience, which I am ready to confess is local and oftentimes somewhat restricted; but I undertake to say that you might send as many bills as you please to the public library of my State and they would not be read by half a dozen men.

Mr. COOPER of Indiana. I do not know just what question is pending, but I desire to state that my amendment expressly provides for cases of this kind, because it declares in to many words that its provisions shall be limited to those libraries and depositories which notify the Public Printer, before each assion of Congress, of their desire to receive these bills and Zeconstants.

only such public libraries and depositories as put on file, be-fore the meeting of Congress, special requests for them, will re-ceive them. Therefore, if the people of the gentleman's district do not desire to be enlightened, if the gentleman does not wish them to have these bills, and if they do not ask for them, they will not be harmed by receiving them, because the documents

The CHAIRMAN. The Chair would say to the gentleman from Georgia that there is nothing now before the committee, the proposition having been agreed to.

Mr. BLACK of Georgia. I understood that when we went back to this section the proposition was open.

The CHAIRMAN. Not as to that proposition. There is no power in Committee of the Whole to reconsider the vote by which power in Committee of the Whole to reconsider the vote by which a proposition is agreed to. The request was to return for the purpose of offering an amendment, and the amendment offered was agreed to, as the Chair understood, without objection. It was simply to strike out the word "bills" from the amendment. But the gentleman from Georgia speaks so rarely in the committee, the Chair is disposed to indulge him to express his views. Mr. BLACK of Georgia. I have no disposition whatever to speak out of order. I understood that the whole proposition was open. I shall take the first opportunity to express myself more at large on the general proposition I have already suggested of what appears to me to be a useless extravagance in this matter of printing.

this matter of printing

The Clerk read as follows:

SEC. 50. Whenever printing not bearing a Congressional number shall be done for any Department or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character, or shall be done for use of Congressional committees, not of a confidential character, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House Libraries, respectively, and one copy each to the document rooms of the Senate and House, for reference; and these copies shall not be removed; and of all publications of the Executive Departments not intended for their especial use, but made for distribution, 500 copies shall be at once delivered to the superintendent of documents for distribution to designated depositories and State and Territorial libraries.

Mr. WEADOCK and Mr. WAUGH addressed the Chair.
Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to

offer an amendment to this section, and then gentlemen may of-

fer their amendments.
The CHAIRMAN. The Chair will first recognize the gentleman in charge of the bill.

Mr. RICHARDSON of Tennessee. The amendment I offer is to come in at the close of section 59.

The Clerk read as follows:

The Clerk read as follows.

The Public Printer may furnish without cost to Senators, Members, and Delegates envelopes ready for mailing the Congressional Record or any part thereof, or speeches or reports therein contained. Envelopes so furnished shall contain in the upper left-hand corner thereof the following words, to wit: "Senate United States (or House of Representatives, U. S.) Part of Congressional Record. Free." And in upper right-hand corner the letters "U. S. S." or "M. C." But he shall not print any other words thereon, except at the personal expense of the Senator, Member, or Delegate ordering, he same.

thereon, except at the personal expense of the Senator, Member, or Delegates and provide the senator of the sen

Mr. RICHARDSON of Tennessee. Mr. Chairman, I take it for granted that there will be no objection to this amendment. It is intended to remedy what I believe, and what the committee thought a great evil. It simply provides for a uniformity in the manila envelope or other wrapper in which we send out speeches manua envelope or other wrapper in which we send out speeches or documents. At present some members of Congress have adopted a method of placing in the left-hand corner other matter where the word "free" now appears; and where this amendment will have printed the words "Public document," or "Part of CONGRESSIONAL RECORD," and the word "Free," and "Senate" or "House of Representatives," as the case may be, some members have adopted a form shown upon the envelope which I hold in my hand. I hold in my hand.

seems to me, Mr. Chairman, that if we are going to get into this, we might fill the whole body of the envelope with extracts from a gentleman's speech, and also print his likeness for that

Mr. BRETZ. I think the gentleman's amendment said something about the return of the document.

Mr. RICHARDSON of Tennessee. I will come to that in a moment.

Now, Mr. Chairman, there is no objection to this if a member wishes to have it done and pays for it; but if this work goes on. wishes to have it done and pays for it; but it this work goes on.
and these envelopes are figured or disfigured, as the case may be,
they do not fit anybody's else speech or public document; and if
not used as printed for him they are simply dumped into the
waste, and that is an end of it. Now, we furnish these envelopes
free, with the words I have indicated and that I have put into
this amendment. It seems to me that is all that ought to be put
on them. Then, if a member orders these envelopes for his speech, if he does not use all of them they fit somebody else's

speech as well as his own.

Mr. SIMPSON. I would like to ask the gentleman if a member of Congress can demand that and have that done at the

Public Printing Office at the public expense?

Mr. RICHARDSON of Tennessee. He can not have it done Mr. RICHARDSON of Tennessee. He can not have it done at the public expense, in my judgment; but I think in some instances these envelopes have been printed in this way upon the request of an officer either of the Senate or House. We want to stop that. That is the object I had in view; that the officers of the House may not have it done at the public expense upon their request; but if a member of Congress wants it done let him pay for it out of his own private funds.

Mr. SIMPSON. Then there is no provision of law which now permits that, and your amendment prevents it?

Mr. RICHARDSON of Tennessee. That is all.

Further, inreference to the inquiry of my friend from Indiana [Mr. BRETZ], the amendment provides for a notice of return of

Mr. Bretz], the amendment provides for a notice of return of the document or matter at whatever time desired. That is sim-ply done at the request of the member. If he sees fit to put upon the envelope that if not delivered within so many days it shall be returned, this amendment provides that he may have that privilege, and at his own expense. He has to deposit with the

Public Printer the extra expense involved in printing these ad-

Mr. BRETZ. That is all I want to know.

Mr. PICKLER. Why should not a member have his name,

Remarks of Hon. So-and-so," printed when these envelopes are Mr. BRETZ. T Mr. PICKLER.

printed originally?

Mr. RICHARDSON of Tennessee. He might not use them all. If he ordered an edition of 10,000 he might use only 5,000, and there is no law requiring him to use what he has ordered, so and there is no law read many left over, and they would not be of there might be a great many left over, and they would not be of any use. My friend from South Dakota, for instance, would not want to send out my speeches in envelopes with his name on

Mr. PICKLER. That would depend upon what doctrine you

presched. [Laughter.] Mr. DINGLEY. Let me suggest another reason. These envelopes are printed in large quantities with the regular form printed upon them; but if the suggestion of the gentleman from South Dakota were adopted, it would be necessary to make up a separate form in each case, which would add greatly to the ex-

The amendment was agreed to.
Mr. WEADOCK. Mr. Chairman, I offer the amendment which I send to the desk

The amendment was read, as follows:

Section 59, line 9, strike out all after the word "reference" and insert: "and ne copy to each designated depository and State and Territorial library; he custodian of said library to indicate to the Public Printer before the beinning of Congress whether bound or unbound copies are desired."

Mr. RICHARDSON of Tennessee. I suggest to my friend that he wants that to come in after the word "removed" in line 10 and

not after the word "reference" in line 9.

Mr. WEADOCK. I accept that suggestion.

The amendment was adopted. The Clerk read as follows:

SEC. 51. There shall be one document room of the Senate and one of the House of Representatives, to be designated, respectively, the "Senate and House document room." Each shall be in charge of a superintendent, who shall be appointed by the Sergeant-A-Arms of the Senate and the Doorkeeper of the House, respectively, who shall also appoint the necessary number of assistants: Provided, That this section shall not take effect until the the third section of the Fifty-second Congress.

Mr. TAYLOR of Indiana. Mr. Chairman, I offer the amendments which I send to the desk.

The amendments were read, as follows:

Line 2, insert "two" instead of "one;" line 6, insert "and the Clerk of the

Mr. TAYLOR of Indiana. Mr. Chairman, on reflection, I will withdraw those amendments, and instead will move to strike out the entire section.

Mr. RICHARDSON of Tennessee. Mr. Chairman, the object of this section is to abolish the Clerk's document room of the House; but there seems to be a great deal of opposition to that on the part of some members, and if this section is struck out it will leave us just in the position we are in now. For myself I think that one document room is enough for any one body, but

some of our friends seem to prefer it the other way, and I am willing to leave the question to the committee.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the chairman of the Committee on Printing, or the gentleman from Indiana [Mr. COOPER], or somebody else, where that will leave the whole thing?

leave the whole thing?

Mr. RICHARDSON of Tennessee. Just where it is.

Mr. CLARK of Missouri. If you keep the House document room and then keep a Senate document room, what do you want with this new superintendent of documents? Where is he to be?

Where does he stay? And to whom does he belong?

Mr. McMILLIN. I think, with all deference to my friend from Indiana, that my colleague from Tennessee [Mr. RICHARDSON] is correct in advocating this provision of the bill. It abolishes an office that I think we can very well dispense with. The section the gentleman from Missouri [Mr. CLARK] refers to comes that on where there is a proposition to greate an officer for the later on where there is a proposition to create an officer for the distribution of these documents who, under the old bill, was to be appointed by the President by and with the advice and con-sent of the Senate, but who, under this bill, is to be appointed by the Joint Committee on Printing. I believe that the interests of the public service would be advanced by abolishing this office.

Mr. CLARK of Missouri. Let me ask you a question now.
Mr. McMILLIN. With pleasure.
Mr. CLARK of Missouri. If the idea of the gentleman from Indiana [Mr. TAYLOR] prevails, and you keep the house document room and the Senate document room, and do not create a superintendent of documents, does not that place this whole bill in a muddle from the beginning to the end? In other words, is not this entire bill predicated upon the idea that you are going to create this office of superintendent of documents?

Mr. McMILLIN. The bill is not predicated on that idea. There are about ten sections, succeeding the next section, which were stricken out of the old bill (which did not become a law in the last Congress), that are bottomed upon the idea that this new officer will be created, but the officer sought to be created by the Committee on Printing is not essential to the system of the bill.

Mr. STALLINGS. That will leave two House document

rooms, the Clerk's document room, and the Doorkeeper's docu-

ment room, and then you propose to make another?

Mr. McMILLIN. I did not intend to anticipate the sections in advance at all, but I think the correct idea is to abolish the Clerk's document room as proposed by my colleague [Mr. Richardson]. I go with him that far, but there I part company with him, for I would not create the superintendent for the distribution of documents that his bill proposes. We should still have the House document room and the Senate document room as we have now, and we should be minus the Clerk's document room, the

duties of which can be discharged by somebody else.

Mr. TAYLOR of Indiana. I can not understand why the Doorkeeper of this House should be the custodian of documents. In the Senate the Secretary is the custodian of the documents of that body. Why should the Doorkeeper act in that capacity that body. Why should the Doorkeeper act in that capacity here? Why should these duties be taken away from the Clerk? In the various State Legislatures the duties of the doorkeeper are analogous to those performed by a sheriff in connection with a court. The sheriff has no custody of the documents of the court. Why should the Doorkeeper of this body have custody of documents properly belonging to the Clerk? For my part, which is the court of t of documents properly belonging to the Clerk? For my part, I agree with the gentleman from Tennessee [Mr. McMillin] that one document room for the House might answer; but that should certainly be the Clerk's document room. The Clerk, not the Doorkeeper, should be the custodian of our documents. As I understand, the Clerk's document room of the House has

had the care of House documents from the time the Capitol was partially destroyed by English troops; and documents from that time down are on file in his department—documents which are

exceedingly valuable.

The entire line of those documents, running down from that time to the present, is under his control. Why the duties of the Clerk in this respect should now be abolished and this matter be put in the hands of an officer occupying a position corresponding to that of sheriff is beyond my comprehension.

The question being taken on the amendment of Mr. TAYLOR of Indiana to strike out the section, there were -ayes 19, noes 19.

So the amendment was lost.

Mr. SIMPSON. I ask the attention of the chairman of the Committee on Printing [Mr. RICHARDSON] to this matter: I observe in line 8, of section 61, this language, "This section shall not take effect until the closing of the Fifty-second Congress."

Mr. RICHARDSON of Tennessee. That is a misprint. It should be the Fifty-third Congress.

Mr. SIMPSON. I move to amend, so as to correct the error, by striking out "Fifty-second" and inserting "Fifty-third."

The amendment was agreed to.

Mr. TAYLOR of Indiana. I move to amend by striking out the word "House" in line 3 of this section and inserting the word "Clerk's," so as to read, "the Senate and Clerk's document

Mr. DINGLEY. That is precisely the same proposition just defeated, although parliamentarily in another form.

The question being taken on agreeing to the amendment, there were—ayes 16, noes 21.

Mr. TAYLOR of Indiana. I call for tellers.
Tellers were not ordered, only 8 voting in favor thereof.
So the amendment was rejected.

The Clerk read as follows:

SEC. 62. The Joint Committee on Printing is hereby authorized and directed to appoint a clerk to said joint committee, who shall be superintendent of documents, and be entitled to receive a salary of \$2.500 per annum. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the Executive Departments, which shall be delivered to said Departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their order by the superintendents of the folding rooms of the Senate and House of Representatives.

Mr. FITHIAN. I move to amend by striking out this section, and I ask that the same motion apply to the following sections down to and including section 73. These are the sections which were stricken out of this bill in the last Congress. The matter was then fully discussed.

Mr. RICHARDSON of Tennessee. As the gentleman from

Illinois has stated, certain sections were stricken out of the bill on this subject in the last Congress; but this bill is not identical with the bill of the last Congress; and consequently his enumeration of sections does not properly apply to this bill. I have carefully noted the sections of this bill which should be struck

out if the House desires not to create the new office here proposed. I ask the gentleman to modify his motion so as to cover

the sections which I will indicate.
Mr. FITHIAN. What are they?

Mr. RICHARDSON of Tennessee. Sections 62, 63, 66, 67, 68, and 69. Those are the sections covering the new clerk provided for in this bill,

Is that the only new office created by the bill? A MEMBER. Mr. RICHARDSON of Tennessee. It is the only new office;

and the bill abolishes several offices.

Mr. McMILLIN. I suggest to the gentleman from Tennessee [Mr. Richardson] and the gentleman from Illinois [Mr. Fith-IAN] that all the sections embraced in the motion of the gentleman from Illinois might be read and go into the RECORD, so that

we can see exactly what they embrace.

Mr. FITHIAN. And then let the matter go over for to-day.

Mr. McMILLIN. I suppose so, as it is now nearly the usual time for adjournment, but on that matter I express no opinion. The CHAIRMAN. The gentleman from Illinois [Mr. FITHIAN] will please indicate the sections he moves to strike out.

Mr. FITHIAN. I desire to strike out section 62 and the following sections down to section 73, inclusive. I ask that these sections be read and that the vote on the proposition be passed over until we resume the consideration of the bill on another

Mr. PICKLER. The gentleman from Illinois has moved, as I understand, to strike out sections 62 to 73, inclusive. I make the point of order that a motion can not be made to strike out

Mr. FITHIAN. I have moved to strike out only section 62. have asked consent that the motion be allowed to apply to

these other sections.

The CHAIRMAN. The Chair will state the parliamentary situation. Section 62 was read, after which the gentleman from Illinois moved to strike out that section; and then he asked unanimous consent that the succeeding sections down to and including section 73 be included in his motion.

Mr. CUMMINGS. But he asks that the sections be read.

The CHAIRMAN. Certainly; but if consent is given to allow

the motion to strike out to apply to the sections named, they

will be read, all of them.

Mr. FITHIAN. It is now about the time of adjournment, Mr. Chairman, and I ask that the sections be read and that they go into the RECORD, and this matter go over until the committee takes up this bill again on some other day.

Mr. RICHARDSON of Tenuessee. Now, Mr. Chairman, I renew my request. I have carefully noted the sections applying

to this new office, and they are the sections I have already named. If the gentleman from Illinois will confine his request to striking out these sections, I think that amendment may be pending without objection.

without objection.

Mr. FITHIAN. If the gentleman is quite sure that he has examined carefully and finds that these other sections do not apply, then I will consent to it.

Mr. RICHARDSON of Tennessee. Just the same motion was made, let me state, in the last Congress when this bill was up for consideration. It was on the motion of the gentleman from for consideration. It was on the motion of the gentleman from Indiana, as my colleague [Mr. McMillin] will remember, and I was called on to state the sections of the bill which referred to this new officer. I stated them hurriedly, and without a careful examination of them at the moment, and some sections were stricken out, under a misapprehension, that ought not to have been stricken out. It was in the hurry of the moment that the statement was made on which they went out of the bill. But now, after a careful examination of the sections, I have enumerated here the ones that relate to the new office.

Mr. McMILLIN. But all the sections the gentleman from Illinois indicated were stricken out before.

Mr. RICHARDSON of Tennessee. Certainly, but on my own suggestion, made inadvertently.

Mr. McMILLIN. But I think my colleague will find that they all pertained to this officer or to this office.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I want this to go into the RECORD, for I am speaking now "by the

card," so to speak.

The words "superintendent of documents" are enumerated in all of the sections. But we have a superintendent of documents already, and have had one for many years. Now, it is not necessary to strike out all the sections in the bill because each happens to contain the words "superintendent of documents," because that superintendent of documents referred to there is the one now in existence, already provided for by existing law.

Mr. McMILLIN. But may you not give him new powers in

Mr. RICHARDSON of Tennessee. Ah! Then my colleague does not want to strike him out, but to strike out the new pow-

ers. Now, if my colleague does not get too hurried, I will explain this so that there will be do difficulty about it.

Mr. McMILLIN. I am not hurried at all. We have all the

day before us

Mr. RICHARDSON of Tennessee. I want to show that the gentleman will find on examination that these paragraphs do not

give any new powers at all objectionable.

Mr. FITHIAN. Mr. Chairman, I ask unanimous consent that the sections be read or printed in the RECORD, and the matter may go over until this subject is resumed by the committee some other day

Mr. WILLIAMS of Mississippi. I call for the regular order.
The CHAIRMAN. The regular order is the amendment of The CHAIRMAN. The regular order is the at the gentleman from Illinois to strike out section 62.

Mr. RICHARDSON of Tennessee. Does the gentleman desire

to be heard on his amendment? Mr. FITHIAN. No, sir.

Mr. RICHARDSON of Tennessee. I only wished to say-Mr. FITHIAN. I understand the gentleman was not objecting to the section being stricken out.
Mr. RICHARDSON of Tennessee. I will not if the gentleman

Mr. RICHARDSON of Tennessee. I will not if the gentleman takes the sections I have indicated. But he refused to do that. Mr. FITHIAN. No, the gentleman misunderstands me. I said I would consent if you were satisfied you were correct. But I asked that the matter be printed in the RECORD, and go over until the next day when the bill is taken up.

Mr. RICHARDSON of Tennessee. I have no objection to that, but wished to get into the RECORD the facts I have stated.

Now, before concluding, and before making a motion which I shall in a few minutes make, I wish to state that the sections I mentioned alone relate to this new clerk that is provided for in I mentioned alone relate to this new cierk that is provided for in section 62. The remaining sections, some of them, relate to the office of the superintendent of documents. Now, if the sections indicated are stricken out, I have prepared three or four sections, which I have in my hand, to substitute for them. If these sections are stricken out, all that are enumerated by my friend from Illinois, it will leave no provision in this bill for the distribution of the surplus documents in the basement of the Capital and it the house was and Downstreament of the Capital and in the house was and Downstreament of the Capital and in the house was and Downstreament of the Capital and in the house was and Downstreament of the Capital and the house was and Downstreament of the Capital and the house was and Downstreament of the Capital and the house was and Downstreament of the Capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the capital and the house was a provinced to the house tol and in the bureaus and Departments of the Government.

Now, if you strike out all of these sections, there will be no provision in his bill for their distribution, which is very earnestly desired by every new member of this House, certainly, and

by old members as well.

Now, I have selected the sections which ought to go out, if you do not want this distribution as provided for in the bill, and if you will strike them out, and then take the new sections which I have carefully prepared as a substitute for them, there will be a method for the immediate distribution of these surplus documents, so much desired by all of us.

In other words, if my friend will indulge me for a moment, I

have tried, in preparing the new sections, to fit them honestly to the new or changed condition of the bill as it will exist after this new officer is refused by the House, if he is refused.

Mr. FITHIAN. If the gentleman will permit me, I will suggest that he let the sections that I have moved to strike out be printed in the Record, together with his substitute, and let the whole matter go over until the next legislative day.

Mr. RICHARDSON of Tennessee. I will not object to that, I see no particular reason for printing the sections in the Record.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] demanded the regular order.

Mr. RICHARDSON of Tennessee. If I may be indulged for a

moment, these sections which it is proposed to strike out, are than they will appear in if printed in the RECORD.

Mr. FITHIAN. The substitute is not printed, however.

Mr. RICHARDSON of Tennessee. I will have that printed,

if it is desired. Mr. FITHIAN.

Mr. FITHIAN. Then let it be printed.
Mr. McMILLIN. And I submit that when these sections are reached they will go in the RECORD anyway, and they might as well go in now as later, because that will give us an opportunity to see them.

Mr. RICHARDSON of Tennessee. I do not object to that. Mr. TAYLOR of Indiana. Mr. Chairman, this seems to be a very important matter, which ought not to be considered so hastily as it would necessarily have to be if the vote was taken at this time. I therefore move that the committee do now rise. Mr. RICHARDSON of Tennessee. Let us first get these

things printed. Withdraw your motion for a moment.
Mr. TAYLOR of Indiana. I will withdraw it for a moment.
Mr. RICHARDSON of Tennessee. Then, Mr. Chairman, I will ask that the sections indicated by the gentleman from Illinois [Mr. FITHIAN] be printed, and immediately following them the proposed substitute.

The CHAIRMAN. Will the gentlemen again indicate the the sections.

numbers of the sections.

Mr. RICHARDSON of Tennessee. The gentleman from Illinois [Mr. FITHIAN] asks to strike out sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73. Let those sections be printed in the RECORD. Then I ask, in addition to that, that there be printed in the RECORD the sections which, if they are stricken out, I shall offer as a substitute for those sections, which substitute provides for the distribution of these surplus documents by our own officers, by our Doorkeeper and the Secretary of the Senting of the ate, just as we now distribute documents. It does not provide for their distribution by the superintendent of documents in the Interior Department at all, or by any new officer, but by our own officers, under the old method.
The CHAIRMAN. The gentleman from Tennessee Mr. Rich-

ARDSON] asks unanimous consent that sections 62 to 73, inclusive, be printed in the RECORD. Is there objection?

here was no objection.

The sections referred to are as follows:

APPSON less unanimous consensus and special in the RECORD. Is there objection:

The section referred to are as follows:

Sec. 22. The Joint Committee on Printing is hereby authorized and directed to appoint a clerk to said joint committee, who shall be superintendicted to appoint a clerk to said joint committee, who shall be superintendicted to said the committee of the section of all public documents and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the Executive Departments, which shall be delivered to said Departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding the section of Section

Congress.

The Sergeant-at-Arms of the Senate, Doorkeeper of the House, and the Public Printer shall provide convenient office, storage, and distributing rooms for the use of the superintendent of documents.

SEC. 70. All documents at present remaining in charge of the several Executive Departments, Bureaus, and offices of the Government not required for official use shall be delivered to the superintendent of documents, and hereafter ell public documents accumulating in said Departments Bureaus, and offices not needed for official use shall be annually turned over to the

superintendent of documents for distribution or sale. The Secretary and Sergeant-at-Arms of the Senate and the Clerk and Doorkeeper of the House shall cause an invoice to be made of all books stored in and about the Capitol other than those belonging to the quota of members of Congress and Delegates and to the Senate library; and all such documents, unless ordered to be retained by the chairman of committees by which they have been stored, shall be transferred to the superintendent of documents for distribution and sale, as provided in this act, and such invoicing and transfer shall be made aunually hereafter.

Where, in the division among Senators, Representatives, and Delegates of extra copies of documents printed for the use of Congress, there shall be a remainder beyond the number of 25 to each House of Congress, the surplus beyond 25 shall be turned over by the superintendents of the folding rooms to the superintendent of documents from accumulations thereof in the Executive Departments, or received from officers of the two Houses, shall be distributed by him, first, to public and school libraries that have not been supplied with any portion of such sets; and, third, to other parties, which persons and libraries shall be named to him by Senators. Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall be named to him by Senators. Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as possible an equal allowance is made to each member of Congress.

Congress; and in this distribution the superintendent of documents see that as far as possible an equal allowance is made to each member of Congress.

Sec. 71. A catalogue of Government publications shall be prepared by the superintendent of documents on the first day of each month, which shall be printed in the Official Gazette of the Patent Office, and during sessions of Congress also in the Congress stone of Record, and shall show the doctments printed during the month, where obtainable, and the price thereof. On the first day of July of each year he shall prepare and print in pamphet form for distribution and sale, 2,000 copies of a catalogue of Government publications issued during the year, giving the price of each and where purchassable. Sec. 72. When extra numbers in excers of 5,000 of any document shall be ordered by Congress, there shall be delivered to the superintendent of documents 500 copies, to be taken ratably from the two Houses of Congress, and where less than 5,000 extra numbers are ordered the superintendent shall receive 10 per cent of the number. Said copies shall be distributed by the superintendent of documents to free public libraries having more than 1,000 volumes, other than Government publications, which have not been designated adepositories, preference being given to those named by Senators, Representatives, and belegates.

Sec. 73. The superintendent of documents shall thoroughly investigate the condition of all libraries that are now designated depositories, and when ever he shall ascertain that the number of books in any such library, other than college libraries, is below one thousand, other than Government publications, or it has ceased to be maintained as a public library, he shall strike the same from the list, and the Senator, Representative, or Delegate shall designate another depository that shall meet the conditions herein required.

The CHAIRMAN. The gentleman from Tennessee [Mr.

The CHAIRMAN. The gentleman from Tennessee [Mr. RICHARDSON] also asks that certain substitute sections which he states he will offer if these sections are stricken out, be printed in the RECORD. Is there objection to that request?

There was no objection.

The sections referred to by Mr. RICHARDSON of Tennessee are as follows:

are as follows:

In place of section 64 substitute the following:

"SEC. 64. The superintendent of documents is hereby authorized to sell at cost any public document in his charge, the distribution of which is not herein specifically directed, said cost to be estimated by the Public Printer and based upon printing from sterectyped plates; but only one copy of any document shall be soid to the same person, excepting libraries or schools by which additional copies are desired for separate departments thereof; and whenever any officer of the Government having in his charge documents published for sale shall desire to be relieved of the same, he is hereby authorized to turn them over to the superintendent of documents, who shall receive and sell them under the provisions of this section. All moneys received from the sale of documents shall be covered into the Treasury quarterly and placed to the credit of the general fund for public printing, and the superintendent of documents shall report annually the number of copies of each and every document sold by him, and the price of the same. He shall also report annually the number of documents made of the same."

Mr. RICHARDSON of Tennessee. This section is important, as it affords opportunity to secure documents on the part of those who prefer to buy rather than beg. It also encourages the sale of documents, and in its results will go far toward defraying the expenses of the office of the superintendent of docu-

Amend section 65 by striking out all after the word "character," in line 12.

Mr. RICHARDSON of Tennessee. The comprehensive index provided for in this section will include all Congressional documents. Furthermore, the superintendent of documents will not be under the direction of the Joint Committee on Printing.

This is one of the important sections of the entire bill, and should by all means be retained. The index for which it provides is almost an imperative necessity, if public documents are to serve in largest measure the purpose for which they are printed. The librarians of the country are unanimous in their appeal for such an index.

Also—
Strike out section 70 and substitute in its place three sections, as follows (sections 68, 69, 70):
"SEC. 68. The Secretary and Sergeant-at-Arms of the Senate and the Clerk and Doorkeeper of the House of Representatives shall cause an invoice to be made of all public documents stored in and about the Capitol, other than those belonging to the quota of me bers of the present Congress, to the Library of Congress and the Senate and House libraries, and all such documents shall by the superintendents, respectively, of the Senate and House folding rooms be just to the credit of Senators, Representatives, and Delegates of the present Congress, in quantities equal in the number of volumes and as nearly as possible in value, to each member of Congress, and said documents shall be distributed upon the orders of Senators, Representa-

tives, and Delegates, each of whom shall be supplied by the superintendents of the folding rooms with a list of the number and character of the publications thus put to his credit: Provided, That before said apportionment is made copies of any of these documents desired for the use of committees: the Senate or House shall be delivered to the chairmen of such committees: And provided further. That four copies of each and all leather-bound documents shall be reserved and carefully stored, to be used hereafter in supplying deliciencies in the Senate and House libraries caused by wear or loss.

"SEC. 69. All documents at present remaining in charge of the several Executive Departments, bureaus, and offices of the Government not required for official use shall be delivered to the superintendent of documents, and effect all public documents accumulating in said Departments, bureaus, and offices not needed for official use shall be annually turned ever to the superintendent of documents for distribution or sale.

"SEC. 70. Where, in the division among Senators, Representatives, and Delegates of extra copies of documents printed for the use of Congress, there shall be a remainder beyond the number of 25 to each House of Congress, the surprintendent of documents for distribution and sale by him under the provisions of this law. All documents delivered to the superintendent of documents from accumulations thereof in the Executive Departments, or received from officers of the two Houses, shall be distributed by him, first to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been superintendents of the such sets; and third, to other parties, which persons and libraries shall be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents and the parties, which persons and libraries shall see that as far as possible an equal allowance is made to each member of Congress."

Mr. RICHARDSON of Tennessee. Section 68 has for its object the distribution at once of the vast accumulations of old documents at the Capitol, which at present serve no good purpose whatever, but which occupy room needed for other uses. They are to be distributed as are all other documents published for the Senate and the House, by the superintendents of the folding rooms. If, however, members of Congress do not avail themselves of their privileges by July 1, 1894, these documents are to go to the superintendent of documents, Interior Department, to be distributed to libraries. It is believed that nine months is fully sufficient to enable every Senator and Representative to take action in this matter, and as it is important that the documents in question be distributed without unnecessary delay, it is thought best that what are left on July 1, 1894, should the superintendent of documents for the use of libraries.

Section 69 transfers to the superintendent of documents all surplus accumulations of documents in the several Executive Departments and makes them available for immediate use, and also relieves the Departments of the trouble and expense of

Section 70 has for its object the prevention in the future of accumulations of documents at the Capitol and the making of the surplusage immediately available for distribution, in the main to libraries. It will be observed that the naming of par-ties to receive these documents is left entirely to members of

I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents, and had come to no resolution thereon.

CORRECTION OF A BILL.

Mr. BRODERICK. Mr. Speaker, in the bill H. R. 2002 slight typographical error was made in the printing. The bill has not been enrolled or sent to the Senate. In line 19, on page 2, the word "for" should be "force." I ask unanimous consent to make that correction.

There was no objection, and it was so ordered. Mr. RICHARDSON of Tennessee. I move that the House do now adjourn

Mr. CUMMINGS. I ask the gentleman to withdraw that motion to give me the opportunity to get a resolution considered, providing for printing for the Committee on Naval Affairs.

Mr. RICHARDSON of Tennessee. I will withdraw the mo-

tion for that purpose.

PRINTING FOR COMMITTEE ON NAVAL AFFAIRS.

The SPEAKER. The gentleman from New York [Mr. Cum-MINGS] asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved. That the Committee on Naval Affairs be, and is kereby, authorized to have printed and bound such documents and papers for the use of said committee as it may be deemed necessary in connection with subjects considered or to be considered by this committee during the Fifty-third Congress.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CUMMINGS] for the present consideration of this resolution?

There was no objection. The resolution was agreed to. And then, on motion of Mr. RICHARDSON (at 4 o'clock and 55 minutes p. m.), the House adjourned until to-morrow, Wednesday. October 18, 1893, at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills were reported from committees, delivered to the Clerk, and referred to the Com-

mittee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims: A bill (H. R. 2717) for the relief of George McAlpin, to repay to him moneys unlawfully collected from him by the United States. (Report No. 52.

By Mr. McLAURIN, from the same committee: A bill (H. R. 2221) for the relief of John A. Lynch. (Report No. 112.) By Mr. HERMANN, from the same committee: A bill (H. R. 899) for the relief of Henry Judge, of Ashland, Oregon. (Report No. 114.)

By Mr. HOUK of Ohio, from the Committee on Pensions: A bill (H. R. 1868) for the relief of Addison M. Copen. (Report

ADVERSE REPORTS.

Under clause 2 of Rule XIII, a petition was adversely reported

and laid on the table, as follows:

By Mr. GOLDZIER, from the Committee on War Claims: A
petition for the relief of William T. White. (Report No. 113.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H.R. 441) for the relief of Walter W. Vezeay, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were

introduced, and severally referred as follows:

By Mr. FITCH: A bill (H. R. 4015) in aid of the World's Fair
Prize Winners' Exposition, to be held at New York City—to the Committee on Ways and Means.

By Mr. HARTER: A bill (H. R. 4016) to repeal the 10-per-centum tax upon the circulating notes of State banks—to the Com-

mittee on Banking and Currency.

By Mr. HOUK of Ohio: A bill (H.R. 4017) for the reinstatement of clerks dismissed from the Railway Mail Service between the 15th day of March and the 1st day of May, 1889—to the Committee on the Judiciary.

Also, a bill (H. R. 4123) to increase the number of the Records

Ato, a bill (H. K. 4123) to increase the number of the Records of the War of the Rebellion to be published and distributed to the Committee on Printing.

By Mr. PATTERSON: A bill (H. R. 4122) to amend an act entitled "An act to regulate commerce," approved February 4, 1837—to the Committee on Interstate and Foreign Commerce. By Mr. SPRINGER: A bill (H. R. 4125) to extend to the officers and committee clerks of the Senate and House of Republic Committee the senate and House of Republic Committee Commit

resentatives the privilege of sending official mail matter free through the mails—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

Mr. McCULLOCH: A bill (H. R. 4018) to compensate the Baptist Church at Helena, Ark., for destruction of its building during the late war by the Federal Army—to the Committee on War Claims

By Mr. PATTERSON: A bill (H. R. 4019) for the relief of Alfred B. Carter—to the Committee on War Claims.

Also, a bill (H. R. 4020) for the relief of William J. Bishop, of Favette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 2021) for the relief of Pearson C. Montgom-

ery, of Memphis, Tenn.—to the Committee on War Claims. Also, a bill (H. R. 4022) for the relief of F. A. Jones, administrator of R. S. Jones, deceased, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4023) for the relief of Nicolia Malatesta, of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4024) for the relief of S. L. Carpenter, of

Fayette County, Tenn.—to the Committee on War Claims. Also, a bill (H. R. 4025) for the relief of Mary R. Kirkpatrick,

of Fayette County, Tenn., as found due by the Court of Claims under the act March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4026) for the relief of Finess E. Wirt, of Fayette County, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4027) for the relief of Andrew J. Ballard, of Fayette County, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4028) for the relief of estate of B. B. Nevill, deceased, of Shelby County, Tenn.—to the Committee on War

Also, a bill (H. R. 4029) for the relief of the estate of James

Dickenson, deceased, late of Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4030) for the relief of the estate of Henry E. Sills, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4031) for the relief of the estate of Andrew B. Conley, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4032) for the relief of Henry M. Green, of Fayette County, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4033) for the relief of the heirs of Charles

Michie, deceased, late of Fayette County, Tenn.-to the Com-

Michie, deceased, late of Payette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4034) for the relief of the estate of Nancy J. Carr, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

on War Claims.

Also, a bill (H. R. 4035) for the relief of Ellen Savage, administratrix of T. H. O'Donnell, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4036) for the relief of F. A. Jones, administrator of R. S. Jones, deceased, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4037) for the relief of the estate of Julius Walker, deceased, of Memphis, Shelby County, Tenn.—to the

Committee on War Claims.

Also, a bill (H. R. 4039) for the relief of Mrs. W. A. Scott, of Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4039) for the relief of Eliza A. Swift, of Fay-

ette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4040) for the relief of J. W. Simmons, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4041) for the relief of estate of George W. Reeves, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

tee on War Claims.

Also, a bill (H. R. 4042) for the relief of James A. Richardson, administrator of Ezekiel T. Keel, of Shelby County, Tenn., as found due by the Court of Claims under the act March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4043) for the relief of Mrs. Ellen P. Malloy, of Shelby County, Tenn., as found due by the Court of Claims under the act March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4044) for the relief of the estate of Mathew Brown, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H.R. 4045) for the relief of John Warren, administrator of the estate of James Panky, deceased, Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4046) to refer the claim against the United States of Nancy E. Dickens, of Bolivar, Hardeman County, Tenn., to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 4047) for the relief of S. R. Timberlake,

Fayette County, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4048) for the relief of the estate of Dudley G.
Johnson, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4049) for the relief of E. C. Oakley, administrator of W. H. Neal, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4050) for the relief of Sarah A. Etchevarne—

to the Committee on War Claims.

Also, a bill (H. R. 4051) for the relief of the estate of Leander Black, deceased, late of Fayette County, Tenn.-to the Committee on War Claims.

Also, a bill (H. R. 4052) for the relief of John A. Farley, of Fayette County, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4053) for the relief of the estate of Daniel Lake, deceased—to the Committee on War Claims.

Also, a bill (H. R. 4054) for the relief of the estate of Stephen A. Norton, deceased, late of Shelby County, Tenn.-to the Com-

mittee on War Claims.
Also, a bill (H. R. 4055) for relief of Ed. Tarry, administrator of Mary S. Hunt, deceased, Tipton County, Tenn.—to the Com-

mittee on War Chims. Also, a bill (H. R. 4056) for the relief of Samuel Tate—to the

Committee on War Claims.

Also, a bill (H. R. 4057) for the relief of Sarah L. McLemore, administratrix of John C. McLemore, deceased, Shelby County, Tenn .- to the Committee on War Claims.

Also, a bill (H. R. 4058) for the relief of J. J. Bailey, of Shelby

Also, a bill (H. R. 4059) for the relief of J. S. Barry, or Sherry County, Tenn.—to the Committee on War Claims. Also, a bill (H. R. 4059) for the relief of Joseph A. Hill, Fayette County, Tenn.—to the Committee on War Claims, Also, a bill (H. R. 4060) for the relief of Mary E. Keegan,

of Shelby County, Tenn.— to the Committee on War Claims.
Also, a bill (H. R. 4061) for the relief of the La Grange
Synodical College of Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 4062) for the relief of the legal representa-tives of Marcus Holbrook, deceased, of Shelby County, Tenn.— to the Committee on War Claims.

Also, a bill (H. R. 4063) for the relief of Absalom B. Jewellto the Committee on Pensions.

Also, a bill (H. H. 4034) for the relief of T. D. Thurman, administrator of John G. Thurman, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4065) for the relief of A. M. Applewhite, administrator of A. J. Newsom, deceased, of Collierville, Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4066) for relief of estate of Stativa Moore—to the Committee on War Claims.

Also, a bill (H. R. 4067) for the velief of Thomas S. Callavay.

Also, a bill (H. R. 4067) for the relief of Thomas S. Gallaway, administrator of John H. Mebane, deceased, Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4068) for the relief of J. Harvey Mathes, administrator of Benjamin F. Cash, Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4069) for the relief of A. M. Applewhite, administrator of A. J. Newsom, deceased, of Collierville, Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4070) for the relief of the estate of James C. Anderson, of Shelby County, Tenn.—to the Committee on War Claims

Claims.

Also, a bill (H. R. 4071) for the relief of estate of Jane Newell—to the Committee on War Claims.

Also, a bill (H. R. 4072) for the relief of Wilkin Thomas, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4073) for the relief of Robert Tally, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4074) for the relief of William G. Provine, administrator of Lawrence M. Provine, deceased Manufacture of Lawrence M. Provine, deceased Manufacture of Lawrence M. Provine deceased Manufacture of Lawrence of Lawrence Manufacture of Lawrence of Lawr

administrator of James M. Provine, deceased, Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4075) for the relief of I. A. Beaumont, administrator of Claiborn Deloach, of Memphis, Tenn.—to the Committee on Claims.

Also, a bill (H. R. 4075) for the relief of I. A. Beaumont, administrator of Claims.

Also, a bill (H.R. 4076) for the relief of T. D. Thurman, administrator of John G. Thurman, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4077) for the relief of Mrs. Fredonia Knight, administratrix of Joseph T. Knight, deceased, of Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4078) for the relief of Lucy E. Dowdy, of

Also, a bill (H. R. 40/8) for the reflet of Lucy E. Dowdy, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 40/8) for the relief of Mrs. Ann Kannell, administratrix of John Kannell, deceased, late of Shelby County, Tenn., as found due by the Court of Claims under the act of March

Also, a bill (H. R. 4080) for relief of Martha A. Booth, administratrix—to the Committee on War Claims.

Also, a bill (H. R. 4081) for the relief of Mary E. Mette, administratrix of H. H. Mette, deceased, of Memphis, Tenn., as found due by the Court of Claims under the act of March 3, 1883— to the Committee on War Claims. Also, a bill (H. R. 4082) for the relief of James M. Flinn, of

Also, a bill (H. R. 4082) for the relief of James M. Flinn, of Shelby County, Tenn., as found due by the Court Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4083) for the relief of J. B. Blackwell, administrator of Harvey S. Williams, deceased, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4084) for the relief of Thomas S. Galloway, administrator of Darling Allen, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March.

Tenn., as found due by the Court of Claims under the act of March 3, 1883-to the Committee on War Claims.

Also, a bill (H. R. 4085) for the relief of J. and J. Steal, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims. Also, a bill (H. R. 4086) for the relief John D. Ussery, of Hardeman County, Tenn.—to the Committee on War Claims. Also, a bill (H. R. 4087) for the relief of Thomas J. Graves, of Fayette County, Tenn.—to the Committee on War Claims. Also, a bill (H. R. 4088) for the relief of Thomas J. Graves, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4089) for the relief of Thomas S. Gallaway, Also, a bill (H. R. 4039) for the relief of Thomas S. Galaway, administrator of John H. Mebane, deceased, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4090) for the relief Thomas C. Jones—to the Committee on War Claims.

Committee on War Claims.

Also, a bill (H. R. 4091) for the relief of Legor Restle—to the Committee on War Claims.

Also, a bill (H. R. 4092) for the relief of T. J. Waller, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4093) for the relief of the Lagrange Synodical College, of Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 4094) for the relief of the estate of Mathew Brown, of Shelby County, Tenn.—to the Committee on War Claims.

Claims.

Also, a bill (H. R. 4095) for the relief of H. C. Kincaid, administrator of John Kincaid, of Corinth, Miss., formerly of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4096) for the relief of Jacob Glenn, of Memphis, Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4097) for the relief of M. V. Dalton, administratrix of Carson R. Dalton, deceased, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4098) for the relief of Fayette J. Pulliam, of Fayette County, Tenn., as found due by the Court of Claims under

Also, a bill (H. R. 4098) for the relief of Fayette J. Pulliam, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.
Also, a bill (H. R. 4099) for the relief of Washington East, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.
Also, a bill (H. R. 4000) for the relief of Joseph Townsend, administrator of Peter Townsend, deceased, of Tipton County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.
Also, a bill (H. R. 4101) for the relief M. A. Gober, administrator of Joseph T. Abernathy, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of

Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims. Also, a bill (H. R. 4102) for the relief of Edward J. Tucker, of

Also, a bill (H. R. 4102) for the relief of Edward J. Tucker, of Fayette County, Tenn., asfound due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4103) for the relief of Mary E. Bates, administratrix of James K. Bates, deceased, late of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4104) for the relief of Abner East, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to Committee on War Claims.

Also, a bill (H. R. 4105) for the relief of C. F. Beezley, administrator of John C. Lanier, deceased, late of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 4106) for the relief of S. E. Green, executor

Also, a bill (H. R. 4108) for the relief of S. E. Green, executor of A. P. Green, deceased, of Hamilton County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to

the Committee on War Claims.

Also, a bill (H. R. 4107) for the relief of H. L. Thomas, administrator of B. R. Thomas, deceased, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883-to the Committee on War Claims.

Also, a bill (H. R. 4108) for the relief of Richard Love, administrator of D. W. McKenzie, deceased, late of Fayette County, Tenn., as found due by the Court of Claims under the act of March -to the Committee on War Claims.

Also, a bill (H. R. 4109) for the relief of the estate of George M. Lloyd, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 41010) for the relief of J. W. Jefferson-to

the Committee on War Claims.

Also, a bill (H. R. 4111) for the relief of W. J. Smith and D. M. Wisdom-to the Committee on Claims

Also, a bill (H. R. 4112) for the relief of R. D. Beckley and Leon

Howard—to the Committee on Claims.

Also, a bill (H. R. 4113) for the relief of the Overton Hotel Company, of Memphis, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4114) for the relief of William H. Nowland,
of Shelby County, Tenn.—to the Committee on War Claims.

of Shelby County, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4115) for the relief of J. J. Murphy, of Shelby
County, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4116) for the relief of William C. Postal, of
Memphis, Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4117) for the relief of William J. Bishop, of Fayette County, Tenn.—to the Committee on War Claims.
Also, a bill (H. R. 4118) for the relief of Arthur Connell, of Memphis, Tenn.-to the Committee on War Claims.

Also, a bill (H. R. 4119) for the relief of Benjamin Hahn, of

Fayette County, Tenn.—to the Committee on War Claims.

By Mr. SNODGRASS: A bill (H. R. 4120) for the relief of Daniel Kaylor, of Hamilton County, Tenn.—to the Committee on War Claims.

By Mr. STONE of Kentucky: A bill (H. R. 4121) for relief of

J. F. Duvall—to the Committee on War Claims.

By Mr. McCLEARY of Minnesota: A bill (H. R. 4124) to incrseae the pension of William Brown—to the Committee on In-

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers

were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petitions of George R. French, secretary of Seamen's Friend Society, of Wilmington, and of Flavel
W. Foster, of New Hanover County, both of North Carolina, praying that their war claims be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. SWANSON: Memorial to widen the channel from Hampton Roads to Norfolk Navy-Yard-to the Committee on

Rivers and Harbors.

By Mr. CUMMINGS: Paper to accompany House bill 3878—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of 22 citizens of Carroll County, Ill., for the unconditional repeal of the silver-purchase law and the appointment of a commission-to the Committee on Coinage, eights, and Measures

By Mr. JOHNSON of Indiana: Petition of glass-bottle workers

By Mr. JOHNSON of Indiana: Petition of glass-bottle workers of Muncle, Ind., for retention of present duties on glass bottles—to the Committee on Ways and Means.

By Mr. LACEY: Petition of Edmond M. Ives—to the Committee on Military Affairs.

By Mr. WILSON of West Virginia: Petition of Catherine White for estate of Isaac W. White, late of Randolph County, W. Va., praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims. mittee on War Claims.

SENATE.

WEDNESDAY, October 18, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.] The Senate met at 10 o'clock a. m., at the expiration of the

The VICE-PRESIDENT. The Senate resumes its session.

The Chair lays before the Senate a letter from the Secretary of the Treasur Mr. MORGAN. The question under consideration, Mr. Presi-

The VICE-PRESIDENT. The Chair will lay before the Senate a letter from the Secretary of the Treasury, which will be read by the Secretary.

Mr. HARRIS. I am inclined to business can be done of any kind-The VICE-PRESIDENT. Ver I am inclined to think that under Rule III no

Very well; the Chair recognizes the Senator from Alabama.

Mr. HARRIS. No business can be done until the proposition to amend the Journal has been disposed of.

The VICE-PRESIDENT. The Chair accepts the suggestion of the Senator from Tennessee. The Senator from Alabama

will proceed Mr. MORGAN. Mr. President, I have not much to add to what I said yesterday on the subject of the motion to amend the Journal. I desire, however, to call attention to one of those half

truths Mr. WOLCOTT. If I may interrupt the Senator, I think there

should be a quorum present at this extraordinary hour.
The VICE-PRESIDENT. The Secretary will call the roll.
The Secretary called the roll, and the following Senators answered to their names:

Hill, Bate, Blackburn, Perkins, Pettigrew, Platt, Hoar, Irby, Lindsay, McPherson, Mitchell, Wis. Morgan, Murphy, Palmer, Walthall. Dolph, Faulkner. Washburn White, La. Platt, Power, Roach, Smith, Stewart Teller, Frye, Gallinger,

The VICE-PRESIDENT. Thirty-three Senators have answered to their names. No quorum is present. What is the pleasure of the Senate?

After some delay Mr. Cullom, Mr. Proctor, Mr. McMillan, Mr. Manderson, Mr. Shoup, Mr. Dixon, Mr. Stockbridge, Mr. Coke, Mr. Ransom, and Mr. Hawley entered the Chamber and answered to their names.

AMENDMENT OF THE JOURNAL.

The VICE-PRESIDENT (at 10:15 o'clock). Forty-three Sen-

The VICE-PRESIDENT (at 10:15 o'clock). Forty-three Senatorshave answered to their names. A quorum is present. The question is on the motion of the Senator from Oregon [Mr. Dolph] to amend the Journal of the proceedings of Monday. The Senator from Alubama will proceed.

Mr. MORGAN. Mr. President, to ascertain exactly the merits of the question raised by the proposition of the Senator from Oregon [Mr. Dolph] about the Journal of the proceedings of yesterday, I desire to read in succession the rule of the House and the rule of the Senato on this question, so that it may be seen how very differently we are situated to-day from what the House was at the time a law was passed the validity of which was subsequently questioned in consequence of the fact that a quorum was alleged not to have been present in the House at the time of the passage of that act. I refer to the case which the Senator of the passage of that act. I refer to the case which the Senator from New York [Mr. Hill] quoted yesterday. I will first read the rule of the Senate. It has been read several times, but I desire to put them on record in juxtaposition:

RULE V.

I. No Senator shall absent himself from the service of the Senate without

1. No senator shall absent himself from the service of the Senate without leave.
2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Prestding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.
3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Those are the only rules of the Senate that bear directly upon the question. There are some others that bear incidentally upon the question. There are some others that bear incidentally upon it, but not so as to affect the ruling that was made by the temporary occupant of the chair yesterday. Rule XV of the House of Representatives, upon which the decision of the Supreme Court was based, reads as follows:

On the demand of any member or at the suggestion of the Speaker, the names of members sufficient to make a quorum in the Hall of the House who do not vote, shall be voted by the Clerk and recorded in the Journal, and reported to the Speaker, with the names of the members voting, and be counted and announced in determining the presence of a quorum to do business.

If the Senate had ever adopted the fifteenth rule that was If the Senate had ever adopted the fifteenth rule that was adopted by the House after such a long and anxious opposition, then I am not prepared to say that the ruling of the temporary occupant of the Chair yesterday would be correct; but the Senate have never adopted that rule and I trust they never will. I believe that they have no constitutional power to adopt it. In that belief I am fortified by at least the opinion of the Democratic members of the House of Representatives who continued a long struggle of opposition against the adoption of this fifteenth rule upon constitutional grounds, they claiming that the rights of their constituency were infringed by the rule, and that rights of their constituency were infringed by the rule, and that it placed in the hands of one man an arbitrary power which broke down the independence of the Representatives and compelled them to sit by, if they were unwilling to vote upon a proposition, and to have their votes recorded in the affirmative on the passage of a bill, no matter what their opinions were, no matter how strongly they objected to being thus called up; and by the mere force of the majority were compelled to commit

by the mere force of the majority were compelled to commit themselves one way or the other upon a proceeding on a bill which they considered to be entirely unconstitutional.

I will suppose a case under that rule. I will suppose that a quorum is present in the House of Representatives, and the Speaker of the House of Representatives by looking over and counting the gentlemen who are present, all of whom he knows personally and is able personally to identify (which is now always the case by any means, but I will suppose that that state of facts exists), declares that a quorum is present and a bill is put upon its passage. Two votes are recorded upon the call of the yeas and nays in favor of it and one vote is recorded against it; and thereupon the Speaker of the House, a quorum not having answered upon the roll call, directs the Clerk to enter upon the Journal the names of the members who are present who dethe Journal the names of the members who are present who de-cline to vote and who remain merely silent.

Now, upon a question involving anything small or great, but more particularly a question involving some great interests of the whole country and a question involving the constitutional rights and powers of the Congress of the United States to pass the bill that is then before the body, will any man be heard to say that two votes could pass that bill against one negative because the President of the Senate or the Speaker of the House

of Representatives chose to make the Clerk record the fact that

of Representatives chose to make the Clerk record the fact that a quorum was present?

That tests, Mr. President, and it tests in a proper way, too, the value of the proposition so frequently urged and so forcibly and earnestly advocated here as to whether a bare majority of a quorum have the right to pass any bill they choose to pass against the negative of all the body, except three men, two voting in the officerative and one in the recreive.

affirmative and one in the negative.

Now, will it be said that that is an extreme case? It can not be called an extreme case, because when you depart from the principle that a quorum must be present to do business by the assent of the men who are there to appear as a quorum to do business, it makes no difference what the numbers may be; after we pass that principle it is not tested by the number of persons who

pass that principle it is not tested by the number of persons who may vote yea or nay.

If it is to be tested by that fact, then if you come down to the absurd proposition which I have just stated, that a bill of very great import to the country is passed by two votes against one, you have the exhibition of the failure, the utter failure, of government in the sense in which government represents the people of the United States, and has always done it, and must always do it; that is to say, a government that is in some sense responsive to the will of the people. Two men or three men out of a silent quorum present in the Senate or in the House can not claim for themselves that they represent the majority of the American people or that they represent any majority whatever in the constitutional sense of ability to pass laws and fasten them upon the country.

upon the country.

I refer to this because this question is coming up later and we shall have to meet it in some form or other, as I see the old controversy will be renewed here and the battle that has raged now for a hundred years upon this question will have to be fought over again. It can not be rashly intruded into this case for the by the Senate, not supported by the people of the United States, in favor of the sudden and immediate repeal of a portion of the Sherman act and the resnattment of the rest of it. It will not come up just in this particular juncture; but it has to come, and when it does come I hope the enlightened statesmen around me who can see nothing in power at all except the ability to crush out opposition, will consider the case I have just stated, and ask themselves the question whether two men out of a quorum can pass the most important bill that is before the Senate as against one vote in the negative when all the rest of the quorum has been silent, and by their silent negative say to the world and to the Senate that we are unwilling to do business of the kind you propose to have done.

It is true that we are here; it is true that we do not answer to our names; but our presence and our silence indicate that we are our names; but our presence and our slience indicate that we are not here for the purpose of doing the business you want to do. That is not our purpose in being here. We have a right to be here and see what sort of a record you are going to make, to see what sort of plea or excuse you are going to put up before the world whereby two Senators can pass a bill against one negative and call it a vote of a quorum. We have a right to be here and represent our people in a case of that kind and to observe your proceedings; but we are not here with that spirit of constitutional assent which causes us to be present to make a quorum to do business. do business.

do business.

We are not willing to do the business you have in hand. The truth is, it might be that the Senate was unwilling to do any business whatever at a time when a bill of this kind was put upon its passage. You say they might adjourn. They might not desire to adjourn. It might not be their wish to adjourn desire to adjourn to order to escape a dilemma of this kind? Who has the right of compulsion upon the free will of the members of this body to compel them to do or not to do anything?

The case that was cited yesterday by the Senator from New York from 144 United States Supreme Court Reports, while it may be twisted and perverted into an apparent support of his position as a judicial decision, can not be placed in that category position as a judicial decision, can not be placed in that category except by the artfulness of an astute politician. A fair-minded lawyer can not do ft. The question in that case is not whether a quorum was actually present, but whether the records of the House showed that a quorum was present. What record? A record made under the rule I have just read. The Supreme Court say that the House of Representatives under the Constitution have the right to make their own rules for ascertaining, determining and recovering the fact that determining, and recording the fact that a quorum was present, and having made their own rules this quorum appeared, according to the declarations of the Journal, to have been present in accordance with that rule.

The Supreme Court never claimed the power to decide upon the constitutionality or unconstitutionality of the rules of either

body. They could not do that. That is a question removed from their jurisdiction entirely by the express language of the Constitution of the United States. More than that, it is one of those political questions about which the Supreme Court never concern themselves except to repudiate the jurisdiction.

There are certain questions that arise in the course of legisla-

tive procedure in the Congress of the United States that the Supreme Court have continually declared they would not undertake to interfere with to correct in any form whatever. They are called political questions; not questions of party politics, but questions that relate to the general policy of legislation, questions that remain in the discretion of the two Houses in consequence of the fact that they regulate the general policy of the Government; questions that can not be assuiled by the Supreme Court of the United States because they determine a political status or an attitude of government; whereas any question that presents a right of property, the power of government to tax a person, as was the question presented in the case in 114 United States Reports, under a law, brings the individual man, the corporation, or the State, as the case may be, in conflict in its interests with a decision of Congress, if it affects a material interest—that is a question the Supreme Court will take hold of, but not a mere political question.

But, Mr. President, giving, if you please, to the opinion of the Supreme Court and the declaration of the judge who wrote this opinion, not necessary to that decision at all—giving, if you please, the full weight of that opinion and that declaration as a matter of ascertained constitutional law, I should like to know whether the Senate of the United States has reached a condition where it has no longer any opinion of its own upon a question that may be decided by the Supreme Court of the United States in respect of constitutional law. If we have, Mr. President, we have greatly degenerated, and we have reached a condition have greatly degenerated, and we have reached a condition where the Supreme Court can on one day give us authority to legislate and on another day take it away from us. We have reached a condition where the constructions placed by the Supreme Court of the United States upon the Constitution of the country one day are obligatory and the next day they are passed away, because the Supreme Court have altered their will and

What become of the faculty and power of representation of the people of the United States when we surrender to the Supreme Court of this country the absolute control of our functions? It is only men with easy consciences who do that sort of thing. There are men in the world whose consciences are so very easy as that they can bend them to any purpose that the political necessity may require at any time. But such men have no just conception of the rights and duties of the representatives of the They are ready on any occasion when it people and of the States. people and of the States. They are ready on any occasion when it serves their purposes and promotes their political prosperity or their desire to deprive a minority of all its rights and all its powers in order that their will may have supreme sway in the

It may suit men of that class to follow the Supreme Court around and to be willing to take an oath of allegiance to their opinions to-day and change the oath to-morrow when their opinions change. That does not suit me. I do not consider that I am bound to any such course as that. If I had considered it so, I should be bound to believe, on the decisions of the Supreme Government of the United States, that no paper money issued by the legal tender, for the Supreme Court solemnly decided that it was not a legal tender, and that nothing but gold and silver could be a legal tender under the Constitution of the United States. That opinion was not agreeable to a great many persons in the United States, and it seemed to be somewhat hard upon the then existing financial condition of the country. Thereupon the Congress of the United States with great liberality increased the court from seven to nine.

Now, what for it is not for me to say; but the people of the United States believed, a great many of them, that it was done in order to get men upon the bench who would reverse that dethe Government of the United States were lawful tender.

Mr. HOAR. Will the Senator from Alabama pardon me for a moment, that I may call his attention to the historic fact which

he is stating? Mr. MORGAN.

Mr. MORGAN. Yes.
Mr. HOAR. The Congress of the United States provided for that increase of judges long before the legal-tender decision was made or announced, and the names of the two new judges were in this Chamber, nominated by President Grant, before the legal-tender decision, in point of time.

Mr. MORGAN. I may be wrong in the history of that matter, but I do not think I am.

Mr. MORGAN. I ma but I do not think I am.

Mr. HOAR. I know my statement to be true, if I know any-

thing in this world. I was a member of Congress at the time; I heard the legal-tender decision; I knew of the nominations after the increase of the number of judges was made. win M. Stanton was nominated and took the oath of office, but he was so ill that he never attended a session of the court and never took his seat on the bench. He died, and a new judge, Mr. Justice Bradley, was nominated in his place. Then Mr. Justice Grier resigned and Mr. Justice Strong was nominated in his place, and those two nominations were sent to the Senate the day before the legal-tender decision was made, and the nominations were published in the Washington papers of the afternoon

However, the statement gained currency as the Senator from Alabama makes it. It was made by several persons of considerable eminence in this country, who on examination of the facts withdrew their statement. It reappears once in a while as a survivorship of an old and angry political contest, but it is without the slightest foundation. Both President Grant and Hamilton Fish publicly stated it. Mr. Fish stated it in a letter over his own signature, and said he was authorized by President Grant to say that neither of them had the slightest idea of the legaltender decision when those two judges were nominated. So that

ought to disappear.
Mr. MORGAN. The Senator from Massachusetts has not understood me to say or intimate that I believed those judges were put there for that purpose

Mr. HOAR. No, but I understood the Senator to intimate—
Mr. MORGAN. I referred to it as a common rumor among
the people of the United States which a great many believed.
Mr. HOAR. I understood my honorable friend, if he will par-

Mr. HOAR. I understood my nonorable friend, if he will pardon me, not to say that, but to say that the act increasing the number of judges of the Supreme Court was passed because of the dissatisfaction of Congress with that decision.

Mr. MORGAN. No, I did not say that.

Mr. HOAR. I misunderstood the Senator.

Mr. MORGAN. I said that was a common belief among the

Mr. MORGAN. I said that was a common belief among the people of the United States. That is all I said about it.

Mr. HOAR. If the Senator will look at what he said he will

Mr. MORGAN. Not at all.
Mr. HOAR. I myself take the Senator's statement of what he said, of course, absolutely.

Mr. MORGAN. Very good. Now, as to the opportunity for doing such a thing as that is always open to the Congress of the United States. They can to-morrow make twelve judges on the bench or thirteen by an act of Congress, if they choose to do so. Suppose it was done, and for the purpose of getting a bench there who would rule that the people of the United States have no constitutional rights whatsoever in respect of the production or coinage of gold or silver.

Mr. HOAR. Will the Senator pardon me but a moment to

make one statement before he passes from that subject?
Mr. MORGAN. Yes.
Mr. HOAR. I made this statement, and I feel an interest in the question not from any ordinary partisan feeling; there are partisan charges and ramors going all the time; but I do feel an interest in the judicial fame of Mr. Justice Bradley and Mr.

Mr. MORGAN. I do, too.
Mr. HOAR. I know there is no Senator on that side or on this side of the Chamber who will not concur with me when I say that in the whole history of jurisprudence there are no purer, whiter judicial reputations than of those two gentlemen, one of whom has gone to his reward and the other is now living in an honored old age.

If the Senator will in his great patience pardon me for one sentence more, I will state that Mr. Justice Bradley is a person in regard to whom Senators entertaining the view of the Constitution which is entertained on the other side of the Chamber, especially by Senators from the Southern States, owe what they must concede a great debt; that it was due to him the amendments to the Constitution were so construed as to require the

ments to the Constitution were so construed as to require the affirmative action of a State denying the rights described in the fourteenth amendment to justify the interposition of Congress.

The one great constitutional question affecting the relation of States of this Union and the rights of the States of this Union and the National Government in the matter of jurisdiction over civil and political rights was decided contrary to my opinion, but in conformity with the contention of the gentlemen who think as I suppose the Senator from Alabama does on that class of subjects. So if their view of the Constitution be sound, they owe a debt to Mr. Justice Bradley, which would make, I am sure, no one of them, if otherwise inclined (and I am sure no one of them would be otherwise inclined), disposed to deny the great judicial excellence of that magistrate.

Now, if the Senator from Alabama will pardon me, I say this

not as supposing-

Mr. MORGAN. I am quite willing to yield the floor until the Senator gets through with his eulogies upon judges of the Supreme Court.

Mr. HOAR. I wish the Senator would allow me to finish one

Mr. MORGAN. It would be a hardship if I did not, and I

submit to it. Mr. HOAR. I say this, not in the least supposing the Senator from Alabama or anybody else will disagree with me on this subject, but only to vindicate myself in asking leave to interrupt

Mr. MORGAN. I do not agree that Mr. Justice Bradley is the whitest and purest judge who ever sat on the bench, and yet I think I have as high an opinion of him as the Senator from Massachusetts. I do not think he was a man any better than Chief

Justice Taney.

Mr. HOAR. I did not say he was. I said there was no whiter

or purer.

Mr. MORGAN. We are not here for the purpose of making comparisons between judges. What I am here to ascertain is whether this jurisdiction which existed in the minds of the peoplc, which the Senator has characterized as being so very unjust and very improper, which I am fully willing to accord, was unjust and improper as a foundation of opinion as to the possibillegislative power in Congress, in the creation of ities of our ties of our legislative power in Congress, in the creation of judges. I will put the question again. Suppose it became necessary in the opinion of the majority in the Senate and the majority in the other House to sustain, by a ruling of the Supreme Court, what I conceive to be an unrighteous violation of the constitutional rights of the people of the United States in the passage of the bill which is now before us for consideration. Suppose you consider it to be your privilege and your right to raise the court to thirteen in order that you may get men who you know will decide in favor of the constitutionality and the propriety of your legislation. You can do it. You can stock up the Supreme Court, if you please, with any kind of material that you want, if the President of the United States and a majority of this body will concur after you pass the law, either to raise or decrease the

number of judges.

Now, that very opportunity, the presence of that possibility shows that it will not do for the Senate of the United States to take what I call an oath of allegiance to a decision of the Supreme Court; for, no matter what the purposes were, what the motives were, or how it was accomplished, whether by an increase of the number of judges or not, we have seen the Supreme Court of the United States at one term deliver an opinion that nothing but gold and silver was a legal tender in the United States, and at a subsequent term and very shortly after, that a different court delivered an opinion that paper money was a legal tender in the United States. I will further remark that paper being a legal tender, there is no reason why all the paper money issued by the United States, and especially all that class of paper money that is redeemable at the Treasury of the United States, should not be legal tender.

We see, Mr. President, the category we are in when we bind our-selves hand and foot, as the Senator from New York seems to have for the convenience of the present opportunity and occasion, to the decision of the Supreme Court, and then to criticise a man who dares to have any sort of liberty of conscience after a decision has been made. And yet he does not understand that decision, or else I do not; one or the other.

There is no harm, perhaps, in a man who is a chronic sort of a Democrat, who has taken great pride during all of his manhood in adhering to the tenets and doctrines and teachings of the Democratic party, and the fathers of it particularly, to call attention to some doctring stated in Gen. Jackson's veto message of the Bank of the United States bill, "a bill to modify and continue the act entitled, 'An act to incorporate the subscribers to the Bank of the United States,' "which he returned with his objections to the Senate, in which it had originated.

The question was made there that the opinion of the Supreme

Court had been obtained that the bank was constitutional, and of course the same argument was resorted to then by the friends of that fiscal measure that is resorted to now by the Senator from New York, that inasmuch as the Supreme Court had decided that the original charter was constitutional, therefore their mouths were shut and they had no right to make any objection to it on the ground of its unconstitutionality. Gen. Jackson still objected on the ground of its unconstitutionality, and
he was sustained by the Democratic party of that day, and has
been sustained by it from that day to this. He says:

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coördinate authorities of this Government. The Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others. It is as much the duty of the House

of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval a.it is of the Supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is intependent of both. The authority of the Supreme Court must not therefore be permitted to control the Congress or the Executive when acting in their legislative apactites, but to have only such influence as the force of their reasoning may deserve.

Mr. President, I suppose I ought to ask pardon for having introduced this antiquated specimen of Democratic doctrine and literature into this modernized Democratic Senate, but I think I am prepared to make no apology for Gen. Jackson upon this occasion. Let him stand upon the force of his reasoning. If my occasion. Let him stand upon the force of his reasoning. If my honorable friend from Missouri [Mr. VEST] had got up yesterday and for the first time uttered that as his opinion he would have been speered at and whistled down the wind for having presumed to set up his opinion against the Supreme Court of the United States about anything that comes before him for decision. He would have been required to say, like the Senator from New York has said, "I surrender my conscience to the Supreme It makes no difference to me how much violence they may have done to the Constitution of my country, as a loyal American citizen I bow to the majesty of their decree, and will have no more to say on the subject except to obey."

What would he do day after to morrow if the Supreme Court

of the United States were to reverse the decision? Why, he would fly back and forth like a weaver's shuttle, driven by the power that impels it to go in a certain direction and in no other, and as often as the requisite force is applied to him.

and as often as the requisite force is applied to him.

Is that the senatorial authority, responsibility, and dignity, about which we have heard so much? It is said we do a good many undignified things, but I do not know what more undignified thing a man can do in this body than to say, "I will obey the decision of the Supreme Court of the United States upon a question coming before me for legislation; I will accept my conscientious duty from them and do their will and pleasure." And I will add that I do not know anything that a man could do that is more unmark than that

The Senator from New York, in referring to some expressions that I was guilty of, I suppose, if that could be said of a devotion to what I conceive to be the Constitution of the country, reminded me that there was a time when he thought I did not have much respect for it, away back in 1860. I never call up those questions, Mr. President, either for the purpose of defending my people, or for the purpose of rebuking anybody else. quarter of a century has elapsed since those events, and I am entirely willing to leave them as they have been left, to the judgment of posterity for the vindication of the conduct of the men who were engaged in them on both sides.

I can only say about it that the movement which resulted in the secession of eleven States from the American Union was a movement that was inspired solely by a conviction on the part of the people of those different States that the Constitution of the United States was being abused to the destruction of their interests, their equality, their rights of every kind, and they went out of the Union not to break up the Constitution of the United States or to express any dissent to it, but for the purpose as they thought of preserving it. That was their idea. No matter how mistaken they were, that was the condition; that was the purpose of the movement; that was the impelling force that caused the secession of eleven States from the American

Now, in that there is at least one fact worthy of remembrance. The people of the United States of all sections, wherever you will find them, are sworn in their hearts to allegiance to what they believe to be the Constitution of the United States. When they believe that their constitutional rights are being invaded, trampled under foot, they arouse themselves and come to the defense of their views of that instrument.

If there was nothing in the question to-day presented before the Senate of the United States but a bare question of policy, there would be little excuse here for any steadfast and firm opposition to the passage of this proposed law. But Senators on this side of the Chamber and on the other, differing in their political affiliations, have solemnly averred here that they believe that this legislation not only in its tendency, but in its necessary effect, is to strike down one of the money metals which has been, I will say, consecrated by the Constitution of the United States, in this, that the Constitution expressly requires of Congress that they shall be coined, and deprives the States, to which theretofore had the right to coin them, of that privilege. It is regarded here that the money metal, silver, is being taken entirely out of the reach and range of its constitutional power and influence, and of justice to it under the Constitution.

That being so, we find as we believe that it is something the people can not give up without extreme loss, great peril to their interests, and without throwing away, as if it were of no account, the benefactions that Divine Providence has hid in the mountains to the west of us, and we believe there is a firm foundation under the feet of the men who stand here like a bulwark in opposition to the passage of the bill, which foundation they

in opposition to the passage of the bill, which foundation they feel rests upon the Constitution of the country.

Now, is it not well enough to remember that when men have ideas of this kind and they are participated in by very large communities, when they find distinctive representatives in the Senate and in the House of Representatives, men coming here to represent those ideas and little else, perhaps, of a distinctive character, is it not better for the Senate of the United States to pause and consider what may be the ultimate outcome of this business, and to try to reconcile these opinions amongst the people of the United States, or dissipate them, if they are wrong, by going into the political arena and there explaining to the people wherein they are wrong and we are right?

people wherein they are wrong and we are right?

I claim in favor of the present attitude of this question that it has been badly dealt with in every respect. The people of the United States have the right before this question is finally disposed of to vote directly on it at the ballot box. Did they enjoy that right in the last campaign? No; they did not, neither at the hands of the Republicans nor at the hands of the Democrats. By one universal acclaim on the part of the newspapers and the stump orators of both political parties in the last Presidential campaign we were told that it was the tariff that was the turning point in the campaign; that this was the vital issue; that the silver question was retired behind it, and that it could not be decided in that campaign.

silver question was retired benind it, and that it could not be decided in that campaign.

I did not believe it, not by any means, and I voted with the majority of the Senate on that occasion, notwithstanding the Democratic and Republican conventions had met and passed their platforms—I voted here to pass a bill through the Senate originated I believe by the Senator from Missouri [Mr. VEST], at all events one exactly like it in principle, and we passed it through the Senate as a declaration on the part of the Senate of the United States that that was a vital question; that it was a living question. When we got through that campaign, then the pressure commenced for the purpose of destroying that which had not been considered and voted upon by the people of the United States, through sudden, compulsory legislation in the Congress of the United States.

An extra session of Congress was called. The people were fearfully alarmed because they found that the President was alarmed; they took fright at something which was not real and substantial, and we were forced to come here into an extraordinary session to consider what? Not the tariff, but silver. The tariff comes in as second fiddle.

Why not allow us to relegate this question again to the polls? Why are you afraid to meet us on the hustings? Why are you afraid of the verdict of the people? I assume that you are afraid because of the haste with which you demand this crucifixion of

the people and their rights.

What I claim now, and it is the most material thing that I do claim, is that the people of the United States shall have a chance to express at the bullot box their views upon this question and to give an authoritative declaration of their purposes in respect of it. That you deny to them; that you refuse to them. You assume to be their representatives here, when we tell you that we are as much, and far more, their representatives than you are; and we invite you to go out and try the question with us before the people at the polls. Then we shall know where they stand. Decent respect for public opinion requires that we should do this thing.

should do this thing.

It is just as easy to put into this bill whatever measure of public relief that we think is demanded by the exigencies of the times, to put this as an amendment upon it, to offer it, and have it voted upon, as it will be to pass a separate measure sub-

Are we so blinded to the future, has some mysterious obstruction arisen in our front, that we can not see through nor over to discern what lies beyond? Is it true that until we have torn that obstruction down we have not the range of vision to see what is necessary for the good of the people? Is that our situation? Are we thus blinded by something which stands before us, and which we must remove out of the way before we can have any guide of wisdom or light to see what to do for the people of the United States?

people of the United States?

If that be the fact, accept my proposition, which the Senator from Ohio [Mr. Sherman] refused yesterday to do. Tear down the obstruction entirely; do not pull off the capstone and leave all the balance stand; do not leave the wall standing so high that a man of ordinary dimensions can not look over it, but which would take one of the giant intellects of the Senate to see over the top of it. Do not leave it in that shape; tear it down; for that is what you say you want to do. If we have not mind and sense enough to see what to do for the people until the Sherman

law is taken out of the way, take it out of the way, but remove all of it out of the way. That is not what is desired. It is desired that the Sherman law shall stand in all its features hostile to silver; that it shall be removed where it shows the least friendship in the world for silver remonetization, for coinage or anything of the sort

anything of the sort.

Recurring again to the past, Mr. President, when I went, in obedience to my convictions, with my own State out of the American Union, I insisted as we all did, that we should take the Constitution of the United States with us, and we did so. In almost every material function as to the organization of the government, the limitations upon its powers, and the like, the Constitution of the United States was adopted not only by the Confederate government itself but also by each of the Confederate States; so that the principles of that instrument, that form of government, and the liberties it secured, were shown to be the most precious things that we found in the Ark of the Covenant. We carried them with us when we went out and at-

There was no hostility in the Confededate States to the Constitution of the United States; there was no man who was not perfectly ready to return into the house of his fathers when he found that the resistance that he had been making to it was of no further avail, and the invitation was, "Come home, and you will have the full and equal protection of the law." There is no doubt about that. These States, whose automony had not been affected in their perfection, stood there throughout the whole length and breadth of the Union, and one new State had been born out of the anguish and travail we were then undergoing—the State of West Virginia. We came back because our States were sovereign, because the people of these various States had the rights and privileges guaranteed to them which were obtained under the Constitution of the United States. We did not go out to revolutionize the Government of the United States, but, as we claim, to have justice done to us under a separate political organization, when we failed to get it, as we believed, in the organization of the Government of the United States.

There are men who went out with arms against us who were

There are men who went out with arms against us who were Democrate, men who believed in the doctrines of the old Democratic party, and who have shown it by their more recent acts. No man in this world has a profounder respect than I have for such men; in fact, they have my confidence, they have my affection, and I prize them because they had the manhood to go out and stand on the field with their guns in their hands to oppose me. The honorable Senator from Illinois [Mr. PALMER] was one of that number, whom I revere for his fortitude and for his decision and for his exposure of his life in the defense of what believed to be right and just. Samuel J. Randall, of Pennsylvania, was another who shouldered his musket as a private soldier and came out to contend with us. William B. Morrison, of Illinois, is another for whom I have the highest and most profound and grateful respect.

found and grateful respect.

But, Mr. President, I do not have so much respect for those men who are constantly quoting that difficulty whenever they have an opportunity to make a point upon a brother Senator or anybody about it, but who did not have the pluck to shoulder a gun and go out to fight. My respect does not extend to that class in that cordial way, at least, that it does to men like Morrison and Randall, and PALMER and SICKLES, and hundreds of others whose names I might call in the Northern States, who came out and took their muskets in their hands and said: "We will try this question with you upon the issue of battle."

came out and took their muskets in their hands and said: "We will try this question with you upon the issue of battle."

I am not alarmed lest one of these gentlemen should quote upon me my attitude in 1860 to 1865, for an honest soldier, who fought me in that war, never does it; only those who hired substitutes and stayed at home and plead the baby act, or something of that kind, for an excuse for patriotic delinquency, are in the habit of getting up in the Senate and elsewhere and quoting upon me the fact that I belonged at one time to the secession and rebel government of the South. I did belong to it, and when a blush of shame comes over my cheek to condemn me for the part I took in that struggle, I shall be still more ashamed of the poor craven creature who can undertake to impose that as a disgrace upon me; for If there is a man in this world who is entitled to any consideration from the human family, it is one like old John Knox, or John Wesley, or Martin Luther, and men of that kind, who fought the battles of Christianity and who fought for freedom of conscience against the strength of the greatest combinations of political and civil and religious power which ever existed in the world. Those are the men whom I revere in history, not those petty politicians whose figures rose suddenly to the surface, like bubbles on a stagnant pond, and exploded, and have left nothing behind them but mephitic odors.

The Senator from New York [Mr. Hill] on yesterday, in a burst of oratory which was as unexpected as it was uncandid, undertook to allude to a former Senator from Ohio, that grand

old Roman, Allen G. Thurman, for having in one moment of time—and I think it was an unguarded moment, for I was here time—and I think Is was an unguarded moment, for I was here and saw it—expressed an opinion only, but making no decision, said that notwithstanding the roll call which had been taken in the Senate disclosed the lack of a quorum there was still a quorum present. That was one of those half-truths stated by the Senator from New York, which convey more of misinforma-tion than they do of fact. Mr. Thurman was not properly dealt with on that occasion; and inasmuch as he is now advanced into the sere and yellow leaf and is no longer here to adorn this Senthe sere and years what and is no longer here to adort this Sen-ate Chamber—and no man adorned it more thoroughly than he when he was here as a Democrat, as an American, as a states-man, and as a lawyer—inasmuch as he is not here, I desire that the country shall not be misinformed in regard to the actual state of facts.

The honorable Senator from Florida [Mr. CALL] yesterday, with his usual readiness and acumen, at once, because he remembered the transaction doubtless as I did, referred to the facts and laid them before the Senate to vindicate Mr. Thurman againd the charge that he had ever decided as President pro tempore of the Senate that it was his privilege and right to count a quorum when the roll callshowed a quorum was not present. Mr. Thur-man never did that. I shall read it again, notwithstanding the Senator from Florida read it and commented upon it yesterday, to show that the Senator from New York has entirely misunderstood and misapplied that accusation which he made against Mr. Thurman yesterday. Mr. Thurman as President pro tempore of the Senate said:

The PRESIDENT pro tempore. That question will be put, then. The question s, Shall the appeal taken by the Senator from New York from the ruling of he President this morning be laid upon the table?

Mr. CONKLING. On which the yeas and nays have been ordered. The PRESIDENT pro tempore. They have been ordered and taken once, but he call disclosed no quorum. The question now is on laying on the table he appeal taken by the Senator from New York.

The question being taken by yeas and nava resulted—yeas 32 nava 21 and nava resulted—yeas 32 nava 32 nava

luestion being taken by yeas and nays, resulted-yeas 32, nays 2; as

YEAS-32

Garland, Harris, Hereford, Hill, Ga. Houston, Lamar, McDonald, Maxey, Morgan, Pendleton, Slater, Vance, Vest, Voorhees, Walker, Wallace, Bayard, Call. lockrell, Coke, Davis, III. Davis, W. Va. Jonas, Jones, Fla. Kernan, Randolph, Whyte, Withers. Saulsbury,

NAYS-2. Burnside. Morrill.

Only two Senators on the Republican side voted on that occasion. All the others claimed the privilege of remaining quiet and silent in their seats, and not voting. No quorum was declared. The absentees were:

ABSENT-42

Allison, Anthony, Bailey, Bell, B'alne, Booth, Bruce, Butler, Cameron, Pa. Cameron, Wis. Carpenter,	Chandler, Conkling, Dawes, Edmunds, Farley, Ferry, Gordon, Groome, Grover, Hamlin, Hampton,	Hill, Colo. Hoar, Ingalls, Johnston, Jones, Nev. Kellog, Kirkwood, Logan, McMillan, McPherson, Paddock,	Platt, Plumb, Rollins, Saunders, Sharon, Teller, Thurman, Williams, Windom.
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Mr. Thurman himself declining to answer, because his decision

was the matter in question.

The suggestion was made to me the other day, I think by the Senator on my right [Mr. FAULKNER], suppose that a Senator, in the absence of the Vice-President, were presiding as President pro tempore of the Senate and the roll call was ordered upon the motion of some Senator, and on that roll call the Presiding Officer of the Senate, being a Senator, declined to answer, what would you do with him? Would you compel him to declare that a quorum was present when he said there was not a quorum present, because he refused to answer, and had so cut the list down that the requisite number was not present? How would you get him out of that difficulty? It would be impossible to do it. Here was Thurman upon that roll call, the President protempore of the Senate, refusing to answer. He said:

The PRESIDENT pro tempore. There is no quorum voting, but there is a quorum in the Senate present.

Mr. Conkling. In the opinion of the Chair.

The PRESIDENT pro tempore. There is; the Chair has counted. In the opinion of the Chair, upon reflection, the Chair was in error in causing this last vote to be taken. That matter belongs to the morning hour. It is very true that if a motion had been made to amend the Journal or to correct the Journal it would be a privileged question that would have to be continued until it was disposed of; but no such motion as that was made.

That was a mere casual remark made by the President protempore of the Senate, not a decision at all, that, although the roll call had disclosed no quorum, still a sufficient number of Senators were present. Thereupon that great and learned and

astute man and honorable, too-and I love to speak of him-Matt. Carpenter, arose and said:

Matt. Carpenter, arose and said:

Mr. Carpenter. Mr. President, I suppose by this time it must be evident to the majority of the Senate that they cannot coerce the minority of the Senate to do what the minority think they do not want to do or ought not todo. This proceeding can go on just as long as the majority of the Senate choose to have it go on, and it may stop whenever they choose to stop it. The minority of every legislative body are driven at times to stand on their reserved rights, and as to those rights they are the exclusive judges. As was stated last night by the Senator from Ohio, the President protempore of the Senate, on a great occasion he found himself compelled to stand on his rights, and refused to vote, so as to break up a quorum of the Senate, and then understood and now understands that there was no power on earth to prevent his doing so. He did it upon his own conscience, upon his own responsibility, answerable to nobody but his own constituents. What was true them is true now; and we have in the minority here the great example of the leader of the Democratic party, and now the Presiding Officer of the Senate.

sponsibility, answerable to nebody out his one the great example of the leader of the Democratic party, and now the Presiding Officer of the Senate.

We do not enjoy this thing any more than the majority do; but we have a few rights, and we propose to stand by them.

Yesterday, it will be recollected, this bill was before the Senate for discussion. The entire day, with the exception of less than half an hour, was occupied, not by debate upon the bill, but by campaign speeches from Democratic Senators. They had a perfect right to make those speeches, and they took the entire day in making them; and no aliusion was made to the details of this bill, and no discussion of it was had. It was a totally outside discussion of party politics for the country, so declared, so announced, so understood, and so in fact. Then, after 6 o'clock, it was insisted that we should proceed with the debate of this bill or not debate it at all. We should proceed with the debate of this bill or not debate it at all. We thought it was an outrage, not using the word offensively, but a parliamentary oppression, and we thought we ought not to submit to it. We thought we ought to show the majority of the Senate here that if they proposed to treat us in that way we would show them that they could not do it.

Now, if the Democrats of the Senate are willing to adjourn this session to day and let us all have a sleep and a rest and come in here to-morrow to discuss this bill in the proper and the orderly way, there is no doubt a vote can be had upon it to-morrow. I find myself to-day utterly unable to speak; that is, too lift to attempt it. I was up here all night trying to do my duty in the way of executing parliamentary law, and I think we succeeded pretty well in enforcing all the rules of law applicable to the remarkable state of things that we found existing. If the Democrats of the Senate wild do that, if they will adjourn this body and let us have a night's rest and come in here to-morrow, cool in blood and refreshed by slumber, and take up

There was a temperate spirit prevailing in the Senate at that time, and those great men, whose names I have just read, were standing out and refusing to answer to roll calls. The majority in the Senate to-day have not treated this minority, as we are called—who are the majority of the Democrats in this body, who have as much right to control the Democratic action of this body as any majority of a party nature can-they have not treated us in that way. The first motion that I had the misfortune—I will call it—to be compelled to make in respect of this matter was after the honorable Senator from Mississippi [Mr. GEORGE]—who has been, as we all know, in ill health, but who, thank God, is now recovering his physical strength, and with it the commandation of the contraction of his great powers—had spoken for quite a long time in one of the most exact and conclusive speeches—not argumentative merely, but analytical, thorough, and powerful—which ever graced theoratory of this body—said he was notable to proceed any further, that he was not well, and asked that the subject might go over until to-morrow, I made a motion to that effect, and had to obtain a call of the yeas and nays to get that consent. that is only one incident. There are a great many others.

Gentlemen who are in eager pursuit of game scarcely ever pay any attention to the pantings and sorrows and sufferings of the hind they are pursuing. They and their dogs follow on the the hind they are pursuing. They and their dogs follow on the bloody track with the eagerness of pursuit, little thinking of what they are doing to the poor alarmed creature who flees before them, but do they not remember when they do these things the story of Actæon and his dogs, and how, after the dogs of Actæon had caught and devoured the game, they turned around and consumed him? You are turning dogs loose here—I am not speaking of it in any literal sense, but metaphorically—you are turning dogs loose here upon men who are representative men in the highest sense of the word and want to do their dogs to in the highest sense of the word, and want to do their duty to God, to man, and to country, and after a while, when your hounds have destroyed us they will turn upon you and they will rend you, too. They will have no more use for you than a boy has for a last year's bird nest, after they have done manipulating and carrying you along in their political machinery to do their will. The banks and bankers and the gold grabbers will turn upon you and destroy you when your ability to serve them has ceased, or when, in your distress of spirit for the sufferings of the people, you turn to them with a vain but pleasing word of comfort and commiseration.

I spoke yesterday of a coalition, and I was assailed for mentioning it, because it was said there was no proof of it. I have got my opinion about it, and I am now weighing the evidence as to the existence of such a coalition, not that anything has been communicated to me, or that I shall ever hear of it if a bargain exists at all, or the terms of the contract, or who made it. not to be expected that I will ever know, personally, anything about it. I am arguing to myself, for my own satisfaction, in order to be able to steer my own course through this body that I am now in conflict with a conlition. One reason I have for it is that our Democratic brethren on this side, who are in the minority on the silver question, will not go into a caucus with us. It is the first time I have ever heard close communion stated as a

doctrine of the Democratic party.

Another reason is that I see these Senators constantly in friendly intercourse and association with some of the great leading minds of ancient and modern Republicanism on the other side of this Chamber. For them, this is novel, a new departure. There seems to be no want of brotherhood between them; in fact, they stick as close and affectionately to each other as a stamp sticks to a love letter. [Laughter.] I have never seen anything more illustrative of the political brotherhood that makes strange bedfellows than in this particular case

Now, looking along over the whole surface of things, if I call it "a coalition," I am using a very mild term.—I do not wish to use any harsh terms about it—but that it is "a coalition" I shall develop before we get through here, and I shall do it by that motion which I told the honorable Senator from Ohio yesterday I would make when I had the floor, that I should move to strike out all after the enacting clause of this bill and put in, pure and simple, the repeal of the Sherman act from top to bottom; leave the matter standing right there, and leave it then to the good sense and the patriotism of both sides of the Chamber to ascertain and to do what they are going to do about it.

Mr. FRYE. And let us vote?
Mr. MORGAN. Oh, yes! Do not lay it on the table, do not make a motion to amend it, so that you can go out to the world and excuse it by saying we did not have the merits of the proposition before us, we did not want to consider it. Come up to the scratch and let us vote on it.

Mr. CULLOM. Are you ready to vote now? Mr. MORGAN. As soon as I yield the floor and get through my speech, if no other Senator desires to speak. At the proper

my speech, it no other senator desires to speak. At this proper time you shall have the opportunity.

Mr. President, yesterday I put the question directly to the Senator from Ohio whether he would vote for my proposition, and he said no, he did not see any benefit—not in those terms, but in language scarcely to be mistaken—that no man who had any sense would do it. I have taken the pains to go around amongst some of my brother Senators here to know whether in this sky-scraping oratory we have been hearing so much of in the Senate, these great disquisitions upon the economics of finance, and all that, any of them had ever condescended to look at the question in its material aspects as it appears upon the statute

books of the United States, and very few have I found who had even read the statutes which are to be affected by this act.

The trumpet had sounded, the forces were marshalled, the clock had struck at the White Honse, and the cuckoos here all put their heads out of the boxes and responded to inform us of the time of day [laughter]; but they did not seem fully to know what they were talking about, and never took the pains to find out the state of the law. They have not looked into at all; I mean that state of the law. They he many Senators have not.

peal the Sherman law out and out, and here is a law which will stand in full force:

That there shall be coined, at the several mints of the United States, silver dollars of the weight of 4124 grains troy of standard silver, as provided in the act of January, 18, 1837, on which shall be the devices and superscriptions provided by said act; which coins together with all silver dollars heretofter coined by the United States, of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues public and private, except where otherwise expressly stipulated in the contract.

That law would stand.

Mr. BUTLER. Will the Senator please give the date of the

Mr. MORGAN. That is part of the Bland act of February 28, 1878, the first section. The Sherman law has amended and qualified that act in two particulars to which I will call attention; and when you get the Sherman law out of the way, this act stands in full force and effect, for the Sherman law repeals but one clause of the Bland act—will you please notice that fact and that is the second clause of the Bland act, the purchasing clause. That is the only clause which is repealed by the Sherman act. So when we repeal the Sherman act, the whole of the Bland act not repealed by that act comes into full force, and what I shall read is part of the full force which it contains. I have said the Sherman act modifies the Bland act in two par-ticulars. It repeals it only to the extent I have stated. Mr. CULLOM. Will the Senator please read the repealing

clause to which he refers?

Mr. MORGAN. Of the Sherman act?

Mr. CULLOM. Yes. Mr. MORGAN. I will read it with great pleasure. I read from section 5 of the Sherman act:

SEC.5. That so much of the act of February 28, 1878, entitled an "An act to authorize the coinage of the standard silver dollar and to restore its legal tender character," as requires the monthly purchase and coinage of the same into silver dollars of not less than \$2,000,000; nor more than \$4,000,000 worth of silver builton, is hereby repealed.

That is all. All the balance of the Bland act stood, and is now the law. All the silver certificates you have were issued under the Bland act—every one—and they were left standing and unaffected by the Sherman act. The Sherman act, I repeat because I want the Senate to understand it, and I want the country to understand it, for it is a very important matter, contains no repealing clause at all, except the one I have just read which applies to the purchase of silver bullion, to be purchased monthly, not less than \$2,000,000 worth.

The first section of the Bland act requires that there shall be coined silver dollars. How many? It does not say how many—the unlimited coinage of silver dollars, the unrestricted coinage of silver dollars. How many does the Sherman set provide for the coinage of? It provides for the coinage of the bullion which was on hand at the date of the passage of the law and such bullion as might thereafter be purchased, and at the discretion of the Secretary of the Treasury.

I do not believe that statement. I do not believe there is not

I do not believe that statement. I do not believe there is any more discretion given to the Secretary of the Treasury in that coinage act than there is in the command of the Bible that you shall serve God. You may refuse his service, but if you things may get very warm for you. But two Secreturies of the Treasury, Mr. Foster, under President Harrison, and Mr. Carlisle, under President Cleveland, have refused to coin silver: they have refused even to coin the seigniorage, or money earned by the United States in the purchase of silver bullion, and after they had compliance to the purchase of silver bullion, and after they had compliance to the purchase of silver bullion, and after they had compliance to the purchase of silver bullion, and after they had compliance to the purchase of silver bullion, and after they had compliance to the purchase of silver bullion, and after they had compliance to the silver bullion. they had complied partially, and only partially, with the mandatory and unequivocal demands of the Sherman law in respect of the coinage of the bullion then in the Treasury, and not bought with Sherman silver certificates—after that they went on and refused absolutely to coin any of the bullion which was bought by the issue of these certificates under the Sherman law. That is how this matter stands. They claim for themselves the discretion to coin or not to coin the bullion in the Treasury.

Mr. President, I never believed that the Congress of the United States could confer the discretion upon the Secretary of United States could confer the discretion upon the Secretary of the Treasury, in respect of either gold or silver, to coin or not to coin at his pleasure. I never had any feeling for the one-man power except to hate it. I have always objected to it. There has been no room in the creed of the Democratic party that I have ever heard of for the presence of the one-man power. and especially in favor of uncontrolled discretion in a subordinate officer of the Government of the United States. I do not know and never heard of the man in whose hands I would leave the discretion to coin or not to coin silver money or gold money, or any other money. That is a delicate subject to deal with, and necessarily involves the most vital interests of the people.

Mr. President, suppose that one of these Secretaries of the Treasury—I grant you it is scarcely a supposable case in view of the facts, still it is not one that is unimaginable, nor is it one that is unsubstantial—owned some silver interest in the West, and he thought that it was necessary, in order to enco rage the production of silver and the sale of it, to coin it as fast as it came into the Treasury of the United States, to buy it at the highest price for which it could be bought in the market and raise the price in that way, and then to coin it and send it out amongst the people, would you intrust him with that power thus to affect value of silver bullion or silver currency?

If you will not intrust him with the powor to coin it because his interests are that way, perhaps you might find that he was a stockholder in some of the national banks, or he might be the owner of a gold mine, or some of his friends might be, or he might think that, by making an exploitation of this kind, he could secure to himself large revenues from the capitalized men of the United States and elsewhere to help him in his candidacy for the next Presidency—it might be easy to im. gine a case of that kind; I do not know that that case is entirely unimaginable—and thereupon, after being intrusted with the discretionary power to coin silver or not to coin it, he would say, "No; no dollar of silver coin shall escape from this Treasury; I intend that my friends, the national-bank men, the gold-holders, and the speculators upon the credit of the United States, who are going to be kind to me hereafter, if they have not been hereto-fore, shall have all the feast to themselves, and therefore I shall not coin one dollar of it; I have the discretion to do it or not to do it." He could put us to great shame if he were as ambitious as Asron Burr was supposed to be.

I do not believe that the Congress of the United States really

conferred that discretion, for I think that is a total misinter-pretation of the act, and the misinterpretation of the act is the worst part of the offense, for it is contrary to that well-fixed and well-settled part of the Democratic creed that doubtful powers well-settled part of the Democratic creet that doubtful powers shall not be assumed and exercised by any man in this country. A man must have the plain right to do a thing, and do it in virtue of that right, before he can claim the shelter of the Democratic creed for his conduct. No honest Democrat, no sincere Democrat in this world ever finds himself in the category where he is even tempted to lay his hands upon doubtful power for the purpose of carrying his objects into effect. That is not the Democratic creed; it is just the other way, and always has been.

So, Mr. President, the repeal of the Sherman act would take away that one-man power, and instead of his being invested with the discretion to coin or not to coin silver he would find himself under the command of the Bland act that he shall coin it. That is a proceeding in the direction of the monetization or the remonetization of silver. It is a long step and a strong and steady one in the right direction.

There is another thing which would occur by the repeal of the Sherman law that I desire. Section 2 of the Sherman act pro-

That the Treasury notes issued in accordance with the provisions of this ct shall be redeemable on demand, in coin, at the Treasury of the United tates, or at the office of any assistant treasurer of the United States, and hen so redeemed may be reissued.

That is precisely the obligation of the greenback, "redeemable on demand in coin." "Lawful money" means coin. This point was conceded readily by the Senator from Iowa [Mr. Allison] on the floor of the Senate on yesterday.

Here is the second clause of section 2 of the Sherman act, to which I wish to call especial attention:

But no greater or less amount of such notes shall be outstanding at any time than the cost of the silver bullion and the standard silver dollars coined therefrom, then held in the Treasury purchased by such notes.

If you repeal the Sherman act you get rid of that feature, and you can proceed to redeem these outstanding notes and destroy them entirely. That provision of the Sherman act which re-quires that these Treasury notes shall be kept out in a certain volume, to be no greater and no less at any time than the cosof the silver bullion and the standard silver dollars coined therefrom, you get rid of.

You stop the issue of the certificates by the repeal of the Sherman law and thus reduce or stop the outflow of currency, but you save the people heavy taxation to borrow the gold to redeem them over and over again as fast as they are redeemed and reis-

Where will that leave the Sherman certificates? tor from Ohio yesterday said—yes, he had the hardihood to say—that these obligations, with this promise on the face of them. would have no provision for their redemption left in the law if we repeal this act. Ah, Mr. President, that was an unfortunate statement, more particularly because it is not true. These notes, when the Sherman silver act of 1890 is repealed, upon their very face stand on the footing of the greenbacks, and any man can go to the Treasury and he can get the gold for them. The Treasurer of the United States is compelled to reissue them under the Sherman act, but when that act is repealed he can not reissue them. There is no doubt about this.

Here we are, facing the clamor that the finances of this country and of the world have been disturbed because we are buying after and issuing Treasury notes to pay for it, redeemable in gold; that we are paying out of the Treasury of the United States gold for the purchase of silver, and now, under the bill before the Senate, you leave those sections of the Sherman act standing which require redemption, as you say, in gold, and which provide that the amount of these Treasury notes shall not be decreased from what they are now; that when they come in they shall be reissued, and you leave them one unceasing ever recurring, and continual draft on the Treasury to the amount of \$150,000, 000 a year.

After you have redeemed these notes and have reissued them as soon as they can be collected together again in any amount whatever exceeding \$100, their holders can come right back upon you and make you redeem them again. Repeal the first clause and leave the remainder of the Sherman act standing, and you have a draft upon the Treasury of the United States of \$150,000,-000 to act of the Sherman act standing the United States of \$150,000,-000 to act of the Sherman act standing the Sherman 000 in gold which you are obliged to meet as often as it can occur—no maceration, no retiring them, no lowering in their number. There they stand, a constant drain and temptation to the bullion dealers here and abroad to collect them together and report the Transport of the Property of the Property

rob the Treasury of its gold. How do you propose to prevent it? When you get the country into that hole, you have got us where these raiders have a mastery over us and we have either to disgrace our country and put

it in bankruptcy and repudiation, or else we have to give them the bonds they have been clamoring for so long, and we shall have to pay the taxes to buy gold to patin the Treasury. While with one hand you destroy silver, which the people need so much and like so well, with the other hand you tax them to pay interest on \$150,000,000 a year for the purpose of keeping up a supply of gold to meet this drain that you deliberately leave in the law by your amendment of the Sherman act, and by your refusal to reveal it. fusal to repeal it.

Do not let us have any more of cant and hypocrisy about this thing. The people are not going to believe you. You can not answer these propositions. There is not a man on this floor who will dare to attempt it, except the Senator from Ohio, and he does it by a disdainful reply that there will be nothing left to protect these Treasury notes in the event of the repeal of his law, and therefore he will not vote to repeal it.

Mr. President, under the statutes gold has a number of advantages over silver of a very peculiar kind. It has the advantage,

first of all. of absolute free coinage on the part of the individual man who will take it to the mint. He may go and melt down an old candlestick, or the case of a gold watch, or the carrings of his wife, or anything of that kind, and carry it to the mint, have it assayed and its value ascertained, and if there be a hundred dollars worth of it in the pile, he may demand the coinage of it into eagles or half eagles or whatever he pleases and have it coined. Thatis, gold coinage is not only free, but without charge.

Proceed further and consider gold in respect of its legal-tender qualities. It is legal tender when coined for all sums of money without discrimination as to their being private or public debts, and in the event the gold is so worn and abraded that it is below the standard of circulation your debtor can take the scales and weigh it and compel you to take it. That is gold.

weigh it and compel you to take it. That is gold.

You can carry gold and depositi in the Treasury of the United States and demand gold certificates for it if it is inconveniently weighty in your pocket, and the gold remains there, a trust fund in pledge, which nobody dares to violate, for the redemption of that certificate. That is gold.

When you come to silver, even under the Bland act, the silver dellar is unbrighted to the sulfation right of the certificate.

dollar is subordinated to the qualifying right of the parties to a contract to say that it shall not be received in the payment of a debt, if anything else is stipulated to be paid; in other words, that if you make the contract payable in gold under the Bland act. it can not be discharged in legal-tender silver dollars. is what you have provided. Some of these days a question will arise as to the power of Congress to do that thing, and I have made my promise to the honorable Senator from Delaware [Mr. GRAY] that whenever that question comes up he and I will talk about it, and we shall see what the strength of that power is in view of the right of the Congress of the Uni ed States to enact any legal-tender law at all.

I shall not discuss that now. I shall content myself at this moment with reference to the fact that I am contrasting the privileges of gold and silver under existing legislation, as they will be when the Sherman act is repealed, if it is ever repealed. In doing that I am merely undertaking to show what immense advantages gold is given under the statute over silver-the twin metals mentioned in the Constitution of the United States, which our fathers labored so earnestly, so long, and so successfully to adjust properly in fixing upon a unit of value and a correct ratio between gold and silver. In our present legislation we give all the advantages to gold.

Repeal the Sherman act out and out and you restore silver wherever it is found in the possession of the United States, to say the least of it, to the right of coinage into dollars of 412½ grains. Leave the Sherman act there, and you leave in the hands of the Secretary of the Treasury the discretion to coin it or not to coin it at his sweet will

I would not leave any man in this world with that discretion where the rights of the people are so materially interested. There is no Democracy, to say the least, in that; there can not be.

Mr. PLATT. Does the Senator understand that under the law as it now exists the Secretary of the Treasury has a right to coin what is called the seigniorage in the Treasury?

Mr. MORGAN. I believe he has the right to coin every bit of it; and it wou'd be just the same thing if that law was re-pealed, because the Bland act says "there shall be coined silver dollars," etc., yet the Sherman law, as the Senator from Kansas [Mr. Peffer] very properly reminds me, provides that the Secretary of the Treasury shall coin as much as may be necessary

Mr. PLATT. There is no doubt about that; but I ask whether the Secretary of the Treasury could coin the rest of the silver bullion under the existing law?

Mr. MORGAN. I would not say there is no doubt about that

when two great men like Mr. Foster and Mr. Carlisle have said they would not coin it. 1 suppose there must be some doubt,

1

enough doubt for them to say that they have the right not to coin it. I suppose we can concede that much to them, for two Presidents in succession have sustained them in that position, and a little decree of Congress that they shall do it does not amount to anything in the presence of these magnates, who set aside the law at their will and pleasure. I think the law is set aside; I do not think there is anything else in their action, except a clear trampling out of the mandate of the law. It is repudiation and nullification; it nullifies the law and repudiates a plain duty. They say, "We will not execute it, because you have said something to us; you have used the word 'may' instead of 'must,'" when everybody knows that in a public statute, according to all judicial decisions, where the rights and interests of the people are concerned, the word "may" always means "must," and no man can find a decision of any respectable court of the United States to the contrary of that proposition.

Then, Mr. President, when the Sherman act is repealed, the Treasury notes issued under it stand exactly on the footing of the greenbacks; you add that much to the greenback column. true it is a gold debt, if you choose to work it out that way, but it is a gold debt if you leave the Sherman act standing. More than that, it is kept in perpetual circulation; the wheel con-More than that, it is kept in perpetual circulation; the wheel continues to revolve. It is like a tanner's wheel, driven by buckets with cows' horns fastened on it, which, by the weight of water that flows into these receptacles, are lifted up, the water is poured into the tanks, the wheel never stops, and the water goes right along to flow into the tanner's tank. That operation has I use this rustic illustration its parallel in the Sherman law. not for the amusement of the Senate, but in order that my constituents, who are not all learned men, may grasp the subject and understand exactly what is going on here. I would prefer to stop this wheel by repealing the Shermanlaw. I would break up this tanyard; it is too profitable to the living and of no service to the dead.

But continue the Sherman law, and you continue this process of depletion of the Treasury to the amount of \$151,000,000 now outstanding in the hands of—well, it makes no difference whether they are in the hands of the people or in the Treasury. They must be reissued, the amount must be kept up when once redeemed, they can be redeemed again, and one of these one-hundred-dollar bills can draw a thousand dollars out of the Treasury. ury in gold simply by ten different operations, and still go on drawing out the gold as long as you permit the law to remain. That is what the Senator from Ohio wants, and what I do not

If you are sincere, if you believe that this draft upon the Treasury has caused this panic not by anything it has done, but by some expected evil which is to be wrought out hereafter, then

repeal the Sherman law, stop the draft, and put these certificates on a footing with greenbacks.

I would not do this, Mr. President; I would not content myself with this if I found there was the slightest relaxation in this body or anywhere in favor of a good financial system. I would take this as the first step, if we must take two when only one is needed, in the right direction. As I observed yesterday—and I will call attention to it again—the first thing that I would do in respect to the terrible condition we are in here now—I speak of the legislative condition—would be to try to find a way out through the action of a joint committee of the two Houses, which should be appointed by the respective presiding officers, very impartially, so as to give the Senator from Kansas [Mr. Peffer] and other Senators, elected as he is, by the Populist organization, a hearing; and so as to give a show to the Senator from Ohio [Mr. Sherman], who professes to be a bimetallist, but at the same time can not see the silver side of the question at all; and I would like also to place on that committee my friend, the Senator from Missouri [Mr. Cockrell], who sits at my left, and made that magnificent argument here recently on this subject, which will go down to posterity to build his name up amongst the brightest and strongest men who have ever adorned the

I should wish that he would be the chairman of the Senate side of the committee, if I could have a choice. My proposition was and is that they should get together and look over the whole financial system, consider gold, consider silver, and all the different species of money that we have now-nine species of money that we have affoat, each one of the eight of them differing from every other one of the nine in legal-tender qualities reconcile all these, take the two silver half dollars, and the four quariers, and the ten dimes, which the poor man has to take as his money for a day's wages—it may be 75 cents—adding to these eighteen grains more of silver, so that that man shall have as much silver in his pocket when he has two half dollars as another man has when he has a dollar coin, so that when the poor man has got all this silver in his pocket to the amount of \$10, the result of nearly a month's work, paid by day's wages at

75 cents a day, we will say, he is not short 180 grains of silver in his \$10. Rectify that.

Take these national banks in hand and cause them simply to

understand that they are often all beggars on horseback, that they are not mounted in a position to ride roughshod over the people. They get all their power from acts of Congress, from our indulgence, and our petting them from time to time. Tell them that they must do justice to the people, that the screws and tortures of their usurious exactions must be relaxed, and the people must have a chance to live; tell them that while we are paying taxes upon all the money that they issue in order to enpaying taxes upon all the money that they issue in order to enable them to issue it, they must not lock up the money in their vaults and refuse to pay their depositors and issue shinplasters for the payment, one of which I have here. The Senator from New Jersey [Mr. McPherson] thought I did not have it, I suppose. It is a 50-cent shinplaster issued to the people. That is the kind of money the banks pay them and which the people

have to put in their pockets.

Mr. BUTLER. What is the date?

Mr. MORGAN. August 12, 1893.

Mr. BUILLY. What is the date?
Mr. MORGAN. August 12, 1893.
Mr. PLATT. Issued by whom?
Mr. MORGAN. Issued by the national banks in Birmingham, not in their name. They have a dummy. They were smart enough to do that, of course.

Mr. PLATT. Read it. Mr. MORGAN. It reads:

BIRMINGHAM CLEARING-HOUSE CERTIFICATE.

BIRMINGHAM, ALA., August 12, 1898

This certifies that the People's Savings and Trust Company Bank of Birminghan, Ala., has deposited with the undersigned committee of the Birming clearing house, securities to the value of 60 cents, to secure the bearer hereof in payment of the sum of 25 cents in lawful money of the United States, payable at any time after ninety days from the date hereof. This certificate will be received on deposit by any bank or banker of the Birmingham clearing house at par.

Signed, Cobb, R. D. Johnson, Dickson, Hentzelman, I believe, Stearn, Elliott, etc. There ought to be another law about national banks, and that is to require the officers to write their names so that some one could read them. I have scarcely seen one yet that I could read.

They ought to be taught that when they keep the people's money on deposit they can not lend it out to stock gamblers and to speculators in bullion, and so on, at will and pleasure, so that they shall have more than \$1 in the vaults of the banks of the United States for every creditor's \$25 deposited there.

That is what is the matter with the country. with a view of making speculation, have loaned out their money on call to stock gamblers and the men who corner bacon, pork, flour, corn, coffee, and sugar, and all the essentials of life, in order to make the poor people of this country pay higher prices for the actual necessities of life. When the depositor wants his money, it is not paid to him if there is stringency in the stock market. Your money on which you pay taxes, and the people pay continually to keep in circulation, is used by these men for that purpose; and whenever the slightest danger comes, or the apprehension of it appears to these favored and petted gam-blers, then a cramp takes place in all the dealings of the banks, discounts stop, and a money panic runs through the country like the cold runs through the bones of a man under the effects of one of the blizzards from the Northwest.

That ought to be corrected. I want to correct it in the resolutions that I offered. There are many other evils that need to be corrected. But when my resolutions came into the Senate there had to be a struggle for an opportunity even to have them explained, and then they were sent to the Calendar, and they might as well have been sent to the tombs. I have had no power to get them up from that time to this. Nor has any Senator who has offered a bill on the subject of finance in the Senate had any power to get any of those measures before this body, even an adverse report, except the two pet measures that have been brought forward by the Committee on Finance, one to amend

the Sherman act and reënact it, and the other to increase the issues of national banks 10 per cent.

Who obstructs the business of the Senate when a committee under the command of the Senate takes a bill offered by a Sen ator and carries it into a committee room and locks it pigeon hole and refuses to act upon it or to say a word about it?
Who obstructs the business of this country except that committee which turns the key upon the door of legislation and says, "You shall legislate about this and nothing else; you shall not be heard to open your mouth about anything else? If you bring an amendment in here we will lay it on the table by an arbitrary majority." The honorable Senator from Texas [Mr. MILLS] who has become

the mouthpiece, I suppose, of somebody here, uttered—Mr. MILLS. I become my own mouthpiece here.
Mr. MORGAN. Well, your mouthpiece.

Mr. MILLS. And I have a right to speak my sentiments here, and I shall do it on all occasions when I feel like it

Mr. MORGAN. You have certainly a right to do that, and you have a certain responsibility about what you do, and I pro-

you have a certain responsibility about what you do, and I pro-pose to hold you up to it.

Mr. MILLS. My constituents will hold me responsible. I deny your right to do it.

Mr. MORGAN. So will I. You need not deny my right; I

intend to do it. Mr. MILLS. I shall take care of myself, when the time

Mr. MORGAN. All right. The honorable Senator from Texas said that he would not vote for any amendment of the pending bill whatever. Well, I take that as being ex cathedra. Am I mistaken? Was that an utterance on behalf of the committee or of the majority of which he is a distinguished member, or was it a mere private expression of opinion? "No, sir, I do "No, sir, I do not intend to vote for any amendment whatever to the bill.

well, if a determination such as the Senator expressed obtains throughout the committee, the rest of us, the Senator from South Carolina and myself, have nothing to do but to cross our hands and be handcuffed and then blindfolded and then be turned over to the tender mercies of the Senator from Ohio [Mr. SHER-MAN], who will pack us away in cold storage and keep us, I suppose, until we have either changed our opinion, or have gained greater confidence, or our freedom of thought has become petrified. I suppose that is to be our fate. Mr. President, if I am to be handcuffed and blindfolded a Democrat shall not do it. If we must have a master of that sort let him be a Republican who is used to such business as that, and not a Democrat.

No, sir; you lock the bills up in the committee and will not report them back here, and if an amendment is offered you will move to lay it on the table, and, perhaps, the most distinguished light now in the Senate of that party, certainly a man of great power, informs us that he will not vote (and I suppose he will power, informs us that he will not vote (and I suppose he will not permit any of the rest of us to do it if he can help it) for any amendment to the bill, that we must take it as it is offered; that we must take it upon the principles of the gold cure, or faith cure, or some other kind of a cure. Well, Mr. President, if I am bound to take this nostrum, there is only one thing left for me to say about it, and that is it shall be "well shaken before

Then when any of us pretend to talk about having a right to be heard here in debate, to present questions that they do not dare to try to answer, and know they do not dare to try it, we are threatened with cloture—this importation from the Parliament of Great Britain-which has been so attractive to the Senator from New York, who found his examples and his precedents yes-terday for the advocacy of a cloture alone, I believe, in the Parliament of Great Britain. The Senator certainly forgot that when we escaped from British dominion we also escaped from the power of the prerogative of the British Crown, and we do not permit the Executive Government of this country to sit in this Chamber with us. We established independent departments, executive legislative, and judicial, each independent of the other, and each having the right to acquit itself in its own peculiar sphere, according to its constitutional discretion, as I understand it.

Mr. STEWART. Will the Senator from Alabama allow me to suggest that Great Britain never adopted cloture during all

its history until the gold men got in power?

Mr. MORGAN. It never adopted it until after 1816, though I do not think that was the reason for adopting it. I think they adopted it for the reason that there was springing up in Great Britain too much liberty. There were representatives there of the people who were disposed to make a clamor about things, and bring up rights for consideration like the Irish question and the Welsh question and the disestablishment question, the corn laws, and a great many other very important questions that have agitated the British Parliament now for the last half con-

The people of Great Britain were getting to be very free with their thinking. Well, it is a bad thing for an arbitrary power to have a constituency that are free to think; still worse if they are free to speak; very much worse if they are free to vote; and still more intolerable if there is a written Constitution some-where that men are sworn to and the right of the rulers to think, and to act, and to vote, and the like of that is under some restraint. But in the United States it is not under the restraint of prerogative as it is in Great Britain. There the Queen sits in both Houses as a member, and every law which is enacted in Great Britain is enacted in the name of Her Majesty and the Commons and the Lords. She is there, in the Parliament, an active participant, if not in fact, at least upon theory. So, when a man finds himself a member-elect in the Parliament in either House, and he says, "I will not vote upon this question. I will stand out;" they say to him, "Your act is just the same as if

there had been a penal statute requiring you to vote, and you have refused to do so; and you have been condemned to vote by the court; you have become recalcitrant and would not vote; the

the court; you have become recalcitrant and would not vote; the judgment of the court is that you be punished for not voting."

Can you do that here? Well, you can when you get a king or queen here, but not before. The parallel drawn for the purpose of convincing us that we were under the power and dominion of an arbitrary majority in this body came from the wrong place, and came too late by just about a century. We seeded from that doctrine about a hundred years ago and got rid of it, and I was in hopes no Democrat would ever undertake to quote it in this body. But it seems I was mistaken. The Constitution it in this body. But it seems I was mistaken. The Constitution of the United States has a title to the acts that we are required

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled.

Not by the President, not by the Supreme Court; it is enacted by Congress, and only by Congress, consisting of the two Houses. The President is given a part in the legislative power of this country, but unless it is the quiet part of approving it must be a veto power that he exercises. Having that right and power to protect himself, his Administration, his conscience, his views public policy upon the measures that we enact here, it is expected that he will confine himself to the exercise of that power and that he will not undertake to control the action of Congress.

When the President comes here, as I have seen Presidents do—and I am not making allusion to the present case particu-larly or at all—when Presidents come here and prescribe to us, as Presidents have done, a course of legislation; when they have as Presidents have done, a course of legislation, when they have even submitted bills to us of a particular form which they de-manded that we should enact, the Senate, and the House too, have said to them in no unmeaning terms: "You have the veto power and can exercise it when we have acted and annul our legislation unless two-thirds of the members in the House shall vote against your veto, and when you leave your veto in the Executive Mansion and come here to participate in legislation and to guide us in that you must not feel at all affronted or in any way guide us in that you must not feel at all affronted or in any way disappointed if we take up the veto power and use it on you. You shall not interfere with us. It will require a two-thirds majority of the Senate to do it. Yes, under the Constitution it will require four-fifths to enable you to come here and mark out a line of policy to be used by us. We will not submit to that." That is the attitude here to-day, if the President of the United States is attempting anything of the kind, and I confess I have not seen in his message anything more than advice on this subject; but I have seen in the coprogration of the members of this

ject; but I have seen in the cooperation of the members of this body on either side a very strong indication that a particular line of action was laid down to us, from which there should be

no departure under any circumstances or conditions.

Now, I do not like that. I do not think that is fair; neither do I intend to submit to it as long as I have any lawful and constitutional power of resistance. If I am a member of an independent department of this Government, I must be left free to exercise my rights as such, without unnecessary and improper

constraint to be exercised over me.

I have now pointed out as fully as I desired to do, though I might go still further to show what the state of the law would be after the repeal of the Sherman act; but I can say to the friends of silver on this floor that the repeal of the Sherman act out and out would be a great advance over the existing state of the law More than that, it would require these very men, if they are sincere in their statements, to proceed with us to legislate for the benefit of the country, not to accept a nostrum from the hands of the political doctors and swallow it, and wait to see whether the result is to be effective or beneficial.

They will be obliged immediately upon the repeal of that law to open their committee doors and bring these bills back for consideration, so that the Senate of the United States might have some chance to pass an opinion upon some of these measures.

I confess, sir, that according to my conception of it, I have never seen such a ruthless exercise of arbitrary power upon any question in this body since I have had the honor of being a mem-

everal Senators addressed the Chair.

Mr. VOORHEES. Unless some Senator desires very much to further participate in this debate, I rose for the purpose of moving to lay the motion to correct the Journal on the table.

The VICE-PRESIDENT. Does the Senator from Indiana

make that motion?

Mr. VOORHEES. I make that motion.

Mr. DUBOIS. Mr. President-

The VICE-PRESIDENT. The motion of the Senator from Indiana is to lay on the table the pending motion to amend the Journal.

Mr. DUBOIS. Mr. President—
The VICE-PRESIDENT. The Chair will state that the mo-

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tion of the Senator from Indiana is not debatable, unless he yields to the Senator from Idaho.

Mr. VOORHEES. Under the circumstances, with the utmost kindness to the Senator from Idaho and to other Senators, I

feel it my duty not to yield.

Mr. DOLPH. I call for the yeas and nays on the motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana, to lay on the table the motion of the Senator from Oregon [Mr. DOLPH]. The motion of the Senator from Oregon will be read by the Secretary.

The Secretary read as follows:

That the name of said Senator ALLEN be recorded in connection with said roll call to show his presence.

Mr. DOLPH. On the motion to lay on the table I ask for the yeas and nays The year and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. Not knowing how he would vote upon this question I will withhold my own vote. If the Senator from Vermont were here I should vote to lay the motion to amend the Journal on the table, because I think it is inconsistent with the rules.

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. Not know-

with the Senator from North Carolina [Mr. VANCE]. Not knowing how he would vote, I withhold my vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present I should vote "yea."

Mr. PALMER (when his name was called). There is some confusion in regard to my pair. I am generally paired with the Senator from North Dakota [Mr. HANSBROUGH], and I will my note. withhold my vote.
Mr. STOCKBRIDGE (when his name was called).

with the junior Senator from Maryland [Mr. GIBSON].

The roll call was concluded.

Mr. HOAR (after having voted in the affirmative). Has the Senator from Alabama [Mr. Pugh] voted?
The VICE-PRESIDENT. He has not voted.
Mr. HOAR. I withdraw my vote.
Mr. DIXON. I have a general pair with the Senator from Mississippi [Mr. WALTHALL]. As he is absent I withhold my vote.

My colleague [Mr. HALE] is paired on House bill No. 1, and all questions incidental to it, with the Senator from North Dakota [Mr. HANSBROUGH]. The senior Senator from New Hampshire [Mr. CHANDLER] on all questions upon House bill No. 1, and on all questions incidental to it, is paired with

the junior Senator from California [Mr. WHITE].

Mr. PALMER. The arrangement announced by the Senator from Maine [Mr. FRYE] leaves me at liberty to vote, and I vote

Mr. CULLOM. I was requested by the Senator from Iowa [Mr. Allison], who has been called away from the Chamber, to announce that he is paired with the Senator from Missouri [Mr.

announce that he is paired with the Senator from Mississippi [Mr. DIXON. I am informed that the Senator from Mississippi [Mr. WALTHALL], if present, would vote "yea," and I will therefore vote. I vote "yea."

Mr. HARRIS. Notwithstanding my pair with the Senator from Vermont [Mr. MORRILL] I see his colleague [Mr. Proctor votes the same way that I would vote, and as I am satisfied that the senior Senator from Vermont would so vote I will rethat the senior Senator from Vermont would so vote, I will re-cord my vote. I vote "yea."

The result was announced-yeas 45, nays 3; as follows: YEAS-45

Addrich, Allen, Bate, Berry, Butler, Caffery, Call. Cameron, Carey, Colte,	Daniel, Dixon, Faulkner, Frye, George, Gordon, Harrin, Hawley, Higgins, Hill, Hunton,	Kyle, Lindsay, Lodge, McPaerson, Martin, Mills, Mitchell, Wis. Morgan, Murphy, Palmer, Pasco,	Platt, Proctor, Quay, Roach, Sherman, Turpie, Vest, Voorhees, Washburn.
Cullom,	Irby,	Peffer,	
		AYS-3.	
Dolph,	Gallinger,	Perkins.	
	NOT Y	VOTING-87.	
Allison, Blackburn, Brice, Chandler, Cockrell, Colquitt, Davis,	Gray, Hale, Hansbrough, Hoar, Jones, Ark. Jones, Nev. McMillan, Manderson.	Pettigrew, Power, Pugh, Ransom, Shoup, Smith, Squire, Stewart,	Vance, Vilas, Walthall, White, Cal. White, La. Wilson, Wolcott.

Mitchell, Oregon Stockbridge, Morrill. Teller.

So Mr. DOLPH's motion to amend the Journal was laid on the table

Mr. Teller and Mr. Voorhees addressed the Chair.
The VICE-PRESIDENT. The Senator from Colorado.
Mr. Teller. I understand that the question now is upon
the approval of the Journal of Monday's proceedings, and upon
that I desire to submit some remarks to the Senate.

The VICE-PRESIDENT. Is there further objection to the approval of the Journal?

Mr. TELLER. I have the floor, and I object to the approval of the Journal, at least until I have been heard.

The VICE-PRESIDENT. The Chair recognizes the Senator from Colorado. The Chair merely stated the question that is now before the Senate.

Mr. HOAR. I rise to a cycetton of order.

Mr. HOAR. I rise to a question of order.
The VICE-PRESIDENT. The Senator from Massachusetts

will state his question of order.

Mr. HOAR. My question of order is that under the third rule the Journal is approved as a matter of course without any vote or question, unless some Senator moves an amendment to it, which amendment is debatable, and if the Senator from Colorado desires to preced he went reserved. desires to proceed he must move or suggest some amendment to

Mr. TELLER. I will move an amendment if necessary, but I do not understand that to be the rule.

Mr. HOAR. It is the rule.

Mr. TELLER. But there must be affirmative action on the

part of the Senate.

The VICE-PRESIDENT. The Senator from Colorado will suspend until the Senate receives a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works;
A bill (H. R. 2002) to amend an act entitled "An act to provide the construction of public works; the times and places for holding terms of United States courts in the States of Idaho and Wyoming," approved July 5, 1892;
A bill (H. R. 2344) for the better control of and to promote the

safety of national banks;

A bill (H.R. 3130) to repeal in part and to limit section 3480 of the Revised Statutes of the United States; and A bill (H.R. 3289) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

AMENDMENT OF THE JOURNAL.

The VICE-PRESIDENT. The Chair was unable to hear the motion of the Senator from Colorado.

Mr. TELLER. I said I did not think it requires a motion; but if the rule requires a motion, I move that the names of the Senators who were present in the Chamber and did not answer on the last roll call be added, to wit, myself and the Senator from Idaho [Mr. DUBOIS].

Mr. President, I do not understand—

Mr. HOAR. The motion ought to be stated by the Chair.

Mr. FAULKNER. I submit, if the motion refers to the last roll call—

roll call-

Mr. TELLER. Oh, no; the last roll call referred to in the

Mr. TELLER. Oh, no; the last roll call referred to in the Journal, of course.

Mr. HOAR. Let the motion be stated by the Chair.

The VICE-PRESIDENT. The motion will be reduced to writing in order that the Chair may state it correctly.

Mr. TELLER. I wish to say that I do not understand it is necessary that I should make any motion at all.

The VICE-PRESIDENT. The Senator will suspend until the Chair disposes of the point of order which has been made.

Mr. HOAR. May I be permitted to state the point of order?

The VICE-PRESIDENT. The Chair will hear the point of order.

Mr. HOAR. The first section of Rule III is as follows:

The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistake made in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

My point of order is that the Journal is prepared by a sworn officer of the Senate on his responsibility and is read to the Senate for its information; and when that is done it goes upon the archives as a matter of course, without any affirmative action or vote of the Senate whatever. It does not require a vote if the

Journal be approved or adopted under this rule. If, however, when it is read for information, it appears to be—
Mr. HARRIS. Will the Senator from Massachusetts allow

me to ask him-

Mr. HOAR. No, sir; not now. Mr. HARRIS. As he is making an argumentative state-

Mr. HOAR. I am stating the point of order with the leave of the Chair, and I should like, if the Senator will pardon me, to finish the sentence.

Mr. HARRIS. I simply wanted to ask a question. The VICE-PRESIDENT. The Senator from Massachusetts

has the floor

Mr. HOAR. I have not finished my sentence yet. The rule goes on to say that the Journal shall be read. It does not make goes on any privileged question as to approving it, or any question at any privileged question at all. The reading is "shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it," that is, the motion, "shall be deemed a privileged question, and proceeded with until disposed of."

I understand that the true way (of course it is but formal and not a substantial matter in this case) is for the Senator from Colorado to point out his objection to the Journal by making a motion to amend it or to correct it according to the fact as he deems it to exist. That raises a debatable question, and that

Now, I will with great pleasure answer any suggestion of the Senator from Tennessee, with the leave of the Senate.

Mr. HARRIS. The question I wanted to propound to the Senator from Massachusetts is, first, who does approve the Journal of the Senate's proceedings? Is it not the Senate that must ap-

Mr. HOAR. It does not require any approbation of the Sen-te. It is read for information only, unless there is a motion to

Mr. HARRIS. Upon the contrary, the Senate sits in judg-ment the first thing every morning, after the reading of the Journal, as to whether it is a correct narrative and as to whether

Mr. HOAR. That is not a question.

Mr. HARRIS. And it is a question that the Chair should put to the Senate, except for convenience and economy of time the usual habit is to say, "If there be no objection the Journal stands approved."

Mr. MANDERSON. With the consent of the Senate and the approval of the Chair, let me suggest that so far as the approval of the Journal is concerned it follows, as is suggested by the Senitor from Massachusetts, as of course; and the question put to the Senate is not, Shall the Journal be approved? and in the absence of objection its approval following, but the suggestion is made by the Presiding Officer, "If there are no suggestions of amendment to or correction of the Journal it stands approved.

Mr. HOAR. That is it exactly.

Mr. MANDERSON. That is the invariable language of the Presiding Officer at the commencement of the session after the Journal is read. Now, turning to Cushing's Manual, where, upon pages 169 and 170, the matter of the journal of deliberative bodies is spoken of, I find this language, which certainly is an advocacy of the position taken by the Senator from Massachusetts, and the uniform practice of the Senate:

The Journal is to be corrected, either at the suggestion of a member, or upon motion, when the reading is completed. It is then considered as approved by the assembly, to which no formal vote or proceeding is necessary: if the correction suggested or moved is made, or none is suggested, the approval of the assembly follows, of course.

So it does seem to me that no motion is needed on the part of any member of the Senate, nor does the Chair volunteer the proposition or question, Shall the Journal be approved? It follows as of course under the rule and by the practice of deliberative bodies when all suggestions to change or amend have ceased.

Mr. TELLER. To save any question, I move—and I will now change my amendment slightly so as not to include the Senator from Idaho—I move that the name of H. M. TELLER, a Senator from Colorado, be added to the last call recorded in the Journal of yesterday, made for the purpose of ascertaining whether a quorum of the Senate was present or not.

The VICE-PRESIDENT. The motion will be read from the

The Secretary read as follows:

It is moved that the name of H. M. TELLER, a Senator from Colorado, be added to the last call recorded in the Journal of yesterday, made for the purpose of ascertaining whether a quorum of the Senate was present of

Mr. TELLER. Mr. President, the Senate of the United States has been treated, in the early part of the legislative day, to sev-

eral lectures by Senators as to the duty of Senators. The Senator from New York [Mr. HILL] proceeded to lecture the members of this body. The Senator from Delaware [Mr. GRAY] followed in the same line, and the Senator from Ohio [Mr. SHER-MAN] did the same thing.

When the Senator from Ohio, with his great experience in this body, lectures me I submit to it with a good grace. When the Senator from New York or the Senator from Delaware lectures me I do not submit to it with a good grace, not because of any lack of ability on the part of the Senators from New York and Delaware, but because they have not had as much experience in this body as I have had, and because I am not inclined here or elsewhere to admit that any one in this body or elsewhere has a higher appreciation of the duty of an American Senator

than I have myself.

I say now, with the possible exception of the Senator from Ohio, whose length of service here may justify him, no Senator on this floor has a right to lecture any other member of this body. It is not only a violation of the rules, but it is a notorious violation of the canons of good order and decency. Who gives the Senator from New York the right to come here and say that Senators who are acting upon their oaths and their conscience are not conducting themselves in accordance with the principles of constitutional law within the rules of the Senate? Who authorized, as was done here the other night, a Senator on the other side of the Chamber to declare that Senator on the other side of the Chamber to declare that Senators who sit in their seats and do not vote are not only liable to expulsion, but deserving of expulsion? Why, Mr. President, the like of it was never heard before in this body. I have no doubt it will be heard repeatedly hereafter, because I have noticed that one evil habit is always followed by any town. of this kind constantly grow.

Mr. President, it is said that this is a courteous body.

lieve it may be truthfully said of it that it is a courteous body; at least it has been a courteous body since I have been a member of it. There has always existed between members of this body a proper respect for the opinions of other Senators. tor from Ohio said yesterday that the Senator who called for a quorum violated the rules of this body. The Senator from Ohio could not have read with any care and attention the rules of the body, nor could he have studied the Constitution on this subject.

The Constitution of the United States declares that there shall be a quorum present in the Chamber whenever business is transacted. The rules of the Senate declare that at any time and under all circumstances that question may be raised, and when raised there is but one duty of the Chair, and that is to call the roll and ascertain whether there is a quorum present, and if no quorum is present then the Senate must cease to do any kind of business except that which the Constitution provided it might do, and that is to bring a quorum here. It is as powerless from that moment to do any business except that specified in the Constitution as a town meeting is to legislate for the people of the United States.

So a call of the Senate is not a violation of the rules. It might be a violation of the proprieties of this place for any Senator who knew there was a quorum present in the Chamber to demand a roll call, and yet it might not. That might depend entirely upon circumstances. But certainly it was not when the coll calls are made as they have been made here, with the statement by the Senator who made the demand that there were 20, 21, or

22, or 23, or 24, rarely more than that number of Senators within the sight of the Presiding Officer of the Senate.

The Senate convened at 11 a. m., and we sat here from that time until 6 o'clock at night, and not a day for at least two weeks was there a majority of the friends of repeal in this Chambor. Who made up that quorum? The men who were opposed to repeal. Who made up the quorum the long nights that we sat here, the thirty-eight or forty hours that we sat here? There never was a single hour during that time after the night session began that the opponents of the pending bill did not furnish a quorum of this body; I will venture to say since the session be-gan, in the seventy-two days, there has not been one-fifth of that time that there has been a quorum in this Chamber of those who are in favor of repeal.

Yet the Senator from Ohio and the Senator from New York and the Senator from Delaware worked themselves into intense excitement over the statement that the minority here are obstructing the majority. Why, Mr. President, the friends of repeal have not had a majority here. It is doubtful whether to-day peal have not had a majority here. It is doubtful whether to-day they could bring a majority into this Chamber if the opponents of repeal should decline to vote. Again and again the minority might have adjourned the Senate in the middle of the day until the next day or for three days. We did not do anything of that kind. We came here and debated this question. We insisted that we had a right to debate it. Yet before the debate was closed, long before it was closed, and before anybody here could claim that it was closed, we were forced into a continuous s ion of nearly forty hours, and the next night it was repeated.

sion of nearly forty hours, and the next night it was repeated. I do not know how long the session lasted; it is immaterial.

We were forced the other night to remain in session until 10 o'clock, and yet none of the time after the lights were lit was there a quorum present of the friends of repeal. As the Senator from Missouri [Mr. Vest] said yesterday, or to-day legislatively, they called upon the opponents of repeal to make a quorum for them.

Mr. President it is indepent for any Secretary.

Mr. President, it is indecent for any Senator to stand here and assert that there has been obstruction of the character that has been asserted on this floor, and if that is out of order I will sub-mit to being out of order. When Senators tell me that we have mit to being out of order. When Senators tell me that we have brought disgrace upon the Senate by our obstruction to this measure, it is time the country understood that with all their pretended zeal, with all their pretended indignation, they have not been here to vote themselves. If they had been here to vote they would not have needed to call upon us to make a quorum, and they would not need to complain if we satelient in our seats.
We have a right to sit here under the Constitution and under the law and under the precedents of the Senate, made, I repeat, as I said the other day, by the most illustrious men who ever sat in this body.

In this country majorities rule. We have heard here day in

In this country majorities rule. We have heard here day in and day out that the majority were satisfied now to take a vote, and therefore the majority ought to vote.

Mr. President, majorities rule in this country, but they do not always rule in a day. Sometimes, in a country like ours, where there is freedom of thought and freedom of speech and freedom of action, it takes a long time for the majority to crystallize its opinions into law, and it is right that that should be the case. It is perfectly proper that the majority of legislative bodies shall be compelled to wait until public opinion may indicate that public opinion is back of them.

lic opinion is back of them.

What is the majority in this Chamber? What account is that if there is not a majority of the people of the United States back of the majority? It is not the majority of this Chamber that controls; it is the majority of the American people. For the first time since I have been a member of this body I have heard it stated here on the floor that because the House of Representatives had passed upon this question the Senate of the United States could neither debate it nor exercise its judgment on the very that we were bound to except the opinion of the House of Step.

could neither debate it nor exercise its judgment on the vote; that we were bound to accept the opinion of the House of Representatives as the opinion of the American people.

Mr. President, a rule that I have always tried to observe in this body prevents me from replying to that misplaced argument, if argument it can be called. I am not at liberty to speak of the House of Representatives. I am not at liberty to speak of the methods of that body. I am not atliberty to speak of the methods of that body. I am not atliberty to speak of the methods that were employed by anybody to influence that House. I leave that for the great public criticism that will come to them if they make any mistakes. It would be indecent for this body to criticise the other House or any member of it. It is equally indecent for them to criticise us. for them to criticise us.

Mr. President, the Government of the United States is founded upon the theory that each department of this Government is absolutely independent of the other; that is, that the legislative department is independent of the executive, and the executive in the exercise of its duty is independent of the legislative department, and the judicial department is independent of both executive and legislative. That has been the rule which has been applied in this country for more than one hundred years. That is the rule which applies in every country where parliamentary government exists. That is the rule which applies in the great mother country from which we have derived our language and our laws.

The legislative department of Great Britain is absolutely in-dependent of the executive. The Queen of Great Britain is understood to be opposed to home rule. She would no more dare to say in the public prints in the way of an interview that she hoped home rule would fail than she would dare to write her abdication, for she would write it very quickly if she would say it. The coming king of Great Britain, upon the death of his mother, is supposed to be opposed to home rule, yethe would never dare to say in Great Britain that he hoped home rule would be defeated.

And that ought to be the rule. The legislative department should be independent. The Government of Great Britain has given to the executive of that country the veto power. It is true it has never been exercised in two hundred years, but the power has never been taken away from it. It is still there. I do not suppose that there has been a ruler on that throne for a hundred years who would dare to exercise it; and I have not any doubt that its exercise now by the present sovereign would

change in a fortnight the whole constitutional form of government of Great Britain.

The President of the United States has a duty to do provided The President of the United states has a duty to do provided in the Constitution, to submit to this body and the other questions which he desires to have considered, to give us information as to the state of the country; and when he has done that he has done all the Constitution allows him to do; he has done all that his predecessors have been accustomed to do. in these modern days we are told by the public press that the President has demanded what the Senate shall do; that the members of the Cabinet are frequently interviewed by the newspapers and declare that "we have made up our minds to repeal the Sherman law, and if it takes a month to do it we will take a month, and if it takes six months; and

we will accept no compromise whatever."

Mr. President, I need not say that it is a rule of parliamentary law, as well as of general law, that rumor may reach such a state that everybody has a right to take cognizance of it. For more than four months the newspapers have been full, in this country, of the statements of what the Executive wanted and what the Executive intended with reference to the repeal of the Sherman Cabinet officers have been interviewed and declared what act. Cabinet omeers have been interviewed and declared what they wanted, speaking for themselves and the Administration, to such an extent that no man on this floor who has regard for his reputation will rise and deny that they are truthful statements, and that the great weight and power of the Administration, with its immense patronage, is backing and pushing the pending bill; and not only is the Administration in favor of the repeal of the purchasing clause of the act of 1890, but the Administration is the same patronage and the purchasing clause of the act of 1890, but the Administration is the same patronage and the purchasing clause of the act of 1890, but the Administration is the same patronage and the Administration is same patronage. declares publicly that no compromise shall be made, and a bill must pass for unconditional repeal or not at all. I have a paper here that I desire to read as to the statement by members of the Cabinet. There are Senators on this floor who know when I make this statement that members of the Cabinet within the last three days have declared that no compromise would be accepted by the Executive. When I make that statement they know it is true, because they have heard it.

Now, I am not given to criticisms of executive officers. I would rather not criticise an Executive officer and I would rather not at any time criticise one who is not of my political I have always felt free to criticise a Republican President because I am a Republican. I have never failed to criticise him when I thought he deserved it; but I have been reluctant to criticise the Executive officer who is not of my faith for fear it would appear that it was prejudice, or partisan heat, or parti-san opposition that made me do it. However, in my opinion, we have reached a point where the Senate can no longer allow

we have reached a point where the Senate can no longer allow this to go without somebody protesting against it.

I find in a Democratic paper, published in the city of New York, called the Daily America, an article purporting to be an interview with Mr. Carlisle; and I will state that I am informed that the same article has appeared in the Louisville Courier-Journal, a Democratic paper. I have not any question but that it is a correct interview. If any Senator thinks it is not correct, the course I should be represented in the senator thinks it is not correct. of course I should be very glad to have him so state and give his reasons for thinking so.

STICKS TO REPEAL.

It is headed-

STICKS TO REPEAL—OARLISLE STATES THE POSITION OF THE PRESIDENT—HOPES TO HAVE THAT BAD LAW WIPED OUT—MAY NOT SUCCEED NOW, BUT IS UNSWERVING—IN THE MEAN TIME THE SENATE IS TO BLAME—HOROSCOPE OF CONGRESS FOR THIS WEEK.

I do not care about reading the newspaper comments on the position of the repeal bill, but I want to read what is supposed to be the statement of the Secretary of the Treasury.

I will venture to say that the Secretary will not deny that this is his position and the position of the Administration. I understand they are not beating about the bush or under cover.

A number of Senators called to see Secretary Carlisle to-day-

That was on the 15th of October-

That was on the 15th of October—
and in discussing the situation the Secretary very plainly stated the Administration's position in the following terms:
"We have done our duty and now have nothing to offer. The Administration asked Congress to repeal the purchase clause unconditionally, and Congress has not done it. The responsibility for any further action must rest with the Senate.

"There is one plan of compromise that the Administration could accept with honor, and this is to defer for a definite period the date of operation of repeal. This Administration finds upon the statute books a bad law, placed there by the Republican party. We ask Congress to remove it. The Democratic House compiles promptly. The Senate, yielding to the domination of a small majority of Republican fillbusters, does not comply.

Mr. STEWART. A majority?
Mr. TELLER. The article says a "majority," but it evidently meant a "minority."

Does any one imagine that the President can abandon his position of de-landing this repeal?

Mr. President, what right has the President of the United States to demand repeal? The President may submit to us, over his official signature, that in his opinion the law is a bad one and ought to be repealed. That is as far as he can go. When he has gone that far he has gone to the extent which the Constitution allows; he has gone to the extent of the rule which should prevail always in a free government, and he can not go another the Secretary says: step. The Secretary says:

ere is one plan of compromise that the Administration could accept

Who is to make a compromise if it is to be made? Is it to be the President? Who has endowed him with legislative power? What right has he to come here and say to us "this compromise will not be satisfactory to me?" It is usurpation; it is a violation of constitutional law; it is a breach of the privileges of this Senate which ought to be resented.

Senate which ought to be resented.

I repeat again that no monarch outside of Russia would dare to make that statement to his parliament, not even William of Germany; yet the papers have been full of such statements for more than two months, and no man except the Senator from New Senator and the senator from New Senator from New Senator from New Senator for the Senator vada [Mr. STEWART] has been found in this Senate up to this with the reproof which it deserves.

Mr. McPHERSON. May I ask the Senator from Colorada a

question!

Mr. TELLER. Certainly.
Mr. McPHERSON. Does the Senator from Colorado know that the President of the United States has interfered with the Senate in any manner whatever? Mr. TELLER. I think I do.

Mr. McPHERSON. In the legislation now pending in this

body?
Mr. TELLER. Mr. President, I will answer the Senator, but
I do not intend the Senator shall make a speech in my time.
He will have an opportunity when I get through.
Mr. McPHERSON. Let me ask another question, to be answered at the same time. Does the Senator find in that alleged interview with Secretary Carlisle any intimation from the Sec retary that the Administration was attempting to influence legis-

lation here?

Mr. TELLER. I shall answer the Senator if he will let me proceed. I shall call attention—and it will be a full answer to his question—to the President's letter to the governor of Georgia. No other is needed. I shall not assume that the newspaper reports are all true, or that even a tithe of them is true, for in fact I do not believe all of them are true; but he will be a brave Senator who will stand on either side of this Chamber and declare that, in his judgment as a Senator, he does not believe the President has attempted to interfere or influence the action of this body. The Senator from New Jersey will not do it. is body. The Senator from New Jersey will not do it.
Mr. McPHERSON. Will the Senator please state his ques-

tion again? Mr. TELLER.

Mr. TELLER. I have not asked any question. Mr. McPHERSON. Then, will the Senator repeat his state-

Mr. TELLER. I will repeat it for the benefit of the Senator. I say he will be a brave Senator who will stand here on either side of this Chamber and declare that, in his judgment, the President has made no attempt to influence legislation in the direction I have mentioned.

Mr. McPHERSON. I declare it, Mr. President.
Mr. TELLER. Very good. Then the Senator marks himself as a good deal braver than most men.
Mr. McPHERSON. The President has made no such at-

Mr. TELLER. I shall not say anything offensive to the Senator, for, of course, when he says so he believes it; but outside of the Chamber I might make some other remark. [Laughter.] There is one plan of compromise that the Administration could accept with honor-

Who was speaking in the interview I have been reading? The financial minister of this Administration. That is all they can accept. If that is not acceptable to Congress, Congress must go.

It must be acceptable to them.

I am alraid that we have reached a point in partisan zeal and partisan prejudice where whatever is acceptable to the Executive is acceptable to a great number of people in this country. It would not be polite for me to say, nor would it be in order to say, acceptable to Senators, so on that point I better not express an opinion.

Let us see what else is said here:

Does any one imagine that the President can abandon his position of demanding this repeal?

What is demanding repeal but attempting to secure repeal? A demand from the President of the United States in any way is

very potent and powerful in influencing the action of his partisan friends. Where the Constitution has clothed him with authority to make a demand, it becomes very persuasive to the majority of the people; it commends itself to their judgment when it would not otherwise have done so. An Executive demand should be a demand provided for by law. The Constitution does not give the President any right to demand that we surrender our judgment to his.

Does anyone suppose that he will be willing to forsake the principle and come down to dickering over terms of an arrangement with men who have delled public opinion and effected what might almost be termed a revolution by obstruction in the Senate?

I suppose that means that he would not dicker with the men who are opposed to repeal. All of the Senators who are opposed to repeal in this Chamber have certainly not been guilty of obstruction in any way or manner, because, as I before said, the vote which kept the Senate with a working majority has been that of Senators who are opposed to repeal.

Does any one think the President will give his consent to having the Democratic party move out of the position which it occupies, that of demanding a wholesome and necessary reform, so that the Republicans might have an opportunity to step in and take possession of it? Of course not. The Democratic position is that this bad Republican law must be repealed.

I do not know. I am not a Democrat, and I have not been a I do not know. I am not a Democrat, and I have not been a Democrat for nearly forty years; but when I was a Democrat there was not a Democrat in the great State of New York, in which I then lived, who would not have been in arms against that kind of a declaration by the Executive. In those days Democratic Executives did not lay down the policy of the Democratic party. I do not know now but the election of a Democratic party. Democratic Executives did not lay down the policy of the Democratic party. I do not know now but the election of a Democratic President authorizes him to determine what is Democratic policy and what is no!. Not being a member of the party, I am not competent to determine that question. I leave that for Senators who sit on the other side of the Chamber. I know very well, though, that if any Republican President announced that he was looking after the policy of the Republican party, and that he would not allow certain things of that character to be done by the Republicans of the country who might differ from done by the Republicans of the country who might differ from him, I should resent it.

This bad Republican law

A law, Mr. President, on which we went into the campaign of 1890, a law on which we made the campaign in Ohio; and if I am not mistaken the Senator from Texas [Mr. Mills] went up into the State of Ohio and made a speech, in which he declared that the law was about as good as a free-coinage law, and I think he thought it was so good that he could cease the efforts which he had been making for twenty years in favor of free coinage, because he thought we had a law which practically, as he stated,

he had been making for twenty years in favor of free coinage, because he thought we had a law which practically, as he stated, as I recollect from his published speech, would absorb all the product of American silver. It was a law which the candidate of the Republican party for governor in the State of Ohio eulogized in every speech he made on the stump, a law which the great majority of all the Republican State conventions of 1800 and 1892 indo sed without question.

It is "a bad Republican law," we are told. It is a Republican law, but I deny that it is a bad Republican law, in the sense of the term which the Secretary uses. I believe it was one of the acts, of which there are a great many in this country, which was passed by Republican votes only, not a Democrat in either House voting for it, and not voting for it not because it was such a vicious law, but because they did not believe that it was enough better than existing law to justify the change; because they said, "You have a law on the books which is a better recognition of silver as money than this law." So they said, "We will not change the law that puts all the silver which is purchased into money for one that does not put it into money." In addition to that they said that the time would come when some Secretary, in utter violation of the law, in utter contempt of the plain provisions of this statute, would say, "I decline to purchase silver bullion under the law." We did not then anicipate that the present Executive would be elected, or that he would have the present Executive would be elected, or that he would have the present Secretary of the Treasury. I remember with what vehemence and earnestness the distinguished Senator from Missouri [Mr. Cockreell] declared to us that this law would be made the means, by a hostile Secretary of the Treasury.

tor from Missouri [Mr. COCKRELL] declared to us that this law would be made the means, by a hostile Secretary of the Treasury, of debasing and degrading silver, and that under it, on the pretense that silver was not offered at the market rate, he would decline to buy it; and I remember what the Senator from Ohio [Mr. SHERMAN] said, in substance, that if a Secretary of the Treasury did that he ought to be impeached. Yet, I find now, within the last two months, I think I am safe in saying, that not more than one-half of the amount which the law provided should

be purchased by the Secretary was so purchased.

This has been done under the pretense that the holders have been asking too much for silver bullion, when the only other

market they have got in the world is the market which the Secretary says he takes as his guide, the London market, and every ounce which he declines to buy goes across the water and is sold in the London market, where it must be sold higher than it is sold here, or it would not go there at all. No holder of silver bullion will take it to the Treasury and decline the Treasurer's offer, provided he offers the market price in London, and no holder of silver bullion will ship his silver to Europe if he can get an equal price in America. Because of these defects in the law, Senators said they declined to vote for it. We put it on the text the book and it was executed not in the best prepared but it statute book, and it was executed not in the best manner, but it was so executed that every month during that time there was a purchase of silver under it to the full extent of the provisions of the statute.

It was soon after the Administration changed and soon after silver had fallen to a price which no man living supposed it ever would, that the Secretary of the Treasury declined to buy it at any price. If this is a Republican law, as I have before stated on this floor, it is bad in its execution, it is almost useless to us, for there is no benefit to be derived from it, or but little benefit to be derived by the silver-producing States if it shall continue to be executed by the present Administration in the manner in which it has been executed since the 1st of July.

The Secretary proceeds:

If we can not repeal it this month we will repeal it some other month.

Who will repeal it?

If we can not repeal it this year we will repeal it some other year. The Democratic party could, with perfect consistency, pass repeal now to take effect a year or eighteen months hence. In case that were done, it would be a perfect justification for us to say that we have accomplished the purpose for which we set out, the mere matter of time as to when it is done not being as important as the fact that it is done.

It is the principle for which we contend. But those who feel some responsibility for what happens in Congress will make a great mistake if they repeal this bad Republican measure and then put in the place of it another almost as bad—

What business has he to say, either in his own right or as the representative of the President, what we shall do here? I resent it for myself as a breach of the privileges of this body. Finishing the sentence, the Secretary continues:

which will go to the country as a Democratic measure, passed while the Democrats were responsible for Congress. A little concession in the way of time, a concession which does not change the principle at stake, would not be as harmful as to do nothing at all. The principal point is repeal of the Sherman law, and that we are going to have somer or later.

Secretary Carlisle told these Senators that in his opinion unconditional repeal was stronger in the Senate than any compromise measure that could be prepared. "If maked repeal is the strongest proposition, why talk compromise?" was his pertinent inquiry. One of the Senators made answer by saying that while it was true unconditional repeal might have more vote than a compromise, there was this great difference between the two propositions—one could not be brought to a vote and the other can be.

Then there are some other matters which are not particularly

pertinent, and I do not care to continue the reading further.

The Senator from New Jersey says the President made no effort to influence legislation. He denies that the President has done so. That is the Senator's opinion. On the 27th of September, 1893, the President of the United States wrote a letter to the governor of Georgia, in which he said:

EXECUTIVE MANSION, Washington, D. C., September 25. My DEAR Sin: I hardly know how to reply to your letter of the 15th instant. It seems to me that I am quite plainly on record concerning the financial question. My letter accepting the nomination to the Presidency, when read in connection with the message lately sent to the Congress in extraordinary session, appears to me to be very explicit. I want currency that is stable and safe in the hands our people.

That is a good sentiment. I agree with that. I am in favor of a sound and stable currency, and any Senator or anybody else who asserts that we who are in favor of free silver are simply in favor of free silver for the purpose of cheap money, in the usual sense of that term, is in error. We are the sound-money men of this country, who believe in the use of silver and gold at a parity.

I will not knowingly be implicated in a condition that will justly make me in the least degree answerable to any laborer or farmer in the United States for a shrinkage in the purchasing power of the dollar he has received for a full dollar's worth of work, or for a good dollar's worth of the product of his toil.

I not only want our currency to be of such a character that all kinds of dollars will be of equal purchasing power at home, but I want it to be of such a character as will demonstrate abroad our wisdom and good faith, thus placing us upon a firm foundation and credit among the nations of the

earth.

I want our financial conditions and the laws relating to our currency so safe and reassuring that those who have money will spend and invest it in business and new enterprises instead of hoarding it.

Mr. President, at some time during this debate I shall comment upon that statement.

You can not cure fright by calling it foolish and unreasonable, and you can not prevent the frightened man from hoarding his money.

I want good, sound, and stable money, and a condition of confidence that will keep it in use.

Within the limits of what I have written, I am a friend of silver, but I believe its proper place in our currency can only be fixed by a readjustment.

of our currency legislation and the inauguration of a consistent and comprehensive financial scheme. I think such a thing can only be entered upon profitably and hopefully after the repeal of the law which is charged with all our financial woes.

Does the Senator from New Jersey think that it is an ordinary thing for the President of the United States when a great controversy is going on concerning the repeal or nonrepeal of a statute to thus publicly declare his desire that that statute shall be repealed? Does he think that that has no tendency to industrial the state of the control of the co ence men in the direction of repeal? Does not the Senator believe that that was written for the express purpose of influencing those who might not be willing to vote for repeal?

Mr. McPHERSON. Does the Senator want an answer now?
Mr. TELLER. Oh, yes; I will let the Senator answer now.
Mr. McPHERSON. I do not see how there is anything very inconsistent or improper in the President writing such a letter, inasmuch as he had called Congress together and recommended the repeal of the Sherman law. That is my answer to the Senator's question.

Mr. TELLER. The letter of the President continues:

In the present state of the public mind this law can not be built upon, nor patched in such a way as to relieve the situation.

Is not that a declaration for unconditional repeal? Is not that a suggestion to the Congress of the United States that it must be unconditional repeal or nothing? Is not that in accordance with the repeated declarations of the press, made everywhere, that the President and his Cabinet were opposed to any compromise whatever?

Does any Senator here say that the President of the United States has thus the right to intrude his opinion upon us through the public newspapers or through a letter written to the governor of one of the States? If he does, if that is admitted, then of course there is the end of this argument, so far as that is concerned. cerned.

1 am, therefore, opposed to the free and unlimited coinage of silver by this country alone and independently; and I am in favor of the immediate and unconditional repeal of the purchasing clause of the so-called Sherman law

Now I come to the most astonishing part of this letter. I do not know how it will strike the Senator from New Jersey, who seems to be here the special champion of the executive department of the Government, but it strikes me as being—to use the mildest language—greatly out of place in any communication that the President shall make either to Congress or anybody

L confess I am astonished by the opposition in the Senate to such prompi action as would relieve the present unfortunate situation.

My daily prayer is that the delay occasioned by such opposition may not be the cause of punging the country into deeper depression than it has yet known, and that the Democratic party may not be justly held responsible for such a catastrophe.

Yours very truly,

GROVER CLEVELAND.

If there is anything more needed to show the interference of the Executive with the rights of this body it can be produced. I said that this would not be tolerated in any nation having a

constitutional and parliamentary form of government.

In this connection I want to read what I understand has been read, but is still pertinent and proper to read in support of the statements I have made. When Strafford was about to be attained by Parliament, Charles I came to his rescue by intimating to certain members of the House of Commons that he would not approve of a bill of attainder if it passed. I think I may say here now that he was the last executive of Great Britain that ever attempted that thing. I think I can say, without fear of contradiction, that since that time no executive of Great Britain ain has ever intimated that if Parliament passed a law he would veto it. Here is what Hume says of that proceeding:

The King came to the House of Lords; and though he expressed his resolution, for which he offered them any security, never again to employ Strafford in any branch of public business, he professed himself totally dissatisfied with regard to the circumstance of treason, and on that account declared his difficulty in giving his assent to the bill of attainder. The Commons took fire, and voted it a breach of privilege for the King to take notice of any bill depending before the houses.

That has been the rule in Great Britain ever since, if it was not before. I do not know that it had ever been declared before that time, but that has been the rule since.

Mr. President, I have heard a great deal about the dignity of the Senate; I have heard it on both sides of the Chamber; I have heard it from Senators who had no claim to speak on this subject higher than that of the rest of us. There is no man in ject higher than that of the rest of us. There is no man in the Senate, nor any dozen men in the Senate, that can degrade this body. The misconduct of one Senator or a dozen will never degrade the American Senate. The American Senate will be degraded, though, whenever it abandons the great prerogative of independent legislation given to it under the Constitution. Whenever the Senate of the United States shall take its orders from Cabinet councils or the Executive, then there will be degradation of the Senate, a degradation that will imperfit the exist-

ence of this body—a degradation, then, that the people of this country will take notice of and understand.

While it maintains its right of independent self-judgment above the other House, above the Executive, and above the Cabinet, when it declines to be stampeded by boards of trade, chambers of commerce, and the combined capital of New York City, Philatelphia and Boston, when it maintains its stand against these delphia, and Boston, when it maintains its stand against those influences, it will demand and receive the respect of the American people. But when it surrenders, Whether it be to the Cabithe President, or to public clamor, its degradation will begin and its usefulness will be at an end.

What was this great body organized for? Our fathers, when they organized this Government—I repeat, as I said before, and as has been said by hundreds—were students of government. There never were in the world anywhere so many men, in proportion to population, who understood the true principles of govportion to population, who understood the true principles of government, freedom, and civil liberty as the men who organized the form of government under which we live, and who established this body. Look at the debates, study those great men in every department of their lives. They were thoroughly equipped. They said, "One legislative house is always an unsulphy of the property of the principles of the property of the propert safe body. A legislative body consisting of one house is always liable to be stampeded"—if I may use a modern term—"in times of great excitement it can not be relied upon. We will have two

After they had determined that it was proper to have two After they had determined that it was proper to have two bodies, then arose the question how to have two bodies, how to elect them. They said, "We will settle this question of the difference between great States and little ones by giving to each State an equal representation in the Senate of the United States. Then," they said, "there will be a conservative, careful, attentive Then," they said, "there will be a conservative, careful, attentive body that will deliberate, consider, and weigh all matters that come before them." They had not found out then this new doctrine that whenever there is a public clamor that Senators believe means public condemnation if they do not yield, they should yield to it. They had not yet learned that it can be said in this body that the majority have a right to rule without reference to the justice of the measure proposed or without reference to the rights of the minority. They said that a body independent of the people of the minority. They said that a body independent of the people at large, responsible only to the States, will be always ready to listen to debate, to consider. While public clamor, partisan zeal, and hate may sometimes sweep away the more direct representatives of the people, the Senate will stand firm in defense of human rights; they will see that at all times every bill that comes before them shall be considered with thought, with deliberation, and with intelligence, and shall be conformable to justice and with the state of the right. For a hundred years and more this body has justified the

wisdom of the founders of the Republic.

It has never been stampeded yet, and it never will be. Majorities may get stampeded here, but there will be enough here to prevent a vote at any time with haste and speed to override the

will of the people, or to override a minority who may be the representatives of the great mass of the people.

No sooner had this Senate assembled in September than the boards of trade, chambers of commerce, and great combinations of capital in New York gave us our orders. I will not say, as the Senator from Nebraska [Mr. Allen] said the other night, that any Senators have had collars on their necks, but I will say that the order came here as if we had been menials, and lackeys, and slaves.

We were told early in the session that the great unemployed people of the country, great numbers of them who wanted work, were coming here to influence the Senate in favor of legislation in their interest, but they found themselves too poor to come. With the same statement came another that 1,300 representatives of boards of trade and chambers of commerce were coming here to bring their influence to bear upon this Senate and compel it to act with haste; to act at once. According to the judgment of this Senate? No; according to the judgment of the boards of trade and chambers of commerce who were to come here to influence this body; speedy and hasty legislation in the way they determined that legislation should go. Mr. President, the chambers of commerce came and they went. The Senate is still debating the question whether the people of the United States shall arrange and have their own financial system or whether Great Brit in shall dictate it to us.

The President of the United States says he is astonished. am glad he is. I have no doubt that is a truthful statement. I have no doubt but that the Executive believed, when he assembled Congress on the 7th of August last, that his order, his demand, would be readily complied with. He would not have so thought, Mr. President, if he had been a student of the history of this body. He would not have so thought if he had been as familiar with the doings of this Chamber as some of us are. But that he did so think no not be suggisted. He declares in his that he did so think can not be questioned. He declares in his letter that he is astonished. If the newspaper reports can be

relied upon, he has declared in interviews that he is astonished that we do not proceed promptly to do the bidding of the Execu-

I am one of those who are said to be in the minority in this Chamber. I do not know whether I am or not. On some phases of this question I certainly am. On others I may not be. The people of the United States at the last election put the power of government in the hands of the Democratic party. They declared that they were dissatisfied with the Republican administration, and that they turned over the great interests of this nation—greater than those of any other nation in the world—to the Democrats in this Chamber and in the House and to the Executive. Did the people demand that this bill should be un-conditionally repealed?

There is not a Democrat here who so read that platform. There was not a Democrat in the United States who so read that platform. Upon every stump, where there was any interest in this subject, they proclaimed their devotion to the use of both silver and gold as money. They won upon another ground. They made the great distinctive feature of the contest the ques-tion of the tariff and the repeal of election laws; and upon that the voice of the American people was heard, and their ver-dict has been announced. They said they were dissatisfied with our management of the tariff question, and they wanted it re-formed. I differ with them in that view, believing for myself that much of the prosperity that has come to this country has come through the protective system of my party. But I bow to the will of the people, and no act of mine at any time shall ob-tract or hinder the Demogratic majority in this Chember in struct or hinder the Democratic majority in this Chamber in exercising the power with which they have been intrusted to carry out the will of the people, because upon that question the people have been heard.

If unconditional repeal of the Sherman act had been made a plank in their platform, and upon it that party had won, I should have contented myself here with a simple remonstrance against its repeal unless something took its place. But upon that the people have not been heard. Upon that there are more Democrats in accord with me than there are Republicans.

Why, take the great States that are here represented, each by two Senators who are opposed to repeal. Take Mississippi, take Alabama, take Arkansas, take Missouri; take Texas, at least one-half of whose delegates who are opposed to repeal. I can also name Virginia and other States where the Democrats are pronounced in favor of the rejection of this bill unless something better takes its place. It is no answer to me, nor is it an answer to them, for Senators to say, "This is a bad bill; we will repeal it." You said to the people in your platform that you be-

repeal it." You said to the people in your platform that you believed in the use of both gold and silver, and the people took you at your word. If you prove false to them now you will surrender your trust at the end of four years.

You will not undertake to cheat them out of their tariff legislation. You might as well do that as to undertake to cheat them out of the silver legislation that you promised. If in those States the friends of silver on this floor who voted for Mr. Cleveland had voted for somebody else, he would not now be the Chief

Executive.

Mr. President, yesterday the Senator from Ohio [Mr. Sherman] took occasion to lecture the Democratic portion of this Senate as to their duty. For myself, I do not think I have any such right. My relations to that party are not such as to enable me to speak for them. I hardly think I have a right to speak to them as to their duty. They know their duty, and I must assume here that they will do it. If they think it is their duty to vote for unconditional repeal, they will so vote. If they think, on the contrary, that the interests of the Democratic party in the country require them to vote otherwise. the country require them to vote otherwise, I have no doubt they will so vote.

The complaint is that we do not vote at all. It is said that we are trifling. The Senator from Ohio said we have been here seventy-two days—seventy-two days, Mr. President, dealing with a question that touches the interest of every living American, that touches the interest of every civilized man on the face of the globe. Seventy-two days! Do you think that is too much? Do you know enough about this question? I say here that I know that more than half of this Senate have never studied this question as their duty requires them to study it. This is legislation for weal or for woe. It is not an ordinary question. It is a question, I repeat, that may make homeless men by the million in this land, and, in my judgment, if it goes one way it will. It is a question which, properly solved, may bring prosperity and happiness.

If you repeal the purchasing clause of the Sherman act and establish gold monometallism in this country your legislation will bring distress and disaster and ultimate ruin not only to the people, but to the Government itself. Yet we are told that seventy-two days is too much: that these great financial concerns in

Sherman, Smith, Stewart, Stockbridge, Teller, Vest.

Vest, Vilas,

Voorhee

Walthall, Washburn, White, La.

New York, the board of trade, the chamber of commerce, and the great exchange, are impatient to get rid of this question that they may sell a few more stocks!

The Senator from Ohio told us that when we repealed this law there would come prosperity; that then the unemployed men would be employed. Mr. President, repeal will not bring pros-perity to this country. I assert here now, that if the purchasing clause of the Sherman act shall be repealed, without any provision for an increase of money in this country, there will be disaster instead of prosperity. There will be more tramps in six aster instead of prosperity. There will be more tramps in six months than now. Can not the American Senate sit here to determine, first, whether this law is the cause of the difficulty, and if it is, how we shall get rid of it, and what we shall put in its place, without having our motives impugned, our characters assailed by those who know absolutely nothing, and care nothing about the interests of the great masses of men whom we attempt here to represent?

On this question I do not desire to go into a general discussion of the silver question, for whilst that would be perfectly proper under the rules, I prefer to do that at another time and in another

I confess, Mr. President, that I have been restive, but not under these imputations, not because they affect me. I am as insensible to criticism from those sources as any man living can be. I have known but one method in my life, and that has been to follow my convictions of right. If I have enlightened my judgment, as I have always tried to do, upon a subject, I follow my convictions to their logical results. I never ask anybody's approval, and I am not to be dissuaded or deterred by their dis-

The Senator from Ohio says we violate the rules of the Senate when we decline to vote. They say that is obstruction. It is obstruction. Mr. President, I never shall forget when the Senator of the Senat tor from Delaware [Mr. GRAY], who spoke yesterday, was addressing the Senate on the force bill, or rather, perhaps, on the proposed cloture rule, that he said obstructive measures are left to the minority for the preservation of liberty, and that when you suppress obstructive measures you destroy liberty in this country, or words to that effect. I can remember how he raised himself up, and I can remember that every man on this floor felt the truth of that statement when he made it. When you destroy obstructive measures in legislative bodies you have made the grand and final step toward absolute and one-man power—absolute on the part of the majority, in the first instance, and ultimately one-man power. You must have obstructive tactics left, and they are left under the Constitution and rules for the protection of the interests of the people.

When I say upon my conscience that I believe I am discharging my duty to my country and to my people by remaining silent in my seat, no man has a right here or elsewhere to impugn my A man has no more right to say that I am not in the exercise of a great constitutional privilege, by sitting quiet and breaking a quorum, than he has to say that I am acting contrary to the Constitution when I am voting.

Mr. President, I have been looking up the record. here that men of most excellent character, men of great reputa-tion, who have sat in this body, have sat here and declined to vote. I have before me now a statement of that distinguished Senator from Ohio who was here when I came into this Chamber, Mr. Thurman. I have his statement made that he sat in this Chamber and declined to vote, for the express purpose of breaking a quorum to defeat legislation. I find nowhere, when breaking a quorum to defeat legislation. I find nowhere, when he made that statement to the Senate, that he thought it necessary to make any excuse. But I need not speak of the late Senator from Ohio only. There have been many illustrious men in this Chamber, there have been many such great men in this Chamber since I have had knowledge of it. I think I may say in many respects that Senator was the peer of any man in the Senate at that time or at any other time. Did anybody ever doubt his integrity and his great fairness or his ability? Not at all.

It ill becomes Senators to criticise those who followed such illustrious examples. I remember seeing the Plumed Knight sitting in this Chamber and declining to vote—a representative of the State of Maine, and that too upon subjects of minor im-

sitting in this Chamber and declining to vote—a representative of the State of Maine, and that, too, upon subjects of minor importance as compared with this. I remember the great Senator from New York, Mr. Conkling, of whom I will say here that no greater has sat in this Senate for many years, in my judgment—a man who, in all the times that tried men's souls, never allowed a breath of suspicion to rest upon his fair name. His intellect all men admired and admitted. I have seen him sitting here a whole night and declining to vote under roll calls. I remember a motion that he had made upon which he declined to your a motion that he had made upon which he declined to vote. have seen nearly every prominent man that has been in this Senate in seventeen years doing that thing. Yet we are told now that when a question of so much importance is before the Senate we are guilty of misconduct if we fail to respond to our names and

thus help to keep a quorum to assist the majority to outrage and ride over the people of the United States in the interest of capital, in the interest of the money-lenders, in the interest of those sections of the country that have accumulated great wealth, which they are using to oppress those sections of the country that have

I said, Mr. President, I was restive. I have been restive because it seemed to me that there was a condition here that required a protest from men who do not make it. restive because I have seen, I think, the Senate in danger of being stampeded by a false cry, a false alarm; because I believe that there are men in this body who owe a duty to their country that they fail to discharge when they fail to protest against the agencies now employed to secure the repeal of the Sherman act. I am restive because I see the party with which I am affiliated, and have been since its birth, surrendering abjectly and slavishly their judgment to the Executive, to outside clamor, and

outside appeals.

I do not believe that the Republican party in this Chamber has come up to the high position that it formerly occupied, and I felt restive on that account. I have heard it stated here that the other night when the Senate was to be held in session until 10 o'clock the orders had come from the White House that we should sit here at night. I do not know whether that is true or not. I do not make the charge, but I know it was so regarded by some on this floor. If true it called for reproof, but I heard no reproof, no objection, and the majority acquiesced in the demand for a night session.

Mr. President, this silver question is not a sectional question. It is not a question that the silver-producing States are alone interested in. It is aquestion that all the people of the United States are interested in. I will admit that there are neighborhoods and sections of the country which have not the same interhoods and sections of the country which have not the same interest that others have. I recognize the fact that New England, under a system that I have approved, has grown wealthy, and their banks are full of money. Their savings banks hold more money, in proportion to population, than the savings banks any where else. They have a great deal of money loaned out in other portions of the country, and they have an interest in it in this way which we do not have in the West. If they can make every dollar that they own purchase as much as two dollars did here. dollar that they own purchase as much as two dollars did here-tofore, then they have doubled their capital; but they have doubled it at the expense of all other parts of the United States,

and at the expense of the great masses of men in the States where these deposits are held.

Mr. ALLEN. I suggest that a quorum is not present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators are weared to their names:

answered to their names: Dolph, Faulkner, Aldrich, Berry, Blackburn, Caffery, Manderson, Martin, Murphy, Palmer, Frye, Gallinger, George, Gray, Hansbrough, Pasco, Peffer, Perkins, Platt, Pugh, Quay, Cameron, Hawley. Higgins, Hill. Daniel. Hunton,

Forty-eight Senators have an-The VICE-PRESIDENT. vered to their names. A quorum is present. The Senator from

Mr. TELLER. I stated what the Senator from Delaware [Mr. GRAY] said as to obstructive tactics in legislative bodies, and as I know I did not quote him with the force, the yigor, and eloquence with which he made the statement, I ask that I may be allowed to read it. This was, as I recollect, the question of limiting the debate in the Senate under the resolution offered by the Senator from Rhode Island [Mr. Aldrich] in 1891. I want the Senate to hear this

The VICE-PRESIDENT. Senators will please refrain from

audible conversation.

Mr. TELLER. I do not complain if the Senate does not hear me, but this is too good to be lost, in my judgment.

Somebody had interrupted him; and he says:

Somebody had interrupted him; and he says:

One moment, if you please. I do not wish to be interrupted so. It is all a farce to talk about the reasonable limit of debate in the opinion of majorities, if you are to be content that free speech and liberty of debate have any place longer in American institutions.

You say that the power of obstruction must be put down, must be taken from the minority, that it is intolerable, this opportunity and liberty of obstruction that the minority has, when the majority makes up its mind. Very well. Let us destroy the power of obstruction and you have destroyed free parliamentary government. Obstruction is the very weapon of liberty in all English-speaking countries. There is no unimpeded path for a majority to walk in, no unobstructed road for its will to be worked through, unless that road and that path lead to despotism. Obstruction in parliamentary pro-

ceedings by a minority has been the fruitful source of some of the grandest achievements of human liberty that this world has known. You can not do away with it. You can not destroy it without at the same time doing away with the muniments of freedom and destroy liberty itself.

We can put up with obstruction, we can pay the price of our liberties. Mr. President: we can disponse with the haste and with the so-called business methods that obtain in some parliamentary bodies, because we are willing to pay the price of liberty. If you want a smoothly working machine, if you want a governmental framework that will produce at the least expense and in the shortest time given results, then I say go to your despotism, go to a crowned czar, or go to an unrestrained majority, an unobstructed majority, and there you will get results speedily, quickly, and inexpensively, without cost of time. But you will get other results, too. The spirit of freedom will have to die, and the spirit of American liberty will have to have suffered a fatal lesion before that desirable state of things can be brought about.

Oh, Mr. President, those are words worthy of the American Senate, and worthy of the great Senator from Delaware. It is a voice lifted up here in defense of freedom and liberty. It is a voice lifted here in defense of minorities. As I said before, I remember the thrill that went through the Senate when the Senator, with a voice that I can not reach, enunciated those principles that I believe to be as unassailable as the truths of the Declaration of Independence.

So say we, Mr. President, and so we plant ourselves upon the rights that the Senator said belong to us, if minority we are. Now, we are told that we are in contempt of the Senate, that we are in violation of its rules, that we are bringing disgrace upon this great body. Since this controversy has been going on, I suppose I shall be within bounds if I say that I have received a hundred letters from men who have not understood the rightsof the minority, which were abusive, insulting, and in some instances they were vulgar attacks. We have been the some instances they were vulgar attacks. We have been the subject of vituperation and condemnation by the great press of the country because our course does not correspond with their views of right. Against them all I put the declaration of the Senator from Delaware. It is enough for me when it coincides with my idea of right, of justice, and truth. I do not care for their I am willing to have them continue.

I will not rely alone upon the Senator from Delaware, although I might. I should feel fully vindicated if I had nothing else. I stated a little while ago that Mr. Thurman had in this body declined to vote on an occasion of comparatively trifling importance with this, and I was asked by Senators, while the roll was being called, if I would read it and call attention to it, and as I intended to read Mr. Thurman's remarks upon another point, which I intended to touch a little later, I will read it now.

In 1879, the Democratic party were in control of the Senate. I was then a member of the Senate, but I will state that I was not present on that interesting occasion. I was out of the city, but I remember the occurrence. There was a session that lasted all night and into the next day. The minority declined to debate an important question that night.

The debate had lasted all day and the majority in this Cham-

ber thought best to continue the debate during the night. Senator Conkling, Senator Blaine, and Senator Carpenter of Wisconsin, and Mr. Thurman on the Democratic side were prominent actors in the scene. The minority Senators not only declined to debate but they sat silent in their seats when their names were called; and they had the roll called to ascertain the presence of a quorum. I see before me the Senator from Connecticut [Mr. Platt], who took me to task the other day very

severely.

Mr. PLATT. I acknowledged that time, the Senator will remember

Mr. TELLER. And that is the only time I suppose the Senmr. TELLER. And that is the only time I suppose the Senator ever did it; but he was in most excellent company. On that occasion he was present at the roll call, but he did not vote. Now, before I touch upon that, I want to call attention to this supposed duty upon me to vote. I do not receive attacks of that kind with any equanimity, I will admit. When a man assails my integrity I resent it. I have not been in the habit of allowing people to do that without at least a remonstrance, and exceller will I not close it. cially will I not allow it when my conscience acquits me of crime; when I feel that I am exercising the highest duty of an American Senator. The Senator from Connecticut the other day said that in my utterances here I had declared I would violate the rules. I declared nothing of the kind. He said the rule requires me to vote, but I said under certain circumstances I

had a right to exercise my judgment and not vote.

The Senator has refrained from voting a hundred times in this Chamber. I do not me in to say he sat silent in the Chamber a hundred times, but when some Senator has said to the Senator from Connecticut "I desire to go to lunch and I do not want to come back, will you just pair with me?" he is paired with the Senator. When some Senator has said "I would like to take a little recreation on the street and exercise my fast horses," the Senator is paired with him. If it is a duty that a Senator shall vote at all times, the Senator may excuse himself only from voting when some great occasion demanded the ab-

sence of some Senator, like sickness or death in his family, or

some thing of that kind, but if he is correct technically, even then he could not do so.

What do our pairs rest upon? Upon our right to withhold our votes whenever we think best. There is no warrant in the Constitution for a pair. There is no warrant in the rules for a pair. And yet, if a Senator was brought up to give his reasons why he had not voted, the Senate would never think of complaining if he should say, "I am paired." That is enough. He exercises his judgment when to pair. Would the Senate say, "You ought not to have paired?" That was never heard of. Senators pair on their own judgment.

on their own judgment.

As I was saying, these Senators that night declined to vote.

Mr. Conkling, who had as high a sense of duty, I think, as any man here in this Chamber, would make a motion and then sit in his seat without voting. Mr. Carpenter, who was one of the great constitutional lawyers of this country, would do the same thing. Mr. Blaine on that occasion inquired of the Presiding Officer, "Have I a right to vote?" The Presiding Officer said he had. Mr. Blaine said, "I will exercise the privilege of not voting," and he did not vote, and nobody then thought that those Senators were guilty of a breach of the privilege of the Senate to an extent that they were liable to be expelled or censured.

I am told—I do not know exactly whether it is true or not—that the Senator from Idaho [Mr. Dubois], who has been singled out here and selected as the target of attack, because he did not

out here and selected as the target of attack, because he did not vote, has two refusals of the Senate on record against excusing him, and when we get through with this question then he is to be brought to the bar of the Senate to be dealt with because of his refusal to vote. Possibly that is correct. Possibly it is not. Mr. Thurman, though then President pro tempore of the Senate, seems to have been Presiding Officer part of the time and to have come down out of the chair and taken part in the controversy on the floor of the Senate. Now, I read for the benefit of some of the Senators who want to know whether he had ever declined to vote, what Mr. Thurman said:

Upon the point of order raised by my friend from Alabama-

I think that was Mr. Houston— Mr. ALDRICH. What is the date? Mr. TELLER. May 18, 1879.

Upon the point of order raised by my friend from Alabama, or my friend from Wiscousin, it seems to me that a majority of those present may vote down the order to request the attendance of absent Senators on a direct

I am not certain whether this was given from the Chair or from the floor.

They may do the same thing by laying the motion on the table. I do not think, therefore, the point of my friend from Alabama is well taken upon

They may do the same thing by laying the motion on the table. I do not think therefore, the point of my friend from Alabama is well taken upon that subject.

But that does not reach the difficulty at all. It is not the fact that there is not a quorum present. There is a quorum present. Then comes the question, what are you to do when a quorum does not vote? When Senators it in their seats and do not vote, what are you going to do then? In order to provide for that case Rules XVI and XVII were adopted by the Senate, Mr. President, perhaps I ought to make a confession. A confession, it is said, is sometimes good for the soul. I do not know but that it was some rather contumacious conduct of mine some years ago that gave rise to Rule XVII as it now stands, when there were but 7 or 8 Democrats in the Senate and sixty-odd Republicans. We would sit here night after night (I do not mean successive nights, but again and again), 6 or 7 or 8 Democrats, who by our presence made a quorum, when a majority of the sixty-odd Republican Senators had gone to their beds. We got tired of it one night and the Senator from Delaware [Mr. Bayard], the former Senator from California [Mr. Casserly], and myself refused to vote. We sat in our seats around there in the northwest corner and refused to vote when our names were called. The Senator from New York [Mr. Conkling] rose in his place and called attention to the fact that we three had declined to vote. Had we voted there would have been a quorum; not voting there was not a quorum. The Senator from Delaware rose and inquired of the Chair whether under the rules it was his duty to vote. The Chair reptied that in his opinion it was, and the Senator from Delaware thereupon voted.

Mr. Bayard now speaks up and says:

Mr. Bayard now speaks up and says:

I said I would not disober the rule of the Sonate.

Mr. THURMAN. Yes, the Senator said he would not disober the rule of the Senate, however hard he thoughtit to be. My somewhat gallant Irish friend, Mr. Casserly, and I were obstinate and did not vote. We wanted to know what was to be done with us, and we did not vote. In the mean time the messengers went out. A quorum came into the Senate and nothing further was said upon the subject; the bill was passed, and there was an end of it.

Then he goes on:

That called attention to the matter, because Senators began to reflect upon and ask, "Is there any way of compelling a Senator to vote?" How can ou compel a Senator to vote? You may censure him for not voting; in an ttreme case you may expel him for not voting, perhaps, if you first pre-tribe a rule that he shall be subject to expulsion for not voting.

Now, I want to call the attention of the Senate to this:

You may censure him for not voting; in an extreme case you may expei him for not voting, perhaps, if you first prescribe a rule that he shall be subject to expulsion for not voting. It is not very well to make the law and the sentence in the same breath. If you have prescribed by a rule that a Senator who contumaciously refuses to vote shall be subject to expulsion if that would be a constitutional rule, then you may enforce it. But I thought then, and I think yet, I am free to say, that you must make your law before you give judgment under it.

So say we. There is no law in the Senate, no rule of the Sep-

ate, which punishes a Senator for declining to vote or for declining to answer on a roll call; and I say here now as a lawyer that the Senate is powerless to make any law that shall be re-troactive and go back and punish that which occurred before they made the rule.

Mr. Thurman then reads the rule. I skip some things he said because they are not particularly pertinent. He reads the sixteenth rule.

When the yeas and mays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons be be excused by the Senate, declare openly and without debate his assent or dissent to the question.

And that was the old rule before this revision, and that was all before the

It was in 1871, I am told, that Mr. Thurman, then a Senator from Ohio, declined to vote-

and then came the seventeenth rule, which is the new rule that was introduced to meet cases of such contumacious fellows as Casserly and I:

"When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign it cases therefor, and shall so assign them, the Presiding Officer shall thereupon submit the question to the Senate: 'Shall the Senator, for the reasons assigned by him, be excused from voting?' which shall be decided without debate. And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced; and any further proceedings by the Senate in reference thereto shall be after such announcement."

Senator Thurman resumes:

Now observe, "when a Senator, being present and declining to vote when his name is called," the sixteenth rule having declared that he shall vote unless he is excused, "shall be required to assign his reasons therefor" that is, his reasons for not voting—the first question that arises under this rule is, who is to require him to assign his reasons? Manifestly the President of the Senate has no right to do it, it seems to me. I should think it was a usurpation of power on the part of the President to demand of a Senator why he did not vote, and to assign his reasons. The requirement upon him to assign his reasons must be by a vote; and, mark, this rule applies to the case of a full Senate, where a quorum has voted—

Mr. Thurman is exactly in line with the point of order that I made the other day, which I believe was overruled by the Chair-

just as much as it does to a case where there is less than a quorum. There are 76 Senators now in this body. If 75 of them had voted and I had sat in his seat and not voted, a Senator might rise and move that that Senator be required to state the reasons why he did not vote: and having stated the reasons, then comes the duty of the Chair to submit the question. 'Shall the Senato', for the reasons assigned by him, be excused from voting?' It is not aquestion about the waat of a quorum at all. It is a question about the performance of his duty by a Senator, his duty to vote. That is what this rule is.

Then Mr. Blaine made some suggestions which are not at all pertinent, except to say that he con tested the correct ruling of the Senator from Ohio. Then Mr. Thurman passed on to the further question:

further question:

So, Mr. President, upon that subject the question whether or not a Senator shall be required to state his reasons why he does not vote, is a matter to be determined by the Senate. But whether the Senator from Maine be right, or whether I be right, we have not still got to the chief difficulty, and I want to call the attention of my friends to it. Suppose you have gone through all that these rules require, and a Senator gives his reasons, and the Senate considers that those reasons are insufficient and refuse to excuse him, what then are you to do with that Senator? Can you without having previously provided, as the Constitution requires, any rule upon this subject, expel the Senator? What can you do in a case like that?

I say, Mr. President, that it does seem to me the case is perfectly clear. If the Senate must prescribe by rule what shall be the case that subjects them to the punishment, and what the punishment shall be. That has been my idea; that was my idea when I was in a little minority eight years ago and refused to vote. It is my idea still. It is not changed at all by the change in the majority of the Senate. I do not deny the power of the Senate to visit with penalities the refusal of a Senator sitting in his seat to vote.

Naithan do I Mr. President.

Neither do I, Mr. President.

Neither do I, Mr. President.

I can conceive a case in which a Senator might well be excused from voting, and I have no doubt that in every case in which he ought to be excused the Senate would have the justice to excuse him. I can conceive of plenty of cases in which he would not be excused at all, in which the course that he takes is not the course that in the contemplation of the framers of the Constitution was the duty of an American Senate. That I can well enough conceive. But before you begin to visit penalties upon Senators for refusing to vote you must, in my judgment, prescribe the offense and prescribe the penalty. That is the way I look at it; and therefore I say to my friends hefe tonight, your rules are not such that you can compel these gentlemen to vote. You can not do it under the existing rules. You may censure them in your thought, in your judgment, in your speeches before the people. You may hold them up for the condemnation of the American people for sitting in their seats here and refusing to discharge that duty for which the States sent them here, and which the Constitution intended they should perform. You may do that; but when it comes to punishment, when it comes to visiting a judgment of censure or expulsion upon them, you must first make your law before you give judgment. fore you give judgment

Mr. PLATT. If the Senator from Colorado will permit me, I Mr. PLATI. If the Senator from Colorado will permit me, I desire to know whether he indorses what I understand from the reading of the Senator from Ohio, Mr. Thurman, announced as his view of the case, namely, that until some rule has been made the Senate has no power of punishment.

Mr. TELLER. Certainly I do.

Mr. PLATT. I should like, then, upon this point to get his view. The Constitution prescribes that—

Each House may determine the rules of its proceedings, punish its mem-

bers for disorderly behavior, and, with the concurrence of two-thirds expel

I am not arguing whether this offense would constitute a ground of expulsion, but can it be true that the Senate can not expel a member for any offense unless that offense has been previously foreseen and provided in a rule as a ground of expulsion? the Senator hold to that view?

I do hold to that view, with this qualification, Mr. TELLER. that equity and justice require that before any man shall be punished for any crime he shall be notified what the character of the punishment is to be. That I understand to be a fundamen-tal law, not a statutory law, not a constitutional law, but a law that is older than constitutions and older than statutes.

Mr. PLATT. The Constitution— Mr. TELLER. Wait; I do not want to be interrupted now. If the Senate of the United States sees fit to expel a Senator, I do not know anyway that that Senator can have redress. If the Senate of the United States should determine to-day that there was a Democratic majority of two, and there should be caught here a Republican majority of two, because of the absence caught here a Republican majority of two, because of the absence of some Senators, and it should expel two Senators from this body to give the Republicans a majority, I do not know any method by which the expelled Senators could be returned to the body, except by reelection by their State Legislature, or appointment by the governor. I can not conceive, though, that any such thing could occur, any more than I can conceive that the highest tribunal of this land, the Supreme Court of the United States, should make an outrageous decision in violation of the very fundamental principles of law, and because there was no power to override it, it should exist. I could not imagine the Senate would do that thing; but if they should do it, it is the same with the Senate as with the court; nobody can review its action on that point.

view its action on that point.

Now, I will hear the Senator from Connecticut.

Mr. PLATT. The question is whether the power does not exist by reason of this clause of the Constitution independently exist by reason of this clause of the Constitution independently of any rule which the Senate may make. It is manifest that the Senate cannot, in making rules, provide for every occasion which might be thought to be ground for expulsion. Let me put a case which, of course, will be said to be an extreme case. Suppose some Senator should deliberately and profanely attack in language the presiding officer of the Senate, and continue it against remonstrance; that would be an offense.

Mr. TELLER. It would be disorderly behavior.

Mr. PLATT. But it is the same. The same law applies both

to disorderly behavior and expulsion, it seems to me. There would be no rule against it as disorderly behavior. There would be no rule against it at all, because such a case might never have been foreseen.

Now, if the Senator will permit me a single word further, it seems to me that this is well provided for in the Constitution, and the Senate is left its judge as to whether it will punish a member for what shall be considered disorderly behavior, or for

member for what shall be considered disorderly behavior, or for what offense it may expel a member.

Mr. TELLER. If the Senator will take the case of Kilbourn vs. Thompson he will see that the Supreme Court, so far as they had a right to say what we shall do in the matter, did not hold the view he takes. I do not think myself the Supreme Court could determine whether we could or could not expel a member. It is very apparent that the Supreme Court took the same view that Mr. Thurman took, which I have read.

Mr. PLATT. As I remember the case, it does not touch this

Mr. PLATT. As I remember the case, it does not touch this

question.

Mr. TELLER. It does not touch this case, but it goes into the power of the other House, which is exactly the same as our supon

that question.

I want to read a little further. I was interrupted by the Sena-I want to read a little further. I was interrupted by the Sena-tor from Connecticut. I read this because Senator Thurman was not only a great Senator, but he was a great lawyer. He had been a judge, and he was a man whose ability on questions of law, I think, was equal in this body to that of any man who had sat here for many years:

That is the view I have of it, and I should not think that any legislative body would be safe if it were otherwise. Having once been guilty myself perhaps makes me a little sensitive about it, but I would not like a bare majority of the Senate of the United States, in a case in which I felt that I was justified in the course that I took, to make the law and the punishment in the same breath. I do not think that would be right, sir.

Then he goes on to state how, ordinarily, the obstructive measures were pursued. He is now speaking of the minority of the Senate, and an exceedingly small minority, too small to call the

We talked upon the bill; we moved amendments to give us a chance to talk upon it, to get rid of the rule that said no Senator should speak more than twice on the same question; and we moved a still further amendment, and the Chair ruled, I remember extremely well, for it was on my motion, that that made a new subject and we might speak twice on that; that was allow-

a

ing indefinite debate, and we talked, we talked against time, we talked in every way until we had exhausted ourselves and the patience of everybody else, and then the bill passed.

Now, in all this Mr. Thurman, then a Senator from Ohio, makes not the slightest suggestion of apology for what he had done. He does not seem to have regarded it as the Senator from Connecticut does, as such a penal offense. Then, going on and speaknecticut does, as such a penal offense. ing of this matter, he says:

But it is a mutter for every Senator to decide for himself.

I call the attention of the Senator from Connecticut to this for a moment, if he will listen:

But it is a matter for every Senator to decide for himself. He decides it on his responsibility to his own conscience and to his own constituents and to our common country. He must decide it for himself. All thave to say to my friends is, do what you will, enforce what rules you will, when you undertake to sit out a bill, it is simply a question of physical endurance, whether its passage is to be delayed by long speeches or by dilatory motions; try it any way you will, when you come to consider it, it is nothing but a question of physical endurance. If you have the endurance, well and good sit out the bill. If the other side, those who are opposed to the bill have more physical endurance than you have, they will defeat you. If not, you will defeat them.

Mr. STEWART. I inquire of the Senator from Colorado, if Senator Thurman made those remarks at the time he was of the

majority?
Mr. TELLER. He made them at a time when he was of the majority, having been in the minority, as he said, for a good many years. He had on the previous 4th of March come into the majority. The Senator from Indiana [Mr. VOORHEES] was also a member of the Senate at the same time and he recollects, perhaps, the occurrence. I think he was present that night.

Mr. President, I have mentioned these cases because I think they are vindications. The Senator from Idaho [Mr. DUBOIS] has some others of the same character, which I will not detain the Senate to go over, because he desires to present them him-So I will content myself by saying as to those, while they did not fall under my immediate notice, not being present my-self, I have seen the same thing done repeatedly and I have never heard it complained of in the manner it is complained of

The Senator from Ohio [Mr. SHERMAN] said it was unusual and extraordinary, but evidently the Senator has not looked over the record, and at that time the Senator was Secretary of over the record, and at that time the Senator was Secretary of the Treasury and was not giving much attention to the proceedings here. But he said we have gone to an unusual length. That I deny. I deny that there has been any unusual performance in this matter. I do not say what there may be; I do not say what our rights are now. We may proceed further than we have done. If we are impressed with the idea that the interests of the people and the country are to be subserved by it, we shall underbidded of it.

undoubtedly do it.

Mr. SHERMAN. I should like to ask the Senator if in his investigations of this matter he has ever discovered a case where a Senator was interrupted in the course of his speech and

Mr. TELLER. That night, if the Senator will look at the RECORD, there were roll calls to ascertain the presence of a quorum. I do not know whether the Senator on the floor when

a call was made was absolutely opening his mouth to speak.

Mr. SHERMAN. That is the very point. That is the point
I wish to call attention to, not as a reproach to any one; but was
it ever the practice of the Senate to arrest a Senator while
speaking, either with or without his consent, and call for a quorum

I can not say as to that, but there is really no

Mr. TELLER. I can not say as to that, but there is really no point in it. It is the constitutional right of any Senator to have a quorum. That he has a right to have, and no Senator can take the floor and do business here, which is speaking, without a quorum if any Senator in this body objects. He can not do it. You can not do any kind of business without a quorum.

Mr. PLATT. Can we not hear speeches without a quorum?

Mr. TELLER. We can not hear speeches, because that is business; because the man who makes the speech is an actor. It is not probably the case that Senators who sit by are actors; they do not listen, but the speaker speaks all the same, and then it is business he is doing.

Now, I repeat, it does not make any difference; the Senator

Now, I repeat, it does not make any difference; the Senator may be taken off the floor. It may not be courteous to him; it will depend exactly on the mind of the Senator who was on the floor. If it should break into a sentence it might be discourteous. If he will wait until the Senator has concluded it is not discourteous. the will wait until the Senator has concluded it is not discour-teous, and sometimes the Senator on the floor might be in per-fect sympathy with the call for a quorum; he might desire to have an audience. There is not anything in the suggestion made by the Senator from Ohio as to its being a violation of the rules, and that it is unusual, which I do not think the case. I think I have seen it done in the midst of speeches, although I did not look with reference to that particularly.

Now, Mr. President, this question is a question, I repeat, of sufficient importance to justify me in the course I have pursued, and that is enough for me. I do not tie my conscience to the Senator from Connecticut, and I do not know but that I have as much respect for majorities as the Senator from Connecticut. I have always yielded to majorities, and I believe in yielding to majorities. I believe the majority must in the end win. I have never been in favor of any kind of legislation that throttled the majority. I have never been in favor of any kind of legislation that cave the minority any unque advantage. No vote of minority any unque advantage. majority. I have never been in layer of any kind of legislation that gave the minority any undue advantage. No vote of mine has ever been given here in favor of enabling the minority to throttle the majority at the polls or anywhere else. But I do not regard it as the duty of a Senator here, because there is a majority in this Chamber in favor of a proposition, to say, "We must pass it because we have a majority, and we must pass it now.

I am to be the judge when I am ready to let it pass. Just as the Senator from Delaware said, some of the grandest achievements in parliamentary history have come from contests made by minorities. The greatest service that has been rendered to the human race has been rendered sometimes by minorities. Majorities are cruel and wicked and often more apt to be wrong Majorities are cruei and wicked and often more apt to be wrong than intelligent minorities. Because the great mass of the people in a State go one way it does not follow that it is right, but, there being no other way by which we can carry on the Government, we are compelled to let them go as if it was right; that is, if the majority of the voters want free trade, it does not follow that I should believe free trade is proper. If the majority vote that they want a protective tariff, it does not follow that the people who believe otherwise shall accept that as the right thing todo. But after proper debate, after proper considerright the people who believe otherwise shall accept that as the right thing to do. But, after proper debate, after proper consideration, the time comes when the majority are to act. The majority always have acted and always will. No man can say they shall act at this session. The minority have a right to say, "You shall not do it at this time; you do not come here representing the public; the people are not behind you; wait." The minority have a right to do that.

Take the custom in England? The House of Lords is unlike this body. The House of Lords practically registers the edict of the House of Commons. The House of Lords have the negaof the House of Commons. The House of Lords have the negative on a bill when the bill comes there, as they did with home rule bill when the other week, by a tremendous majority, they declared it should not pass. They said they did not believe public sentiment was back of the House of Commons:

believe public sentiment was back of the House of Commons; they did not believe the people of Great Britain wanted to inaugurate the system that Gladstone had been forcing, as they said, upon the House by the aid of Irish votes; and so they resisted it. It is everywhere agreed now that if, after the next election, the new House of Commons should repeat that bill, then the House of Lords would say, "That is evidence now that the people of Great Britain want it," and then they would yield. So say we. Go to the people with this question. Take the public sentiment on it, and if they elect a House of Representatives and the third of the Senate that is to be elected at the next election, then we will surrender; we will give up. We insist that you have not had the expression of the people. We insist that the great majority of the people of the United States are opposed to this proposed legislation. We say that the wage-earners everywhere in the United States are in arms against it; that the productive forces, outnumbering the money-lenders a that the productive forces, outnumbering the money-lenders a hundred to one, are opposed to it. We say that the great banks have in certain places created public sentiment. They have handred to one, are opposed to it. We say that the great banks have in certain places created public sentiment. They have taken, as I said once before, the business enterprises of the country by the throatand they have said to them, "You favor repeal or you will get no accommodation at the bank." They have done that in some sections of the United States, and they are doing it to-day. With more money than they had last winter in their banks, with their loans reduced and their cash increased, they are declining to lend money all over the country for the avowed purpose, the undisguised purpose, of compelling legislation here according to their wishes.

And so we may say they have taken the merchants and the manufacturers by the throat and said, "Now, you appeal to your representatives to repeal this bill or you will go into bankruptcy," and they appeal to us, not because they represent the people or because they will it, but because these agencies have them where they compel them to do it. You have not consulted the great laboring interests of the country—the men who work in mills, the men who work in manufactories, the men who work on farms

have not been heard. Submit it to them.

You have had petitions here. I saw in the paper the other day that a petition had come here for repeal, and that it represented

that a petition had come to the state of the

who have not a dollar back of them and a hundred men who have \$350,000,000 back of them? If I listened to the voice of either it would be to the voice of the poverty-stricken supplicants and petitioners and not the aristocrat and millionaire. The latter will take care of themselves. They do not need any help. But it is the industries of the country that are threatened. It is the people who labor we are concerned in.

It will not do for the Senator from Ohio to say that this is not a demonetization scheme. It will not do for anybody to say that this not a complete recognition of the act of 1873 demonetizing silver, because it leaves not a single provision of law for the further use of silver as money. It wipes out every statute that recognizes silver as new money hereafter. It is an absolute demonetization; and when I take up another branch of this case (I do not care about doing it now) I will produce to the Senate the declaration of people in this country and in Europe, high in authority, who recognize this as a complete destruction of silver as money. I said the other day it would not disappear from our currency to-day, or to-morrow, or in a year, or perhaps not in ten years; but it is as inevitable that it goes out of the currency in time as it is that you repeal this law, unless there comessome other legislation that shall keep silver in the currency system of the United States.

The next movement will be when silver money is no longer being added to, when there is no statute that recognizes it, it will be discredited. I have a letter, which I received this morning, stating—I do not know whether truthfully or not—that the great banks of New York City, Chicago, and some other cities had determined to receive no silver certificates or silver dollars on deposit. That will be the next move when they have got rid of the law of 1890, if they do get rid of it. Then it will be discredited money. Then it will be representative money, and then we shall be asked to issue bonds to redeem it: and then you will hear talk about an honest dollar and a stable dollar; that gold is the only stable money, with an appreciation that can not be questioned of more than 45 per cent in seventeen years, with an appreciation that is charged here, which if any man disputes he simply shows his ignorance of the condition of the world if he says that gold has not appreciated.

That I will touch on at a later time when I take up another branch of this subject, which seems to me to be more pertinent than it is to discuss it now. I am only referring to it now to show the importance of this question. It is no trifling action that the Senate is asked to take. It is not a question whether we shall drop out of the money system of the United States silver as standard money. The question presented is whether we shall decrease the price of all American products, with wheat at 40 cents a bushel in the West now, and it will be less than that if this bill passes. It is whether we shall enter upon an era of money contraction, as said by the Senator from Nevada, with a growing population, with a growing business; whether we shall keep the supply growing with the business demands, and with the growth of commerce, trade, and population.

Can there be anything more important presented to the Ameri-

Can there be anything more important presented to the American people? Has there been anything more important presented to the American people in a generation? In my judgment it outweighs anything that has come here since the settlement of the question whether our flag should float over all the country or only a part of it. I doubt, in fact, whether it is in any degree beneath that in its importance to the American people. I said the other day that it was not inferior to the question whether the black man should be or should not be a slave. It is a question whether the productive agencies of the country can be maintained at a rate that will give to the agents of production a sufficiency of pay, a sufficiency of compensation to enable them to keep themselves in the position that they have been kept under our system of finance for the last twenty-five years.

The Senator from Delaware said that wages were not reduced. Mr. President, when I take up the other branch of the case I shall show to Senators here that wages all over the world are on the decline, in Great Britain and in all parts of Europe and in this country; that since we have been debating this question in this Chamber there has been a fall in the wages of American labor in every part of the United States, and in some parts very much more severe than in others. I do not say that it is wholly and entirely due to this threat, but in my judgment it is largely due to it; and because I believe that this measure is fraught with such evil, I said the other day I should leave no obstructive tactics placed in my hands unused to defeat at the present time the passage of the pending bill, at least until public opinion can be taken and presented to us. I will not trust the great metropolitan press, nor will I trust the bankers' associations nor the chambers of commerce; I want to hear from the people through the

ballot box, and when I have heard from them that way, I will yield my judgment to theirs, and I shall not yield it until I do.

Mr. DANIEL. Mr. President, seldom during the present session, that has now been prolonged, have I ventured to occupy the attention of the Senate for even a moment, and I would not now undertake to do so but for the fact that I think the gentlemen who agree with me on this question have been put in a false position by those who have urged the Senate in an impatient manner to come to an immediate vote. As for myself I will say that I have neither made nor voted for any dilatory motion, nor is it my purpose to engage in efforts to prevent the Senate from coming to a conclusion upon the pending measure. In my judgment, those who call themselves the majority are more responsible for the delays which have occurred than those whom they describe as the minority.

describe as the minority.

In the first place, Mr. President, it is by no means certain that a majority of this body is either for or against the pending measure. The pending measure is called a bill for the unconditional repeal of the Sherman law; but it is not a bill for the repeal of the Sherman law, nor is it a bill for the repeal of the Sherman law which it concerns. Unconditionally a repeal of the Sherman law, as has been pointed out by other Senators—the idea is by no means original with me—would involve of necessity the substitution of some other law to take its place, and when the national Democracy, in convention assembled, called for the repeal of that system of money which had been given to the country by the Sherman law in its entirety they interpreted what they meant by that in the next breath by pointing out the substitute they intended to take its place. So the pending measure is not only a contradiction of the terms of the professed judgment of the national Democracy, but it is an evasion even of the interpretation which the interpreters have since put upon it.

I do not think that the Senate has been treated fairly by those outside of this body who demand an instant conclusion upon this subject, nor by some who are in it. It has been my observation that those who have talked most, in such forms of communication to the American people as seemed fit to them, have been the very ones who have urged upon Senators who have the responsibility of action not to talk at all. They seem to be content to monopolize the debate as well as judgment as to what should be its conclusion. I will take, for example without being invidious by pointing out any particular journal, some of the journals somewhere in this country. They have occupied columns, pages, every day for so that days in discoursing upon their views of the subject, while they are not responsible for its conclusion; and they manifest great impatience that a Senator should occupy a few hours.

Gentlemen upon the floor here who are most impatient for a vote have occupied a great deal of time in preventing it, notably the Senator from Oregon [Mr. Dolph], who has now hung up the Senate for two days by a motion which, whether dilatory in its parliamentary description or not, was necessarily dilatory in its effect. Yet he insists that we shall come to an immediate vote, and is content to occupy the attention of the Senate only with three or four speeches of his own, but by interjecting into the body of the debate a partisan ruling in an attempt to correct the Journal, which he knows is of such a delicate character that it would consume perhaps as much time as the debate itself if he were to insist upon bringing it to a conclusion.

if he were to insist upon bringing it to a conclusion.

And my friend from New York [Mr. Hill], who represents a constituency which perhaps is more eager for a conclusion than any other constituency represented in this body, proposes right in the midst of the debate to amend the rules, which he knows in the nature of things is just as important a measure as the determination of this issue, and would lead to longer and more protracted debate than the pending question if it were pursued and pushed in dead earnest to produce a conclusion here.

Mr. President, it is not yet known how the majority of this body stand. Repeating for myself my willingness and desire that it shall proceed with this debate as with all other debates, and that it shall consider each amendment which is proposed to the bill in an orderly way, without having that amendment laid on the table through the agency of any opponent, and then reach its conclusions, I advert for a moment to the addresses which were made to us on yesterday by the Senator from Ohio [Mr. Sherman] and the Senator from Texas [Mr. MILLS].

The Senator from Ohio tells us, lecturing the Democratic party, of which he appears upon this floor now as not only the leader but the lecturer, that—

In times past, when they were in the minority and we were in the majority, we never shrank from responsibility. We were Republicans because we believed in Republican principles and Republican men and Republican measures, and whenever a question came into the Senate Chamber to be decided, we never pleaded the baby act and said "we could not agree." We met to gether in conclave: we measured each other's opinions, some giving way, and finally we came to an agreement. In this way we passed all the great

laws which have marked the history of the last thirty years of our country, and it was not done by begging votes of the other side. We knew that, by the usual and almost unive sol habit of the Democratic party, they would oppose anything we should propose, even the Lord's Commandments or the

The Senator is entirely right about that, because if we found The Senator is entirely right about that, because it we found those ancient and venerated documents proposed by the Senator from Ohio we would imagine instantly that there was just such a trick about it as there was in the Sherman law. I beg pardon for using the word "trick;" I do not think that is parliamentary, just such a scheme as there was in the Sherman law, to pre tend to be for the coinage of silver and to be at the same time an act for the depletion of the Treasury of gold to pay silver

The speech of the Senator from Texas was along in the same line. I beg leave for my part to say to both gentlemen, who now seem to be singularly concurrent in all their opinions, that I do not think the lecture to Democracy is entirely misplaced. not think the lecture to Democracy is entirely misplaged. This is a free country and it is the privilege of every citizen to belong to any political party that he pleases. It is his duty in my judgment, as long as he does belong to a political party, to accept its judgments upon public questions which are submitted to it for a declaration of its policy thereupon.

Now, then, I wish to say to the Senator from Texas that I for one am ready, and I believe a majority of those who agree with

me are ready, to-day, to-night, to-morrow, instantly to submit these questions to a majority of the Democrats who have been sent here charged with this responsibility, and I for one, how-ever much it may be against the grain, will submit to the deter-mination of the majority of my own party and take what comes. I do not see the Senator from Texas in his seat.

Mr. MILLS. Here I am.
Mr. DANIEL. If the Senator is ready to do that he can bring the Democratic party together without shedding tears over it in the Senate Chamber, because it is not together. Is the Senator from Texas ready to go into conclave with his Democratic brethfrom Texas ready to go into conclave with his Democratic breth-ren and abide the issue? I can ask questions of others, but I can not answer. I am ready. I will take the chances, and what-ever may be the judgment of that great national party here in the Senate, which I believe ought to keep the responsibility of this and all legislation, and of which I am an humble part, I do not shrink; I will abide that judgment, and look to the future to repair it if, in my belief, it is erroneous.

Now, Mr. President, it is upon another point I wish to address myself in a few remarks, to the argument which the Senator from Texas made yesterday respecting the rules of this body. From those who deprecate any, the least invasion of the rules of this body and from those who insist that the debate upon the pending measure shall be suspended in order to enforce them, I little expected to hear the revolutionary doctrine uttered that the rules out to be set aside and a revolution effected in the Sen-

ate by the so-called or assumed authority.

The Senator quotes the declaration of Thomas Jefferson that the decisions of a majority ought to be instantly acquiesced in. I accept that. I am ready to submit to the decree of a majority of my party. Is the Senator from Texas? I am ready to submit to a decree of a majority of the Senate as soon as it utters

its decision; but that decision must be uttered by the Senate itself respecting the rules which it seeks to invoke

The Senator from Texas yesterday addressed this argument to the Senate. Said he, the Constitution has empowered the Senate to make rules. That power is continuous. It exists now as well as it existed in the beginning; it has existed all along: and the Senate has as much power now to make rules as it ever had. So it has. That is uttering an axiomatic doctrine which

But the deduction which the Senator from Texas draws from that doctrine is the one which it seems to me is entirely erroneous. Because the Senate can make rules it does not follow that it can violate rules when made. To illustrate this by analogy, let me put in argumentative form an interrogatory to the Senator, or whoever may meet it. There is no question about the fact that the people of the United States have the right to make a constitution. They have as much right to-day to make a constitution as they had when they first declared their independence. Their right to make a constitution is continuous, perpetual, and can never be intercepted, for the very genius of our idea of free government is that the people were sovereign in the beginning and are entitled by the laws of God and nature

and man to be sovereign all the time.

Now, will the Senator say that because the people of the United States are sovereign, and will he say that because they have the power to make a Constitution, they have therefore by a majority the right to violate the Constitution which they have made and to ignore the oaths which they have taken in common to support it? On the contrary, has not that Constitution by the

decree of the majority of the American people provided by what methods, at what times, and under what circumstances the peo-ple may exercise their right of sovereignty to amend it: and can any number of men, be they millions or be they two-thirds majority, just by their ipse dixit, upon the spur of the moment, say, "We wipe out this Constitution," because all the people have a right to amend it if they will? Are they not bound by their compact, just as binding upon the majority as upon the minority, to proceed only in that way which they themselves ordinal and exitent here they have the different bed that they have they have the different bed that they have the different bed that they have the have they dained and set forth beforehand as the only method that can be constitutionally followed?

Now, the rules of the Senate, when they have been made, are just as binding as the Constitution of the United States; for that is only a fundamental law in accordance with which all other

laws must conform

Mr. HILL. Will the Senator yield?
Mr. DANIEL. With pleasure.
Mr. HILL. Let me put to the Senator this question: If when the first Congress convened the Senate had adopted a code of rules which provided that the rules should not thereafter be changed without the consent of two-thirds of the Senate, would those rules have been constitutional? I can ask questions. Will the Senator answer them?

Mr. DANIEL. Undoubtedly I will answer; but I did not like to interrupt the Senator while he was upon his feet. I can not

only answer it, but I can be courteous.

Mr. HILL. The Senator is always courteous, and I hope he will not suppose that I am discourteous.

Mr. DANIEL. I do not esteem that the Senator is. I was merely waiting for the Senator to get through. I am not pre-

pared to answer that question offhand.

Mr. HILL. The Senator can take all the time he pleases. Mr. HILL. The senator can take all the time he pleases.

Mr. DANIEL. Well, I shall, without permission. I do not like to commit myself upon an exceptional state of things when I have no such question presented to me. I may not be a very good lawyer, but I am too good a one to answer hastily a proposition which I am not discussing and which has nothing to do with the point I am discussing. with the point I am discussing. It may be that a majority in that instance could rule the Senate, because a majority in contemplation of parliamentary law is the Senate; and a majority at one time can not bind a majority at another time, because the majority is the oracle of the Senate, but in being the oracle of the Senate, it can only proceed in that form which has been or-dained for the expression of its voice. The question does not reach the one which we have now under advisement. You can not tie the hands of future generations by accumulating difficul-ties as to the expression of their wish, but you can devise the form and manner in which they, the majority, shall give utterance to their sentiments.

Now, I can not only answer questions, but if the Senator was upon his feet I would ask him, does he not think that the rules of the Senate are binding now? We have made no such exceptional rule as he contemplates in order to twist off from the main track of the discussion. Does he not believe that the rules of

the Senate are binding now?
Mr. HILL. Mr. President, the rules of the Senate are binding, ectirely so, in regard to all the ordinary methods of procedure. Upon the question of the right to change the rules, the Senate can not bind itself. To further illustrate what I mean, let me give an illustration a little different from what I gave a moment ago. The first Congress meets, and the Senate passes a code of rules which provide that they shall not be changed if the Sena-tors object. I did not hear the whole of the remarks of my dis-tinguished friend from Virginia. I think he talked around the subject somewhat; but still the fair inference from his remarks may be drawn that he would think that such a code of rules

would be unconstitutional. Am I right?

Mr. DANIEL. Yes, sir.

Mr. HILL. Now, my point is just here. Both the instances which I gave were plain, clear, certain violations of the Constitution. A majority of the Senate has a right at any time to change the rules. Now, these old rules, established at the beginning of the century, have come down to us. They have not provided in just so many words in hac verba the point which I presented; but they have in substance and effect. They have been so framed that they do give, if the arguments which have been presented here day after day are true, a minority power to prevent a majority from the passage of a bill. Therefore, I say they are just as nugatory upon this body as though they had ex pressly determined the number of the majority who could prevent the passage of a bill.

I say that the power which made the rules can change them. The power to legislate is given by the Constitution. The Senate can frame no set of rules, no matter how ingenious may be the devices, no matter whether there is a specific number speci-

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fied which requires assent for their amendment—you can not bind this body so that we can not carry out the other provisions of the Constitution which are that this body must legis-

If the Senator will indulge me a moment more, because I do not propose to interrupt him again, no matter what he may say upon this subject, I will state that he did me some injustice when he first began his remarks by saying that by my interject-ing in this discussion a proposition for a change of the rules thereby I had in some manner delayed the final vote upon the pending bill. Sir, that was not my intention. He is right in saying that the people whom I in part have the honor to represent on this floor are vitally interested in the passage of this bill. The industries of my State are paralyzed; our finances are disorganized; the sentiment of my State in favor of the passage of this bill is well nigh unanimous. The last thing I would do would be to interpose any obstacle that might prevent a final vote

I suggested an amendment which provided that after thirty days had been given to the pending bill, or any other bill, the Senate should have a right to say in all its majesty and power, under the authority of the Constitution, that this debate should stop, and by my amendment of that rule I sought to bring this question to a final solution. I did not intend to delay a vote; and, sir, if the Presiding Officer of this body and forty-three Senators agree with me, this bill can be passed in spite of the

obstructions of any minority. [Applause in the galleries.]
The VICE-PRESIDENT. The Chair desires to remind the occupants of the galleries that applause will not be tolerated. It is a violation of the rules of the Senate. Persons who are guilty of such a violation of the rules of the Senate are liable to be expelled from the galleries. The Senator from Virginia will

Mr. DANIEL. Gentlemen who are very impatient if anyone else ventures to discuss finance in this body can not even discuss their own motions to amend the rules without giving us at some length their views upon the subject. The Senator has made a speech upon finance in which he has talked all around from my question and has retired from the body without answering it.
That was not the way in which I treated him, although I did
not conceive that it bore upon this question.
I asked him the question whether or not the rules of the Senate

were binding upon the Senate; and in reply he debutes all around the gooseberry bush without answering the question.

Mr. ALDRICH. Will the Senator from Virginia allow me to

ask him a question?
Mr. DANIEL. Certainly.
Mr. ALDRICH. I should like to ask the Senator from Virginia a question which, in my opinion, goes to the very essence of the matter now under consideration. Does the Senator because of the matter now under consideration. lieve that, under our rules, there is any method by which a majority of the Senate can reach a determination upon a question to amend its rules in the face of obstructive tactics on the part

to amend its rules in the face of obstructive factics on the part of a minority whether by speeches or otherwise?

Mr. DANIEL. I do not see that the rules have provided for that contingency; but my reply to the Senator would be broader and more comprehensive than anything involved in his question, for it has not been three days since I heard that Senator declare upon this floor that the Senate had never refused to carry out the wishes of a majority; and it is, in my judgment, a full and complete answer that no such condition has arisen in the Senate as that contamplated by those who are making dila-

the Senate as that contemplated by those who are making dilatory motions and great ado about the rules.

There are not, as I believe, in the party which is charged with the responsibility of legislation, a majority in favor of the unconditional repeal of this measure, and my judgment to this effect is intensified by the fact that some Senators who are said to be in the majority and undertake to lecture their fellows, avoid bringing the question to a test, though they have the pledge of their fellows that they will abide the result, if such is obtained.

Mr. President, an extraordinary view has been taken of this question by all who have endeavored to scare and guy the Senate into instantaction. They have assumed that Senators here who have announced themselves against unconditional repeal do not represent their constituents. It has been charged with respect to myself, by those who do not live in my State, that I do not represent the people of Virginia. I was born and reared amongst that people, and I should not be willing to occupy my seathere if I did not believe that I fairly, honestly, and justly represented them. I have lived amongst them all my life. In their sedate moments, when they have given their judgment upon this financial question, they have given it in the form which I am here to interpret as best I may. We have a governor of Virginia to-day who was nominated and elected upon a platform which declared for the free coinage of silver. Do not our public men who represent us vote for it every time they get

a chance? In the convention which sent delegates to the national convention, which nominated the gentleman who is now President of the United States for his office, that question was tested and was decided in the same form that I am here to stand for as best I may

for as best I may.

Mr. President, it is complete assumption upon the part of gentlemen who have volunteered to lecture their fellows, and who have consumed time in debate which they might well have given to the solution of the pending question, that they are either a majority of their party, or a majority of this body.

From the foundation of this Government over one hundred years are until to day, the Senate has never refused to respond to a

ago, until to-day, the Senate has never refused to respond to a fairly expressed and deliberate public sentiment. It did not do so in the period of the war, it has never done so since, but it has been through the process of debate that that public sentiment has been collected, and defined, and instructed.

The Senator from Rhode Island [Mr. Aldrich] was one of the champions of the so-called Federal elections bill.

Mr. ALDRICH. The Senator will excuse me. course of the debate upon that subject said one word upon the question in the Senate. I was the champion, or the advocate rather, of a change in the Senate rules which would allow the majority of the Senate to transact the business which it was necessary should be transacted, and I occupy the same position

to-day. Mr. DANIEL. Why did the Senator recommend this change to let the majority express itself when he said just now the majority was against him? There has been an illumination in the Senator's mind through the process of the debate on the Federalelections bill. Why does he appeal to the Senate to let the side upon which he stood express itself, when he proclaims that he was in the minority? It seems to me that he was the champion of the minority, and not of the majority.

The so-called minority did not ask him to be their champion.

The so-called minority did not ask him to be their champion. They found a method of expressing themselves until they grew into a majority; and I beg leave to say to the Senator that in our republican form of government majorities are not fixed things of iron or stone which endure in all weathers. They are ambulatory and shifting, and the man who says "I am in the majority to-day" may be in the minority to-morrow. It is by the process of free debate, by that process which the sacred them is the process of the sacred that it is not that it is no ideal my friend from Texas commends, by the process of the idea of Jefferson, that error ceases to be dangerous when truth is free to combat it, that you finally get at the right and just

There have been great changes of sentiment in this country since this debate opened. There are very few people in this country now who attribute our present trouble to the Sherman act, except in a minor and subsidiary degree. It is a most curious thing that a minority of Democrats upon this side of the Chamher, as I believe them to be, and perhaps a majority of Republicans upon the other side of the Chamber are concurring, but upon two completely opposite theories of action. The Republicans, the ancient and hereditary foes of the money of the people, are only pursuing the genius of their long-time advocacy of a contracted currency, and are infavor of destroying the Sherman law because it gives the people some two or three millions of new currency a month. Some of the Democrats are in favor of repeal because of peculiar conditions which surround them; but I know of only one who has announced in the Senate that he between the conditions which surround them. Heves the present panic was caused by the Sherman law. The Senator from Ohio [Mr. Sherman] ridicules the idea that the Sherman law is the cause of this panic. The great Republican snerman law is the cause of this panic. The great Republican party of New York met in that State a few days ago, and a distinguished publicist of New York City addressed the convention and ridiculed the idea that the Sherman law was the cause of the panic, and yet he is one of the most powerful advocates of its repeal

If the Sherman law is not the cause of the panic, and is not disturbing our finances, as is pretended in some quarters, why is it that the Republican party have so quickly ranged them-selves to destroy their own legislation? Can it be for any other selves to destroy their own legislation? Can it be for any other reason than that they were insincere in it when it was passed, and that they acknowledge that it is "the makeshift" which it is now generally conceded to have been.

Mr. President, to recur to the rules of this body—
Mr. BUTLER. May I interrupt the Senator for one minute?
Mr. DANIZL. Yes, sir.

Mr. DANULL. Yes, sir.
Mr. BUTLER. Rule XL reads as follows:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule with the contraction of the senate, except as otherwise provided in clause 1, Rule with the senate of the senat

I should like to ascertain from the Senator from Virginia if the Senator from New York and the Senator from Texas insist that the Senate has a right to disregard that rule in making amendments to our rules? Is that what I understand to be the position of the Senator from New York and the Senator from

Mr. DANIEL. I had the rules of the Senate before me and was about to address myself to the ideas which have been very properly called to my attention by the Senator from South

Mr. VOORHEES. Mr. President, I will venture to trespass Mr. VOOTHEELS. Mr. President, I will venture to trespass on the kindness of the Senator from Virginia to do what I have been desiring an opportunity to do all day. I rise to a question of personal privilege and ask the Secretary to read the article I send to the desk. It was published in this morning's

Washington Post.
The VICE-PRESIDENT. The Secretary will read as re-

The Secretary read as follows:

MR. VOORHERS STILL HOPEFUL.

At the meeting of the Senate Finance Committee yesterday morning Mr. VOCHHEES took occasion to put into words what has been believed to be the attitude of the President for some days past. He said—and made no concealment of the fact that he spoke by authority—that there could be no compromise in which either himself or the Administration could be considered as a factor. The Administration, continued Mr. VOCHHEES, was urging a contest for a great principle, and would not give one inch, even if the Senate was kept here week in and week out.

Mr. VOORHEES. It is simply necessary for me to say only a word, that there is not one single word of truth in that statement. There was no conversation of that kind in the Commitment. The on Finance, no expression of that sort on my part, or on the part of anybody else. The position of the Administration was not discussed, nor did I attempt to outline it. The Senator from Tennessee [Mr. HARRIS] was present in the committee room, the Senator from Arkansas [Mr. JONES] was present, the Senator from Ohio [Mr. SHERMAN] was present, the Senator from New Jersey [Mr. McPherson] was present, as was also the Senator from lowa [Mr. Allison]. There was no such conversation at all, and the publication is a pure figment of the imagination.

That is all I desire to say.

Mr. TELLER. If I may be allowed to say a word, my attention was attracted to the article which the Senator from Indiana has caused to be read, but I took pains to find out that there was no truth in it, and so I did not use it. I am satisfied the state-

ment in the newspaper article is incorrect.

Mr. DANIEL. Mr. President, I look upon such suggestions as have been made by the Senator from Texas and the Senator from New York as most unfortunate. I am inclined to think that the Senator from Texas has been rather hasty and inconsiderate in his utterances, for he is so distinguished a champion of free debate and has made so great a history in defending the prerogative of the people's representatives in legislative chambers, that I am inclined to pass over his hasty expression of yesterday as a Homeric nod. A disciple of Jefferson, who sug-gests to the Senate that it is not bound by its own solemn rules

of action does no honor to his teacher.

The true definition of the law is that it is a rule of action.

The thing which a student of law learns when he first turns over the pages of Blackstone and Kent is that law is a rule of action prescribed by the supreme power in a State, commanding what is right and prohibiting what is wrong. To speak of rule and to speak of law, so far as their binding force is concerned,

is to speak of synonyms. Mr. President, this is a land of order and a land of law. The Democratic party, as I am proud to believe, will ever be a party of law and a party of order, which will face every contingency it has to confront, and will abide the result as the authority of law shall decree. I see in the Constitution, to begin with, that to the great bodies of legislation, the Senate and the House of Representatives, there is given this great prerogative:

Each House may determine the rules of its proceedings.

What do you mean by "determine?" You mean fix, declare, ordsin, and settle. What do you mean by "rule of procedure," except a law of conduct which binds every member of a body with all the force which the Constitution of his country can place upon it in sanction of his right to sit in it. It is needless for any astute dialectician to go off with any nice, sharp quillets of the law, as the Senator from New York has done, by asking me such a question as the supposition that a majority might have said that not less than two-thirds could change the rules

A court might hold that unconstitutional in that the majority had thus deprived itself as a depositary of the right to act, not referring to the forms of its procedure, for that is not a form of procedure, that is a declaration of what may be a quorum to proceed in any form; and the majority being made a quorum by natural law and by necessary constitutional construction, it would have exceeded its power if it were to repose that power in other than a majority. So we are not discussing who in the Senate

may be the depositary of power-it is the Senate-but in what form that depositary of power may proceed to express its decision. So I eliminate from this discussion completely the misleading, though artful suggestion of the Senator from New York, as one which does not refer to the integrity of this question. are not seeking to determine what constitutes a Senate or what constitutes a quorum—that is, in my line of argument, but in what manner that which does constitute the Senate or a quorum may proceed to deliver its views.

Mr. President, this Senate has provided how it may amend its rules. It can only be upon motion, and what I wish to ask of the Senator from New York, what I would ask of my friend from Texas, what I would ask of any body who has assumed the character of a revolutionist in this body, is this: Do the rules bind us until they are amended, and are they rules made in pursuance of the Constitution or not? It is a late day in the history of our Govconnects for a new practitioner to come to this bar and discover that the rules are not constitutional. We have had statesmen in this body, the most learned and luminous which the world has in its history, and they have never so contended. It is the invention of a new idea under a fictitious exigency, for there is no such exigency

Now, turning to the fortieth rule, to which my friend from South Carolina [Mr. BUTLER] calls attention, I find that the form of procedure to change the rules is well provided, and if the Senator from Texas wants to change them, or the Senator from New York wants to change them, what method of knowledge has he as to what may be the majority judgment of this Chamber until he has invoked that judgment in constitutional form?

RULE XL.

SUSPENSION AND AMENDMENT OF THE RULES.

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule VII

If these Senators want to change the rules the Constitution has given them the method. Unanimity may do it at any time. How would the majority proceed to change the rules in any other way? But one Senator can occupy the attention of the Chair at one time. He is not a majority; and when he sits down any other Senator has equal privilege. What right has he to assume that he is either in front of a majority or represents them until he has constitutional authority to do so by the record of its decision?

Mr. President, this debate discloses to me this fact: It revives the historic reminiscence, which is worthy of the traditions of this great body, that in all its history it has never declined or refused to register the public will. If some suppose that Senators here are not representing their people they must recognize that those Senators must be under the influence of some very deep and grave convictions if they thus imperil their acceptability to their own people in advocating an unpopular doctrine. I do not believe that such is the case, but if it be, those Senators must realize some very great conscientious sense of judgment.

Even if it had never been true in the past, in the notable instance which was before this body a few years ago it was illustrated that the Senate will always respond to public judgment; and if those who thought otherwise then are now foremost to declare that it did respond to public judgment, why should the argument and debate on this great question be interrupted by proaches of their fellows, by crimination and recrimination, by assumptions of superiority in patriotism and by revolutionary doctrines that all laws ought to go down to let the supposititious majority have its way?

It should be remembered that this debate has come up under the most extraordinary circumstances, and is upon the most important subject, in one sense, which the Senate has debated perhaps for generations. No national convention of any politi-cal organization in the United States, whether Democratic, Re-publican, Prohibition, third party, Populist, or what not, has ever demanded of its representatives the unconditional repeal of the Sherman law. That measure and its cognate branches, which run in all directions of finance, is now a subject which engages the attention of the whole civilized world, and all eyes are directed upon those who have to deal with it. The Senate can not deliberate in that just sense in which every man should keep his head cool and endeavor to fill himself with the high spirit of patriotism, with such angry speeches, reproaches, and recriminations on every hand, and with suggestions, such as those made by the Senator from Oregon, the Senator from New York, and the Senator from Texas, which alarm the law-abiding sense of this people as much as the proposed measure alarms those who look to their financial well-being.

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Mr. President, it is my judgment now, and has been from the moment this session commenced, that if those who are primarily charged with our legislation would go to work to frame a meas which would carry out in its integrity the promises of the Democracy of this country to our people, they would find a much easier, quicker, and shorter road to a conclusion than by attempting to stand upon one splinter of the Democratic platform and ignore the residue of it.

Sir, the fact remains that both parties in this country have a responsibility in this matter. I do not exonerate the Republicans from responsibility, as some of my colleagues do. The Republican party in this country has a responsibility as well as we have, and one of the responsibilities which they assumed

was that they would restore silver as standard money.

Mr. FRYE. Mr. President—

The VICE-PRESIDENT. Does the Senator yield to the Sen ator from Maine?

Yes, sir.

Mr. DANIEL. Yes, sir.
Mr. FRYE. As I came into the Senate a moment ago I heard
the Senator from Virginia alluding to the alarming and revolutionary statement of the Senator from Oregon [Mr. DOLPH], the Senator from New York [Mr. Hill], and the Senator from Texas [Mr. Mills]. Now, if the Senator will pardon me, I desire to interpose at this moment touching those very revolutionary statements, the opinion of the ablest parliamentarian ever in the United States, when he deliberately gave his mind to it, and gave a written opinion. I wish to call the attention of the Senator to a deliberate, written opinion of the Speaker of the House of Representatives in the Forty-third Congress—Mr. James G. Blaine. I remember it well. He said:

The Chair has repeatedly ruled that pending a proposition to change the rules dilatory motions could not be entertained, and for this reason he has several times ruled that the right of each House to determine what shall be its rules is an organic right expressly given by the Constitution of the United States. The rules are the creature of that power, and of course they can not be used to destroy that power. The House is incapable by any form of rules of divesting itself of its inherent constitutional power to exercise its function to determine its own rules. Therefore, the Chair has always announced, upon a proposition to change the rules of the House, he would never entertain a dilatory motion.

Beyond that ruling neither of the revolutionary Senators went, and I think neither went up to it.

Mr. DANIEL. In reply to the Senator, I may say that I did not intend to apply to the Senator from Oregon the word "revolutionary." He has done nothing of that kind, nor made any suggestion of that kind. I thought his motion was in effect, though not in parliamentary description, dilatory. What I refer to as "revolutionary" is the suggestion of the idea around this side of the Chamber that some one in this body—it is not defined exactly who it is—has the right to subjugate whenever he thinks he is with the majority and to summon the majority he thinks he is with the majority and to summon the majority to help to do it.

I reply to the Senator from Maine that the precedent which he has quoted has no application here. It is coram non judice. This is not the House of Representatives. This is not a continuous is not the House of Representatives. This is not a continuous body. It commences each session without any rules, and in the absence of rules it must be governed by such general considerations as it may find best for itself. I have always understood, however—I may be misinformed—as part of the current history of the country, as I had believed it to be, that my distinguished friend from Texas had been one who even denied its application there and denounced the attempt to enforce it.

Be that as it may—for I am making no personal address, and do not desire to be personal in my remarks, further than to illustrate them with propriety—a precedent in the House of Rem

trate them with propriety—a precedent in the House of Representatives has no application here, for that is a body different in its character, different in its continuity, and totally different in its parliamentary constitution and methods. The Senate, on the other hand, is a continuous body. You have no election for all Senators at one time. The Senate goes on from year to year, and may sit at a time when the House is not in session, does not sit, for it is a court as well as a coordinate branch of the Legislature, and it is part of the executive as well. All three powers of government are reposed in it in different degrees, shape, and forms. Perpetual, as it is, with a right to sit at any time, it is obliged to have rules, and when it has made those rules no man in a hundred years of our history has ever disputed or ignored their hinding force in any operative were their binding force in any operative way.

Mr. FRYE. If I do not interrupt, may I ask the Senator a

Mr. DANIEL. Yes; I have but a few more remarks to make, but I shall be glad to answer the Senator if I can.

Mr. FRYE. The power of the House of Representatives to make rules is derived from the same Constitution and in the same way that the power of the Senate is derived. There is no differ-The continuation of one body makes no difference what-

ever. It is a constitutional right given to the body itself. I have not a shadow of doubt but that it is the right of the Senate, under the Constitution of the United States, at any time it pleases, at any hour it p'eases, to make a rule for any case then pending before the Senate and it would become the duty of Presiding Officer, under his oath, to refuse to entertain any dilatory motion and to promptly stop any dilatory proceeding, thus preserving to this body the right which the Constitution gives it. If the majority had adopted a proceeding of that kind a control of the month ago, we should before this time have had a vote on this

Mr. DANIEL. If the Senator and all the repealers had stayed here and shown their faith by their works, perhaps we might have had a vote on this bill. But I beg leave to call attention to the fact that the minority of this body has furnished quorums here, and that the so-called majority is a majority which does

not fight and will not fight

Mr. FRYE. Mr. President, the Senator's remark does not, as he ought to know, apply to me, for I have answered every roll call, night and day, that has been had in the Senate, and have not been absent for a single hour since I came here.

Mr. DANIEL. Then the remark does not apply to the Senator and I do not include him. I mean the Senators on his side, with whom he trains, impersonal to himself.

I beg leave to call further attention to the fact that while those of us who are not in favor of this bill have stayed here night after night, and day after day, there have hardly been five minutes at any time when the Senators who profess to be so eager for the passage of the bill have not gone out of the Chamber and then clamored about being unable to do anything. The fact is that those who would under some circumstances vote for unconditional repeal are not, in my judgment, heartily in favor of that as the best measure that could be adopted; they do not feel that the public sentiment of this country in its integrity, take it North, South, East, and West is for repeal; but only that certain sections are. All over the breadth of the United States, from Maine to Texas, and from California to Vigigia, there is a from Maine to Texas, and from California to Virginia, there is a powerful party who want to see the Senator's party carry out some of its pledges and the Democracy at the same time. I do not share with the Senator from Texas in his exoneration

I do not share with the Senator from Texas in his exoneration of the Republican party from its duty because that party is in the minority in the Senate. That party pledged itself to the country, and got all the votes it could by that pledge, that it would restore silver money. The Republican party went before the people and boasted of their great achievement in passing the Sherman law. None of the Republican national platforms he ever clamored for its repeal. Instead of asking for its repeal they said that they intended to restore silver as the standard money of this country. What has become of their pledges? Did they bring them to Washington with them when they assumed power, or did they discard them as impedimenta, not to be carried into real war?

carried into real war?

Both parties of this country, Mr. President, Republican and Democratic alike, meet here in the face of the American people under the solemn pledges they gave to their masters, the sover-eign people of the United States, that they would restore the

standard money of the people to this country.

I think I understand the design of those who cooperate with the Senator from Maine. Mid-summer had come, and the great grain crops of the country were about to move to Europe, and the cotton crop of the South was soon about to move to Europe. In the very nature of things, according to our economic his-tory and according to the easy foreshadowing of the near future. when ships had already been engaged for months ahead to carry them, it was known that the flow of gold from Europe to Amer-ica was about to occur, and it was clamored for, that the Sher-man bill should be instantly repealed in order that when gold came it could be pointed at as an object lesson, so that they could say: "Lo, and behold! The repeal of the Sherman act has brought the gold back." But the gold came, and the sources from which it came are well known, with the Sherman law unrepealed. At best it was sought for at the beginning as only an expedient for the nonce, to give us temporary relief. Then it was said, "We will go to work just as soon as it passes, and will comply with the rest of our promises to restore silver as standard money." Gold returned in large measure without the restal of the Sharman laws.

peal of the Sherman law.

The financial conditions of our country have been infinitely better recently without the repeal of the Sherman law. Out of \$40,000,000 of bank issues, called clearing house certificates, so the markets become new that two-thirds of much better have the markets become now, that two-thirds of that quantity in New York has been retired as no longer needed as a makeshift for money. Business has begun to pick up by rea-son of the natural influences which are going on in purchases and sales and in the quantity of transcations.

and sales and in the quantity of transactions.

Would it not have been better if these two months had been occupied in fixing up the measure that you promised to fix up?
Would it not be better to fix it up now, instead of speaking of destroying the Senate, breaking down the venerable and honordestroying the Senate, breaking down the venerable and honorable traditions of this great fortress of free debate, spending night after night in getting your reductant troops into the Senate Chamber, weary and heavy laden with the burdens of the day, and even then being left to call upon your opponents to preserve the continuity of the Senate by sitting up with you? Would it not have been better to have spent all this time in an analysis of the senate by sitting up with you? effort to discharge your promises? How long would it take the distinguished parliamentary lawyers and publicists here to frame a bill for that purpose? Two months? You have had that.

Ah, you are content, not with the unconditional repeal of this measure, but to give us a conditional repeal, in which you promise faithfully that you will continue to coin gold and silver; and presently, "in the sweet by and by" you will have the measure presently, in the sweet by and by you will have the measure all fixed up. But that is a condition-subsequent, and there is no collateral security for its performance. Why not turn it into a condition-precedent, instead of wearing your lives away sitting up of nights and bringing your reluctant fellows here at belated Why not spend your time in fixing into practical shape what you mean by your promises?

If there is distrust in some quarters as to the finances of this country, there is also distrust in other quarters as to what will be done with them. All that those with whom we train, and with whom we sympathize, ask of you is that you will keep your plighted faith to the people of this country, who gave you votes upon your promise that you would restore the standard money of this country. The performance of a contract is the shortest

and easiest method of getting rid of the burden of the contract.

But, Mr. President, I have been led by these questions and by the diversion of those who have interjected their remarks into mine into a much more lengthy discourse than I had in-

In conclusion, I will briefly sum up my own position in this wise: I am here to legislate, and want to proceed to legislate in wise: I am here to legislate, and want to proceed to legislate in an orderly and straightforward manner. I do not want Senators to lecture me about breaking up the Democratic party as long as those Senators stand in the minority of that party and are unwilling to abide its judgment here. Furthermore, do not insist that your opponents shall have to come here at unusual hours and stay night and day, when those whom you claim to be to the majority do not the majority and stay in the majority do not the majority and the majority an in the majority do not themselves stay. Let us proceed sedately and regularly, considering one amendment, and then another, according to the rules and traditions of this honorable body, and we shall be much nearer the end than if we proceed by revolutionary methods to change the rules, and have to listen to revolutionary utterances of the majority, in regard to usurping the Government of this country, which are interjected into the

Mr. MILLS obtained the floor.

Mr. BUTLER. Mr. President, with the permission of the Senator from Texas, I demand a call of the Senate. It seems to

me that there is not a quorum present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldedob	Faulkner,	Tadas	Ch
Aldrich, Allen,	Frye.	Lodge,	Sherman,
	Gallinger,	McPherson,	Smith,
Bate,		Manderson,	Stewart,
Berry,	George,	Martin,	Stockbridge,
Blackburn,	Gorman,	Mills,	Turpie,
Butler,	Hansbrough,	Murphy,	Vest,
Caffery,	Harris,	Palmer,	Vilas,
Call,	Hawley,	Pasco,	Voorhees,
Camden.	Higgins,	Peffer,	Walthall,
Carey,	Hill.	Perkins,	Washburn,
Coke,	Hoar,	Platt,	White, La.
Cullom,	Hunton,	Pugh.	Wolcott.
Daniel,	Irby,	Quay,	., 0100411
Dixon,	Kyle,	Ransom,	
Dolph,	Lindsay,	Roach,	

The VICE-PRESIDENT. Fifty-eight Senators having answered to their names, a quorum is present. The Chair recognizes the Senator from Texas.

Mr. BUTLER. Mr. President, the Senator from Texas yields to me a moment in order that I may explain why the roll was

called upon my demand.

The Senator from New York [Mr. HILL] has been delivering quite numerous and extensive lectures to some of us on account of absenteeism. He fired off his gun awhile ago at the Senator from Virginia, and then "took to the woods." I wanted to see if I could not get him back, and I am very glad to say that I have succeeded in doing so.

Mr. MILLS. Mr. President, in the discussion of the question now before the Senate I shall endeavor to do as I always have

done-treat everyone with courtesy. I always perceive a distinction between a bad measure and a good man who advocates it. I may denounce the measure, whilst I may have the profoundest respect for the man who entertains and supports it.

The distinguished Senator from Virginia [Mr. DANIEL] has called me to account for a speech I made yesterday evening in this Chamber. I took the position then, which I have held for years, that the power conferred by the Constitution of the United States upon these two bodies is a permanent and continuing power, as full to-day as it was in 1789, when the Constitution

granted it. This is no new doctrine with me.

The distinguished Senator apprehends that I spoke without eliberation. Mr. President, I uttered these sentiments in the deliberation. other House fifteen or sixteen years ago, when I believe I stood alone of my party, and I am not in a majority with it to-day on this floor. I concurred in the opinion delivered by Mr. Speaker Blaine, to which I referred yesterday evening, and which the Senator from Maine [Mr. FRYE] has read to-day, that there is a permanent power in both of these Houses to make the rules necessary to enable them to dispatch the public business, and to execute the trust which the people of the United States have confided to the legislative department of this Government

Will the Senator allow me to ask him a brief Mr. DANIEL.

question'

Mr. MILLS. My friend wants to ask me a question when I did not ask him one.

Mr. DANIEL. If it will interrupt the Senator I shall desist.
I only desired to ask him if it was the decision of Speaker Blaine

that he referred to?

Mr. MILLS. It was the ruling of Mr. Speaker Blaine in the short session of the Forty-third Congress after the rules had been adopted and after the rules had prescribed the manner in which they should be amended, and the decision was made against his own party. Nearly two-thirds of that body were Re-publicans at that time, and they were beseeching Mr. Blaine day after day and night after night to take a near cut, as parliamentarians do sometimes.

He said he would stay there and enforce the rules, which he did, as they were made by his party. He said to them, "If you want to amend the rules, if you want to make or unmake them, I will not entertain any dilatory motions, because a parliament ary body has the right at all times to make the rules necessary to carry into effect the will of the majority of the body.

It is gravely contended by great lawyers on this floor that this sovereign body can abdicate the powers confided to it by the Con-

sovereign body can abdicate the powers confided to it by the constitution in trust; that having executed the power at one time, it is done, and the body is stricken with paralysis.

My friend charges me with being guilty of revolution. I thank him for "teaching me that word." Who is guilty of revolution in this body when it has been sitting here for more than two months utterly imbecile; while indignation is sweeping over the whole land, and a great people, a people who have touched the highest point of civilization upon the face of the globe, sees this body, once the pride of the Republic, utterly imbecile, utterly unable to transact any business? As Mr. Jefferson once said about Congress—and I am reproved by my friend for quoting him—in his day, when the Congress was talking too much, they were "stricken with the rage of debate;" and we are now reproved, and rebuked, and denounced as revolutionists because, forsooth, we do not come here and make a brutal test of physical strength by sitting up all night with some Senator standing on the floor and reading papers for fifteen hours, and one other Senator standing in his place to demand a roll call every five minutes, when some of us who would like to sleep a little in order to recuperate our physical strength are tortured by being compelled to come here and stand up and take the punishment.

Two persons in this body, one to speak and the other to demand a roll call every five minutes, can compel the whole body to stay here until human nature is exhausted, and when we apal to the Constitution, the great sheet anchor of the liberties of the people, that business may be done in an orderly manner, we are denounced as revolutionists. We are impotent, and yet We are impotent, and yet a majority of the Senators of the United States are here ready to vote on any constitutional measure. I shall never join in censuring a minority for using the rules to obstruct a majority who, as Mr. Jefferson says, in the "wantonness of power," may have broken the barriers of the Constitution, and when they do so I shall, with all the parliamentary power that has been

given me by the rules, resist.

I did it in the Forty-third Congress. I declared the act which they were attempting to pass and which they did pass an unconstitutional one, and so did the party to which I belong, and the Supreme Court of the United States affirmed the decision which the Democrats made on that floor when the bill was passed and attempted to be executed, that it was unconstitutional and void

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Mr. President, I did not blame minorities, I do not blame minorities for exercising all the rights given to them by the They have the right to the rules as well as the majority, and if I believed as my friends do sitting across that aisle, that the law which the majority is seeking to enact was one hurtful to my constituents and you gave me the rules to defeat its passage by speeches and debate until I could invoke the public judgment of the country and the public verdict upon the question, I would avail myself of it. I am not blaming minorities; I am blaming majorities for sitting still upon this floor like children and permitting minorities to dictate and to paralyze the Government.

Our Government is to-day in paralysis. We can no appropriation bill; we can not pass a bill to reduce We can not pass an we can not emancipate our commerce; we can not give the poor people employment who are wandering the streets out of work and without bread, because we are told that the Senate, once having made rules, has abdicated its power; and this great branch of the Government, instituted and empowered to legislate for the people of the United States within the grants of the Constitution, is a dead body until the minority permit it to act; it is incapable of doing anything unless it does what the minority says shall be done

Yes, Mr. President, the issue has entirely changed. It is useless to discuss before this body or the country the wisdom or unwisdom of repealing the Sherman act. The great question in which the American people have the deepest interest to-day is, Shall the majority rule in the legislative branch of the Government; shall the public will be enacted in the legislative branch of the Government, or are we to stand at the demand of a minority on the floor and let them say, "You must agree to the terms that we prescribe: you may register our decrees?"

that we prescribe; you may register our decrees?"

I am asked tauntingly, will I go into a caucus and will I sign a paper that I will agree to abide by and carry into execution whatever the majority of that caucus shall write down. I say without any hesitation, no. I have not touched that point of self-abasement that I will come here and register the will of somebody from some other part of the land. Never, sir, as long as I have been connected with the other House or this body has it been demanded of any caucus of the party to which I have belonged that they should carry out the wishes and the views and the will of the minority in reference to legislation. A caucus is held to nominate candidates and those composing it abide by the result. A conference means that you will go into conference where you have differences, and if you can reconcile them well and good.

Mr. BUTLER. Will you do that? Mr. MILLS. Yes, sir; I said to my friend yesterday I would, and I will do it.

Mr. President, returning to the argument that the Senate is without power, the question is asked whether the rules are binding until they are amended. Certainly they are, just as a law is binding until it is repealed. Certainly it is binding; but have not the people who made a law the right to repeal the law in accordance with the terms of the Constitution? Is the legislative department of the Government paralyzed after having once made a law, as if the two prescribes that it can only be repealed or amended by the unanimous vote of the members of the Legisla-ture? Is it like the laws of the Medes and Persians to stand for-ever, notwithstanding the public will may have changed and notwithstanding it may have been demonstrated that it was vicious and hurtful in the extreme?

My friend from Virginia is a lawyer, and a great lawyer and an author, but I am afraid he has not studied this question. I am afraid he has not studied it to the bottom. Where does absolute sovereignty reside in this country? We were told to-day in this body, and told truly, that it resides in England in the British Parliament; but in this country it resides in the people. The people make a Constitution and in that Constitution they say how it shall be amended. In the very Constitution that brings us together here as Senators the manner is prescribed in which it shall be amended. But suppose they who builded the Constitution and made that declaration should meet in their primary capacities all over the country and send delegates to a national convention and make a new one, and ratify it by the power of the whole people of the country, will anybody say that is an illegal instrument? It is not just the way they pointed out, but it is still their constitution; it proceeds from the paramount power that creates a constitution, and therefore it is

legal and binding.

Suppose the rules made by this body or by the other had said they should be amended by only unanimous consent, that means that you never shall amend them, and one person standing alone throws himself across the whole pathway of legislation, stops if entirely, and paralyzes the Government, just as it is paralyzed

to-day. Here it is confessed that under the existing rules of this body it is impossible to legislate. It is confessed that a minority can prevent legislation, and we all know that it can prevent any legislation, I do not care what it is.

Here we are before the country a pitiable spectacle, the Senate of the United States, the arena where Webster once spoke and Clay thundered with that eloquence which shook a continent Clay thundered with this stody and butler and Douglas, and the great men who have gone before us; and this body for the first time in the century of its existence, a body that Henry Clay said was the noblest gun that ever thundered in defense of the Constitution, is paralyzed and dead. You can not even galvanize it into life with a galvanic battery unless you go back and touch the paramount power confided to this body by the Constitution and make a rule by which the majority can transact the business

devolving upon it.

I am now in favor of making that rule. It is no new doctring with me. As I said a while ago, fifteen or eighteen years ago, when this question was up in the House of Representatives, in a colloquy between Gen. Garfield, then a member of the House, and myself, he took the position my friend is now taking and I took the other position, and announced just exactly what I have stated the other position, and announced just exactly what I have stated here to-day. Afterwards, by party exigencies, he swapped his side and took my side. Mr. Carlisle read to the House the utterance of Gen. Garfield in reply to me when I contended then, as I am contending now (and I presume alone, for I do not know that any other Democrat did), that the power to make rules was in the body every moment of its existence, and that the body may, at any moment, repeal and disregard all its code of rules and make another code if it wants to do so.

After Mr. Blaine's decision had been made it was quoted by Mr. Keifer in making a rule in the same way in defiance of the rules of the House, by an appeal direct to the paramount power of the body, he quoted Mr. Blaine's words that my friend read a while ago, and he entertained the motion to make a rule to do business, and refused to entertain a dilatory motion, and made The large body of the Democratic members protested against his ruling on that ground. They brought the paper to me to sign and I refused to sign it. You will find thirty, forty, or fifty names on that paper, but you will not find mine. It is no new idea with me

The Constitution of the United States is supreme; and this body under the Constitution is supreme over the question of its rules every moment of its existence. It can not escape the con-States will hold it to account. They have not lost their sovereignty, and they will fail to appreciate the argument when it is made to them that because the Senate of the United States, a continuing body, having made a rule by which it has put it out of its power to do business, this Senate never can change it; it may live fifty years, one hundred years, five hundred years, it may live until it takes its place beside the grand Roman Senate in history, and to the last moment of its recorded existence it can not make a rule for the reason that it can not make it in the way which has been prescribed to amend its rules, because a minority will not let it do so.

The argument is that the Government is dead. The argument is that this country ceases to have legislative power. The argument is that there is no abuse that can any more be cured by legislation in this country. The argument is that majorities cease to rule and henceforth in this country there must be an oligarchy or a minority rule in the Government.

No. 1 do not call the gentlemen of the minority to account. The rules permit you to do this. You can go on and do it. The country is not going to call you to account o much, but the country will call to account the majority on this floor on both sides if they do not come together and make a rule by which the de-

crees of the American people shall be registered as their representatives here demand that it shall be done.

I am not going to be frightened by being called a revolutionist. Mr. President, suppose I was to agree to go into a caucus with my colleagues, and when I got in there I found a manual with my colleagues. jority of them declaring for a protective tariff. Do you suppose I am to abandon all the convictions of a lifetime and come in here and help to carry out the doctrine of a protective tarif! Suppose, contrary to the teachings of Jefferson and the great fathers, a majority of the party should declare in favor of national banks, am I to come into this body and lay down all the convictions of my lifetime and carry out the convictions of other people, misrepresent my own people, abandon my own convic tions and my own manhood, and get down on my stomach and lick the boots of somebody who holds opposing views?

I never abandoned my convictions to any party caucus; they have always been preserved. When we were on the tariff we had a large element in our party differing from the majority of

its members. Iremember that Mr. Randall specifically declared its members. I remember that Mr. Randall specifically declared he would not be bound at the start when we went into the caucus about any legislation whatever; that it was anti-Democratic and against the creed and practices of our party; and that has been accepted as the rule with us at all times. No; I will not go into any caucus and agree to submit my convictions to any body's alternatic but I will confer with anybody in this Chember 1. into any caucus and agree to submit my convictions to any body's judgment; but I will confer with anybody in this Chamber, and especially with our household of faith, if they do not get to be

especially with our nousehold of latter, it they do not get to be too unfaithful, and see if we can not agree on something by which this great nightmare may be dispelled from the country.

I was rebuked this morning by the Senator from Alabama [Mr. Morsan] because I had the effrontery to stand in my place and say that I was the proprietor of my own vote and would not vote for any amendment to the pending bill. I suppose I am not vote for any amendment to the pending only. Esuppose I am not to be permitted to enjoy that distinction in this body unless I ask the consent of the Senator from Alabama. I am the proprietor and owner of myown vote, and I shall vote it as I please. There was a time when I would have listened to compromises; there was a time when I wanted to compromise; there was a time when I wanted to compromise; there was a time when I wanted to compromise; when I talked compromise on this question; but, Mr. President, when Congress first convened and the guns were opened on a Democratic Administration and the chief of that Administra-Democratic Administration and the enter of that Administra-tion was charged with infidelity to his party, his Secretary of the Treasury arraigned, his Comptroller of the Currency ar-raigned, and the beginning of an anti-Administration party started on this floor, I cut down my bridges and burned my boats behind me on the subject of a compromise.

I am a Democrat and stand by the organized administration of

my arty, and the Democratic people all over the United States are going to do the same thing. A great many people have told what the people of the country are going to do, and there have been various prophecies. They do not intend to abandon that organization, nor do they intend to see the chief of that Administration shot down. They will stand by him when the buttle is en, and they will carry him through in triumph, too.

I do not intend to be deterred by taunts that I am serving

with the Senator from Ohio [Mr. SHERMAN]; that he is my chief. Politics makes strange bedfellows, Mr. President, and the present condition of the country throws me and a number of my brethren on this side in company with the distinguished Sena-ter from Ohio. But where does it throw the other gentlemen? Inder the leadership of the distinguished Senator from Kansas [Mr. PEFFER].

Mr. President, it is a question of taste very much about these ings. There is an unwritten law—no, it is written—de quetibus non est disputundum. Let everyone go wherever it suits him. The Senator from Ohio and those who are acting with him on his side of the Chamber are standing for the old Democratic doctrine of sound currency, gold, silver, and paper at par all over the country. I give him my hand in this contest. from Kansas is contending for overturning the whole system of finance, issuing paper money, and lifting the business of the country in the air on paper money, bidding adieu to the basis of gold and silver. He is for Government ownership of railroads, and telegraphs, and perhaps every other thing that it can find lying loose around about in the country.

If there is more affinity, if there is more of attackment and kinship for the doctrine of the Senator from Kansas, I say to my friends, go as you like. I shall stand with those who stand for a scund and stable currency, and nothing short of that. I will not knowingly vote for anything that banishes either of the metals out of the circulation of this country. I will not vote for any measure that banishes both metals out of circulation in this country and puts its finances on a paper standard.

My friend, the Senator from Colorado [Mr. Teller], a very generous, brave, and noble adversary, struck a little below the belt this morning when he referred to my speech in the State of Ohio and in the town where the distinguished Senator from Ohio resides, the only speech that I made in that State in which I discussed the question of silver or currency. All my other speeches there were upon the tariff. That is my only speech in Ohio that was printed, and of course it is the speech to which my friend. refers. He can not find a line in that speech nor a word in it that approves the Sherman act. I challenge my friend to pro-He will find a statement in it when I was discussing the benefits which the people were to receive from the free coinage of silver. I said that after all other demands had been satisfied there could not exceeding \$60,000,000 of silver of free coinage come to our mints; that under the provisions of the act of July 14, 1800, we were getting from \$50,000,000 to \$60,000,000 in Treasury notes, and that if the act were repealed and free coinage substituted there could not be a difference of more than \$8,000,000 or \$10,000,000. Isimply discussed the existing condition. I did not approve it, for it is well known all over the whole country that every Democrat in both Houses of Congress voted against

the act: and I was in the other House when it was passed. It is unnecessary for me to reiterate what I have said heretofore about silver

Mr. TELLER. Will the Senator from Texas yield to me for a moment? Mr. MILLS. Certainly.

Mr. TELLER. I certainly did not mean to misrepresent the Senator.

No, indeed.

Mr. TELLER. I had not looked at his speech. I did not know the exact language he used.

Mr. MILLS. I am perfectly satisfied of that.
Mr. TELLER. My impression was no said in substance "you have not free coinage, but you have practically the same thing. That is all I meant to say. I accept the Senator's explanation.

Mr. MILLS. That is correct. I did not want this matter to go out unanswered. I have taken the position that I am in favor of free coinage, as I said the other day, and unlimited coinage, provided, as laid down in the platform of the party, it meant bimetallism. At one time I did believe that it did mean bimetallism. I have so stated it, but I have reached the conclusion in my own brain (and I am not trying to impose my convictions on anybody else) that the time has come when that can not be done, and if it can not be done, then if you open your mints to the free coinage of silver you will take more of the silver of the world than you will get by limited coinage, and you would take so of the silver of the world as to disturb its distribution all over the face of the earth, and in a short time this would become a silver-standard country and out of harmony with the commer-

Then I showed the evil effects of that, which I do not intend to repeat. I asked the question the other day, and I am going to repeat it to-day, if all the mints of the world are thrown open to the free and unlimited coinage of silver, how much silver would be added to the silver circulation of the world? The dis-guished Senator from Nevada [Mr. Jones], the best posted man on that question perhaps in the United States, said in his speech a few days ago that there were not 25,000,000 ounces of silver in

the entire world.
Mr. KYLE. Available silver.

MILLS. What does the Senator mean by available sil-I am speaking of available silver. He meant, of course, Mr. MILLS. breastpins and trinkets and earrings and cane heads, and all that was unavailable.
Mr. KYLE. Unavailable silver, charms, idols, etc.

Mr. MILLS. Precisely. I have a walking stick; I do not know whether it is in the cloakroom or not. If I had it here I would show you the head of that stick, which cost three or four dollars, and I venture to say that there is not 50 cents worth of silver in it. Do you suppose when you open the mints to the free coinage of silver that I am going to saw off the head of that walking cane, that cost three or four dollars, and have it coined for 50 cents? The world is full of the manufactures of silver.

As I told you the other day, in four hundred years \$9,000,000,000 of silver have been produced, and only \$4,000,000,000 of it are in the coinage of the world to-day. Five thousand million dollars of it have gone into manufactures; and for three hundred years of that time every mint in Christendom has been open to its reception for free coinage. Why is it that all the immense amount of silver in India did not go into the mints when they had free coinage, and at a ratio of 15 to 1? The land is full of idols and ornaments, every conceivable kind of thing that will adapt itself to the wants and tastes of the people; and yet, in the whole history of that people, with their mints open and coinage at a higher ratio than ours, it has never been able to get any part of that silver coined. Where is it to come from? It is not to be found on the globe.

Then what are you going to gain by the free coinage of silver? If our friends are right over yonder, you may bring the silver dollar of 3711 grains, now worth 57 cents, up to 100 cents; and you give them 43 cents. I can understand that; but I silver dollar of 371t grains, now worth 57 cents, up to 100 cents, and you give them 43 cents. I can understand that; but I am not representing the mine owners; I am representing the men who mine sweat. You make your arguments in favor of the people, the whole people, the wage laborer, and the hired day laborer who are always swindled by anything except the very best dollar that may be given to them. I showed that, too, the other day, and I am not going to do it again.

I want to know how the people of the United States are to be

I want to know how the people of the United States are to be benefited unless you can increase the circulation of the world? If you do, the money gets cheaper as you increase the body of the circulation. Now, that is an established and admitted fact. I see my friend from Colorado bows to it. It is stated by political economists, it is stated by Mr. Calhoun, Mr. Clay, and all the greatmen we have had. That is the case, because it complies with the law of demand and supply. Double the quantity of cotton, with the demand remaining the same, and the price will fall one-half. Double the quantity of silver and gold, and if the demand for it will remain the same its price will fall to one-half, and everything else will go up double. That is an established fact.

Now, the people of the United States have believed that there is some vast amount of silver in the world that is going to come into our mints and raise prices; and they never think that it is going to raise the price of what they have got to buy as well as the price of what they have got to sell. They think of raising the price of what they have got to sell. They think of raising the price of what they have got to sell, and that is the only way they can be benefited. The debtors will be benefited, but the men who bought and sold to-day would buy by the higher prices and sell by the higher prices, and their property would be precisely on the same basis.

Then what benefit is all this? Unless it adds materially to the circulation of the world it means nothing, absolutely nothing. Why not then stand up before our people and look them in the face and tell them just exactly what this means; tell them that the mine-owner who has the bullion to sell is benefited? Of course he is. We have \$500,000,000 or \$600,000,000 of silver. I want to know how it has benefited things in Texas and around about generally.

In 1878, before there was a dollar of it coined except what was coined to redeem the fractional paper currency in circulation, we heard the rumblings of this complaint all over the country; and since that time we have got about \$1,200,000,000 of gold and silver in the country and we hear precisely the same complaint. The money is not in circulation; that is what is the matter. It is in the country, but it is not incirculation. It might have been put in circulation if the Democratic party had had control of this Government in both branches in 1890 and a Democratic President, if our friends who are now clamoring for free coinage and stopping the wheels of legislation on this floor had aided us the passage of a bill to emancipate our commerce and permit our products to go to foreign lands to be sold, to increase the demand and thus increase the prices, on the same principle that free coinage will increase the demand for silver and increase its price.

Free coinage will furnish another demand for silver, but it will take a free market to furnish another demand for cotton, corn, wheat, oats, and the things our farmers are selling. That is the only way we can make an addition to our circulation in its distribution, and that is the only way that we can relieve the distresses of the country so far as they are real.

Mr. President, I return for a moment to the point where I began. I say again that I do not reproach the minority, and I am not lecturing anybody because I speak freely. I speak my sentiments, I speak them courteously, but I speak them earnestly, because I feel earnestly. I have the highest respect for every member in this body and the strongest personal attachment for many from whom I differ.

But, Mr. President, I do not blame the minority for what they have done. The rule permits it. Mr. Jefferson in, laying down the Manual made by him when he was Vice-President as you are, and when he had to preside over this body as you are presiding over it, and when he had to have some rules, went back, contrary to the ideas of the Senator from Alabama, who thought that nothing could be learned from the English Parliament and that our rules of procedure had no analogy whatever to the rules of procedure of the English Parliament; and that great legislator and statesman and sage says that he obtained the body of his rules from the English Parliament.

But to what system of rules is he to recur as supplementary to those of the Senate?

He, the Presiding Officer himself-

To this there can be but one answer. To the system of regulat, and adopted for the government of some one of the parliamentary bodies within these States, or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many and open to all. Its rules are probably as wisely constructed for governing the debates of a deliberative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate, hitherto, under the references to them has given them the sanction of their approbation.

He starts out by quoting a declaration of one of the most distinguished of the Speakers of the House of Commons:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a

check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power."

What does Mr. Jefferson say?

So far the maxim is certainly true, and is founded in good sense, that an it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House.

He says that the rules are intended to protect minorities, and I have contended that over and over again. A minority havea right to take their position within the rules. I close where I started. The responsibility is placed on the majority of the members of this body to make rules and legislate, and if they do not do it an intelligent and an indignant public opinion will hold that majority to account.

that majority to account.

Mr. DOLPH. Mr. President, I do not desire to discuss the question before the Senate nor to discuss the general question of the necessity for an amendment of the rules. If I were to undertake it, I could add nothing to the very able speech which has just been delivered by the Senator from Texas [Mr. Mills]. But I do not propose to remain silent when my conduct in this body is criticised or my motives are questioned.

Yesterday when I made a motion to correct the minutes I stated in a very few sentences why I believed the motion was in order and my reasons for offering it. I believed and I still believe it was within the power and that it was the duty of the Senate to order the minutes corrected in accordance with my motion. A large majority in the Senate, either supposing that the motion was not in order, disagreeing with me in that respect, or desiring to cut off discussion, or acting upon the statement of the Senator from Nebraska [Mr. Allen] that he was not here at the time his name was called (which however did not alter the case, as he was confessedly here before the roll call was ended), laid my motion on the table.

I also subsequently in a very few words stated that I believe it to be the duty of the majority to have an amendment to the rules reported to the Senate, and after it has been discussed for a resonable time it is the duty of the Presiding Officer to refuse to recognize Senators and put it to a vote, and if it is adopted by a majority to have it enforced. I shall not discuss those propositions. The Senator from Virginia [Mr. Daniel] said that I had delivered in the Senate three speeches upon the silver question. That is true; but the time occupied in the delivery of all three I do not think would equal the time occupied by the Senator from Virginia in delivering his single speech. Certainly if it had not been for continuous interruptions by Senators the time of the delivery of all three would not nearly have equaled the time consumed by him.

But I wish now to say that however I may differ from my associates in this Chamber who are in favor of the repeal of the purchasing clause of the Sherman act, I made up my mind long since that I would not, as I have done on some former occasions, sit silent in the Senate and allow those in the minority to discuss a question from day to day and have their speeches go out to the country when I believe that something should be said to go to the country also and to my constituents; and if some Senator with more ability and more experience than myself did not do it I would do it for myself. It is quite possible that before this discussion is ended I shall feel it incumbent on me to call the attention of the Senate to some other propositions connected with this measure, and I shall not ask the consent of the Senator from Virginia to do it, or the consent of a minority of the body.

The motion I made yesterday was not made for delay. It was in order; it was pertinent; it was legitimate; and certainly it was timely, considering the fact that the night before we had spent hours here rotating between a call of the Senate and a vote which disclosed the want of a quorum on the motion of the chairman of the Finance Committee to suspend the order to the Sergeant-at-Arms to bring Senators into the Chamber. Considering the fact that such scenes have been enacted time after time in this bedra Leav navestion was timely, and it was pertinent.

at Arms to bring Senators into the Chamber. Considering the fact that such scenes have been enacted time after time in this body, I say my motion was timely, and it was pertinent.

Mr. President, it was not only that, but it has not been wholly fruitless. It has caused a discussion in the Senate during the last two days which for instruction and ability has so far surpassed anything that has transpired in the Senate in the last six weeks as to be beyond comparison. Nor has it delayed the vote upon the pending measure. Senators who have discussed this question have gone into the merits of the silver question; they have discussed the pending measure, and they have delivered speeches which it is evident they would have delivered sooner or later in the discussion.

So far from delaying the final vote upon the pending measure, in my judgment it has brought to the attention of the country the fact that the Senate is now drifting helplessly down the stream of talk without a rudder and without ability to bring the measure to a vote, and it has called the attention of the country and of the political majority in this body to the duty of the majority here to agree upon the measure or to formulate a measure and bring it before the Senate. In my judgment it has hastened the time when we may vote upon the pending question.

Mr. President, I do not agree with some Senators who stand with me for the passage of the measure before the Senate that every moment that is occupied with something else postpones the day when a vote can be had. I have not thought from the beginning that under our rules and the construction placed upon them it is possible to get a vote. The Senator, whose speech has been interrupted by these proceeding, has books upon his desk now, which, if he should read to the Senate, would take until New Year's Day; and if he should undertake to read them through—as it has been announced by the Presiding Officer within two or three days past that there is no rule by which the readin two or three days past that there is no rule by which the reading of them could be declared not germane to the question at issue—after those volumes were exhausted he could send a page to the Congressional Library and bring books here the reading of which would occupy a period which would be greater than the aggregate life of every Senator in this body.

Mr. President, it is utterly idle, it is farcical, in my judgment, to suppose that we can reach a vote on this question simply by

long continuous sessions of the Senate, either during the night

or during the hours of the day.
I resent the imputation that I have offered a dilatory motion or that I have sought to postpone the day when we can vote upon the pending measure. I simply do not agree with the Senators who suppose that by holding night sessions and holding the Senate in session at unusual hours we are going to bring about a vote any earlier.

As I said, I do not desire to discuss the question before the Senate. I simply desired to refute the imputation which was made by the Senator from Virginia that I have offered a dilatory motion or that I had unnecessarily consumed the time of the

Senate.

Mr. DANIEL. Let me correct the Senator there. I did not say the Senator had offered a dilatory motion, but a motion which in itseffect was obliged to be dilatory. The motion is not the control of the senator had been approximately account. one prescribed in parliamentary language, but the question which the Senator presented is one of the most serious possible, relating to the dignity of the Senate and to the question of the amendment of the rules.

I beg leave to say, while I am upon my feet, for I do not wish to protract the debate, that as high authority as Mr. Blaine is now before me, and which I could quote, to the effect that such a proposal to amend is entirely ineffective. It would have led

a proposal to amend is entirely ineffective. It would have led to a debate as long as the silver question itself.

What I wish to call attention to is the fact that the gentlemen who are repealers make frequent and long speeches with great pleasure, but only manifest their impatience when others speak, and furthermore, while they insist that the Senate can do nothing, they themselves—not the Senator from Oregon—bring about that condition by requiring their opponents to stay here to make a quorum and by imagining that they can better serve their country in bringing about a vote by staying in bed.

Mr. DOLPH. On the motion made by me debate could have been cut off at any moment by a motion to lay on the table. So it was in the power of the Senate at any time to bring that before the Senate. Besides that, four-fifths of the Senator's speech was upon the pending bill, the silver question, and that has been the case with the great majority of speeches that have been spoken here on the motion to amend the Journal. We have been discussing the pending bill more than the question upon the motion before the Senate.

Mr. DANIEL. So with the speeches of the Senator from Oregon and the Senator from New York and the Senator from Texas. All of the repealers seem to be fond of talking about that bill, no matter what may be the subject under discussion, and they are never impatient except when some one on the other side

ventures to speak.

Mr. DOLPH. The Senator is wrong as to the character of my speech. I simply presented my views upon the question in a

Mr. VOORHEES. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m., Wednesday, October 18) the Senate took a recess until to-morrow, Thursday, October 19, 1893, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, October 18, 1893.

The House met at 12 o'clock m. Prayer by the Rev. ISAAO W. CANTER.

The Journal of yesterday's proceedings was read and approved.

CORRECTION OF BILL.

Mr. COX. Mr. Speaker, in the bill (H. R. 2344) for the better control and to protect the safety of the national banks, that was passed yesterday, there is a misprint, and the wrong word is used. In line 14, page 3, of the bill, this language is used: "Which are part due and remain unpaid." It should be "past due" and unpaid. I ask unanimous consent that this correction may be made.

The SPEAKER.. Without objection, this correction will be made, so that the bill may be properly enrolled.

There was no objection and it was so ordered.

R. P. CHAMBERS.

The SPEAKER laid before the House a communication from the Court of Claims, transmitting a copy of the findings in the case of R. P. Chambers, deceased, against the United States; which was referred to the Committee on War Claims, and or-

CASES DISMISSED FROM COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a list of cases under act of March 3, 1883, dismissed for want of further jurisdiction on the preliminary inquiry of loyalty; which was referred to the Committee on War Claims, and ordered to be printed.

The SPEAKER. The Clerk will call the committees for re-

DIVISION OF EASTERN DISTRICT OF MICHIGAN.

Mr. LANE, from the Committee on the Judiciary, reported back favorably the bill (H. R. 3713) to provide for the division of the eastern district of Michigan into the northern and southern divisions, and for holding the circuit and district courts of the United States therein, and for other purposes; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

EXTENSION OF NORTH CAPITOL STREET.

Mr. RICHARDSON of Tennessee, from the Committee on the District of Columbia, reported back favorably with an amendment the bill (H. R. 146) to extend North Capitol street to the Soldiers' Home: which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report and ordered to be printed. ing report, ordered to be printed.

The SPEAKER. This completes the call of committees for

reports. The morning hour begins at ten minutes past 120 clock, and the Committee on the Judiciary have a bill before the House, the title of which the Clerk will report.

CLERKS AND MARSHALS' FEES, ETC.

The Clerk read as follows:

A bill (H. R. 3963) to amend sections 828, 833, 847, and 1014 of the Revised Statutes of the United States, relating to clerks' fees, semiannual return of fees by district attorneys, marshals, and clerks, commissioners' fees, and to offenders against the United States.

The SPEAKER. The gentleman from Pennsylvania is entitled

to the floor.

Mr. WOLVERTON. Mr. Speaker, this bill is a consolidation of House bills 341, 342, 343, and 344. These bills are the same as House bills 9610, 9611, 9612, and 9613, in the Fifty-second Congress. They were reported to the House in that Congress by the Judiciary Committee under a resolution passed February I, 1892, requiring the committee to investigate into certain alleged abuses of judicial process and irregularities in the conduct of court of floors. court officers. The resolution authorized the committee to report by bill or otherwise.

The four bills amending sections 828, 833, 847, and 1014 of the Revised Statutes, were reported by the committee and passed the Fifty-second Congress without objection. but failed, for want of time, in the Senate. Section 828 of the Revised Statutes of the United States relates to the fees of clerks of the circuit and district courts.

There is no provision in this section as it now stands for naturalization fees. The result is, clerks of the United States circuit and district courts, in many places, notably so in Massachusetts, have refused to return as part of the emoluments of their offices fees received for the naturalization of aliens.

In Boston as many as 4,000 aliens have been naturalized in one year (the year 1888) and in succeeding years between Presidential elections in no year was there less than 1,000. For the years 1888 to 1891, inclusive, there were 8,280 aliens naturalized in the circuit court of Massachusetts. None of the fees charged by the clerks were returned as emoluments. This refusal was put upon the ground that no fees for naturalization had been fixed by any act of Congress, and therefore clerks had the right to retain them.

The first section of this bill amends section 828 by adding fixed fees for naturalizing aliens, a fee for first and final papers. This amendment was recommended by the Attorney-General and the officers of the First Comptroller of the Treasury.

The second section of this bill proposes to amend section 833

of the Revised Statutes, which relates to the emolument returns of the clerks of the United States courts. The only amendment proposed requires these officers to include specifically in their returns fees received for naturalization of aliens fixed by the first section of the bill.

This section of the Revised Statutes, as it now stands, would appear to be sufficient to cover all fees of every kind received by the officer by virtue of his appointment. It requires the clerk the officer by virtue of his appointment. It requires the eierk to make semiannually "a written return for the half year ending on said days, respectively, of all fees and emoluments of his office of every name and character." This language would seem to be comprehensive enough to cover fees charged and received for the naturalization of aliens, yet they are not included or re-turned by many circuit or district court clerks, and the Government has lost a large amount of money by reason of this failure or refusal to include them.

The third section of this bill proposes to amend section 847 of the Revised Statutes. That section relates to clerks' fees. As it now stands, it allows "for hearing and deciding on criminal charges \$5 a day for the time necessarily employed." The change proposed to be made in this section is to allow \$5 per day for all services in any criminal case, and where no arrest has been made to limit the fees to \$2. Instead of the above provisions in the section as it now stands, allowing of numerous continu-ances and charges for each day's hearing, the following changes are proposed to be made in relation to these hearings in crimi-

For issning a warrant, docketing the same, and all proceedings on a criminal charge where no arrest is made, \$2.

For hearing and deciding on criminal charges, including docketing of same, recognizances of defendant, sureties of witnesses, return to court, and all proceedings thereon, \$5 and no more.

One of the abuses complained of by the First Comptroller and the Attorney-General was that in many parts of the country com-missioners, for the purpose of making fees against the Government, were in the habit of holding preliminary hearings and by some arrangement, or for some reason, adjourning these hearings from day to day, requiring the attendance of the witnesses and parties, and charging up to the Government fees under the old fee bill at \$5 a day for the commissioner and mileage and witness fees for the witnesses, making large fees against the Government unnecessarily.

The resolution calling upon the Judiciary Committee to make this examination and report required the committee to investi-gate all complaints of the abuses of judicial power or authority by any officers of the judicial department of the United States, to which attention might be specially called by the Attorney-General of the United States or the accounting officers of the Treasury Department, or which might come to their knowledge from other reliable sources. The Attorney-General especially directed the committee's attention to the abuses complained under this section in and connected with the circuit and district courts of Mussachusetts at Boston.

A great deal of testimony was taken and the committee found that a great many cases were continually being instituted before a United States commissioner at Boston where the party was simply arrested and discharged, and many cases where no arrest at all was made, and yet the commissioner's fees under this section were figured up and returned against the Government and allowed in each case \$4.15 for the commissioner. The difficulty between the accounting department of the Treasury and the commissioners is as to the construction of the act, the commissioner claiming that construction always which gives him the

largest amount of fees.
Mr. WOLVERTON. Mr. Speaker, the object to be accomplished by this bill, in four sections, is a reduction of the fees of olerks of circuit and district courts of the United States and the commissioners of those courts, and to secure a faithful return of the emoluments of their offices, including fees which they now receive and refuse to report as a part of the emoluments of their

The first section of the bill fixes what the section, 833 did not

fix, the fees for naturalization of aliens. The second section provides for the return of those fees as a part of the emoluments of the offices. The third section of the bill proposes to amend sec the offices. The third section of the bill proposes to amend section 847 of the Revised Statutes, which regulates the fees of commissioners of United States courts. Section 833 was passed in was perhaps sufficient; but commissioners of United States courts have learned a great deal in the way of fee-making during the last few years, and to-day there is no officer in the United States who can abuse his office so much as the commissioner of the United States court.

This is especially the case when he is at the same time super-This is especially the case when he is at the same time supervisor of elections. I would be one who would be pleased to vote for the abolition of those officers and for dispensing with United States court commissioners entirely if it could possibly be done. Under the resolution requiring the Committee on the Judiciary to examine into and report upon certain alleged irregularities in connection with the administration of the laws of the United States courts, we were required to direct our attention specifically to such places in the United States as the Attorney-General might require of us. He requested the committee especially to examine into the courts and into the practice of the United States commissioners of Boston. The Subcommittee on the Judiciary in the Fifty-second Congress devoted its attention principally in Boston and to the commissioners for the State of Massachusetts. I do not pretend to say that the evils we found prevailing there did not prevail to as large extent at other places.

Mr. DINGLEY. Will the gentleman pardon me? I desire to inquire if any fees are increased by this bill?

Mr. WOLVERTON. No fees are increased; but they are re-

Mr. WOLVERTON. No lees are increased, duced, I will say to the gentleman from Maine. It is very difficult to remedy the evil of fee-making against the Government by legislation. The remedy rests largely in the courts who control the appointment of commissioners and the

power to control its appointees and officers by rules of court regulating the practice and proceedings before them.

An earnest cooperation of the judges and district attorney would in most cases be far more effectual than any legislation on the subject.

The approval of bills made out by the officers of the court of the United States circuit and district courts is now pro forma and under decisions of the courts this approval is prima facie evidence of the officer's right to recover his claim by suit against the Government.

The Comptroller's department and the Department of Justice cut down these bills which come to them with the proforma approval of the courts about one-half, as will be seen by the evidence. Suits are then brought to recover the disallowed items in the courts that formerly approved the accounts. The result is, judgments are recovered by the claimants against the Govern-

ment for large amounts.

The courts having approved the accounts as a matter of form decline to change their former action. In this way the action of the Comptroller and the Attorney-General has little effect to ultimately prevent the fee-maker from recovering any bill he may choose to render. These suits are brought by the officers and appointees of the court, which gives the plaintiff an advantage in his litigation.

Legislation seems necessary to prevent this practice.

The testimony showed that for many years great abuses have prevailed in the administration of the office of United States com-

missioner in different parts of the country.

It shows that combinations can be made between professional It shows that combinations can be made between professional informers and officers serving process, by which large fees can be worked up against the Government and citizens subjected to great and unnecessary hardships, and in many cases made the victims of great abuses under the guise of so-called legal process. The testimony shows that there is no office that can be more abused than that of United States commissioner, and particularly when the commissioner is at the same time supervisor of

election

It could not happen that a warrant of process of a marshal or deputy could be served by a postal card with the words "fail not," and the marshal receive his fees without collusion between the commissioner and marshal. In docketing the papers it would seem impossible that the commissioner should fail to notice the

character of the service.

Mr. Hallett held the position of United States commissioner, that of supervisor of elections, and is also one of the masters in

chancery, appointed by the court in many cases.

During the years 1884, 1886, 1888, and 1890 Mr. Hallett, as supervisor of elections, instituted 256 suits before Mr. Hallett, as United States commissioner, for violation of the registration laws. Of these, 79 were sent up, 74 discharged, and in 103 cases no arrests made.

In cases where no arrests were made his fees as commissioner were \$4.15 in each case, and in the others the costs were much larger. These cases, according to Mr. Nightingale's testimony, cover those where he found in investigating the accounts of the marshal service of the process was made by postal cards and fees charged, as if an actual arrest had been made and the prisery brought before the magistrate.

oner brought before the magistrate.

The testimony of Mr. Hallett and his docket show that the office of supervisor of elections and of United States commissioner are incompatible offices and should not be held by the

came person. It would not be deemed proper in any country or under any code of laws that the prosecuting officer and the judge should be one and the same person.

These combined offices were quite lucrative. In question, the commissioner stated to the committee: In answer to a

I carry on my household expenses, and act and feel as if I had an income of \$4,000 or \$5,000 per year.

The remedy suggested by every witness connected with the Comptroller's office and the Department of Just 1 for the correction of the difficulties attending the adjustment of bills rendered by United States commissioners is the thorough revision of the fee bill relating to this office.

These fees are now regulated by the act of the 26th of February, 1853, section 847 of the Revised Statutes. There is too much left to construction in the existing fee bill.

The fact that there could occur the wide difference between the Comptroller's Office and Mr. Hallett in relation to the bills rendered by him shows the necessity of this action by Congress.

Some limit should be fixed for the amount of fees in any case and for certain services in each case. For instance, for the drawing of the complaint, issuing of the warrant, and docketing the case, including all services, a certain amount. The hearing, taking bail for appearance at court, including swearing the witnesses, the necessary recognizances for parties, suitors, and witnesses, and entering the same on the docket, a certain sum, to include the return and all services.

Such a bill should be carefully prepared by the Department of Justice or the Comptroller's department. Their experience in making adjustments of accounts between these Departments and the commissioners would enable them to draw a fee bill which would be a definite and certain remedy for the evils complained

The Comptroller's department and Department of Justice were requested to prepare a bill covering all these abuses and placing such restrictions and limitations upon fee-making, so that the abuse would be less likely to occur.

We have especially tried to limit the fees of the United States commissioners in the amendment we propose to section 847 of the Revised Statutes. That section as it stands leaves a good deal open to the construction of the officers, and the United States commissioner invariably puts such a construction upon the fee bill as will give him the greatest amount of fees. The portion of the fee bill which has given rise to greatest contro-versy between these officers and the Comptroller's Office and the Attorney-General's Office than any other is that portion which provides for fees for preliminary hearings before United States commissioners.

The language of the old act is:

For hearing and deciding on criminal charges, 85 a day for the time neces-

The committee propose to change that so as to read:

For hearing and deciding on criminal charges, including decketing of same recognizances of defendants, sureties and witnesses, and return to court, and all proceedings thereon, 45 and no more.

The object of putting in this limitation is to cure certain evils which we have found to exist. For instance, notably in Boston, In the case of one commissioner, we found that he was in the habit of fixing a day for a preliminary hearing and then, either because of some engagement of his own, some arrangement between him and the deputy marshal, or some combination between ween him and the deputy marshal, or some combination between him and other parties for fee-making, the case would be adjourned to another day, and, as he was entitled under section 847 to \$5 a day for each day necessarily employed in these preliminary hearings, he would make a charge of \$5 a day for each continuance, and so he would continue the hearing from day to day until he ran up a large bill against the Government, and put it to the expense of witnesses at each one of these preliminary hearings, and of the recognizances binding over the defendant and the witnesses, making separate recognizances for fendant and the witnesses, making separate recognizances for The result was that the fees of the commissioner in each of 356 cases averaged over \$16, when the Comptroller of the Treasury and the Attorney-General thought that \$5 in each case would have been pay enough for the services rendered.

Mr. TURNER. What is the language recommended by the

Mr. WOLVERTON. The committee recommend this: For Mr. WOLVERTON. The committee recommend this: For hearing and deciding on criminal charges, including docketing the same, recognizances of defendant, sureties and witnesses, and return to court, and all proceedings thereon, \$5 and no more."

Mr. TURNER. I understood it to say "\$5a day." I entirely approve of the proposed change.

Mr. WOLVERTON. Another amendment that we propose in this receiver in the contraction of the proposed.

in this section is to cover cases where warrants may be issued and no arrests made, as in cases I have mentioned where the fee is limited to \$2.

Mr. O'NEIL of Massachusetts. If the gentleman will permit me to interrupt him, I am entirely with him in this reform, but I recollect that the commissioner in Boston, to whom he refers, claimed, although it was not allowed by the Attorney-General's Office, that he had a right to collect \$5 a day on each case; and while that was not allowed, yet I know that he piled up for his heirs, or whoever should come after him, a lot of claims against the Government based upon that method of charging. If he had a dozen cases before him he wanted to charge \$5 a day

in each case.

Mr. WOLVERTON. Yes; he claimed that he had a right to do that under the fee bill, and it is to prevent that, and to allow him but \$5 for all services at a preliminary hearing in any case

that this change is proposed.

Mr. O'NEIL of Massachusetts. But suppose he has a dozen cases before him? You provide in your amendment for \$5 in each case, but your intention ought to be, I think, to make the charge not more than \$5 a day. Mr. WOLVERTON.

not more than \$5 a day.

Mr. WOLVERTON. For any one case.

Mr. TURNER. Suppose he should have three or four cases a day, would you allow him the \$5 in each case?

Mr. WOLVERTON. Yes, sir.

Mr. TURNER. Would not that be liable to abuse?

Mr. WOLVERTON. That would be liable to abuse, but not so much so as if he had five times \$5 in each case.

Mr. O'NEIL of Massachusetts. I think it would be well for the amendment to cover both cases.

Mr. WOLVERTON. I think that if the amendment proposed by the committee becomes the law, it will reduce the fees of commissioners 50 per cent throughout the United States.

Mr. O'NEIL of Massachusetts. I am very much opposed to the fee system, and would like to see salaries provided for district attorneys, marshals, and commissioners, if that could be done. Now, can the gentleman tell how much it would increase the cost to the Government to provide salaries instead of fees?

Mr. WOLVERTON. That question was gone into before the

Mr. WOLVERTON. That question was gone into before the Attorney-General, who was represented at some of the hearings, and whose assistance we had and also that of clerks from the Comptroller's Office. But the question was a very large one for this committee to take up and dispose of, and should be very carefully considered. I think it would be well for Congress to have the Attorney-General or the accounting department of the Treasury draw a bill which would cover this question and provide for paying these efficers by salaries rather than fees, but the question is too large a one to be dealt with by this committee in the time devoted to the question.

Mr. DINGLEY. In connection with what the gentleman from Massachusetts [Mr. O'NEIL] has said, it seems to me to be one of the most desirable pieces of legislation that Congress could take hold of to provide distinct and certain salaries for these officers in-

stead of fees. There are a great many abuses under the present system. While I think the bill reported by the committee is a valuable one, yet we shall not cure the evil thoroughly until we fix distinct salaries for these officers.

Mr. WOLVERTON. I agree with the gentleman from Maine [Mr. DINGLEY] fully, and there is now a bill pending before the Committee on the Judiciary with that end in view; but it is a subject that will have to be gone into very carefully, and a great deal of consultation will have to be had with officials of the Covernment to see that these salaries are not put to low in Government to see that these salaries are not put too low in

some cases and too high in others.
Mr. LOCKWOOD. Will the ge Will the gentleman pardon me if I make

Mr. LOCKWOOD. Will the gentleman pardon me if I make a suggestion right there?
Mr. WOLVERTON. Certainly.
Mr. LOCKWOOD. I agree with the gentleman, but there are cases that come before United States commissioners where \$5 is absolutely no compensation at all, if you limit it to that amount in one case. I know of cases where the commissioner has been in one case. I know of cases where the commissioner has been engaged in the taking of evidence in a preliminary examination for the purpose of determining whether the matter should be brought to the attention of the grand jury, where the examina-tion was continued daily for more than two weeks.

Mr. EVERETT. In good faith?

Mr. LOCKWOOD. In good faith. Now, the committee must see, and everyone must see, that to a commissioner who was competent to investigate a case of that kind \$5 would be absolutely no compensation at all. I would suggest to the gentleman, if it is possible, to put in a clause by which the Department of Justice might have a december to ment of Justice might have a discretion, in cases of importance that were brought before commissioners, where the examination was necessarily continued, as appeared by the evidence which was taken before the commissioner, so that additional allowances might be made to the commissioners in such a case.

Mr. OATES. If the gentleman from Pennsylvania [Mr. Wol-Mr. OATES. If the gentleman from Pennsylvania Mr. WOL-VERTON] will allow me, I will say in reply to that that the com-missioner will have a great many cases which he can dispose of in thirty minutes or an hour, and he would get his allowance of \$5; and the general average would come up all right. If you allowed him further compensation on the order of the district

attorney, that also might become a subject of abuse.

Mr. LOCKWOOD. I am well aware of that fact; but I am well aware also of another fact, that, as an ordinary rule, the commissioners do not receive a compensation from the Government, under the law as it is now, of more than two or three hundred dollars per year, and the compensation has been so ridicu-lously small that it has been very difficult to get a lawyer who was really competent to perform the duties to accept the position

I agree with the gentleman from Maine [Mr. DINGLEY] that there should be a salary attached to these positions, and that the number of commissioners should be very largely reduced; but it seems to me it would be very unjust in these cases where there is necessarily required on the part of the Government an examination extending over a number of days, without which examination it would be impossible to present the case to a grand jury in order to perfect an indictment—in such cases it would be very unjust to limit the commissioner to so small a compensa-

Mr. WOLVERTON. There is no doubt that there may be exceptional cases, but our examination shows that in the 2,600 cases that were before one commissioner in Massachusetts-who seemed to do all the commissioners' business for some reason, by some arrangement between the marshals and deputy-marshals and himself, although there were eighteen commissioners in that State—there were only two or three cases of the kind mentioned by the gentleman from New York [Mr. Lockwoop] which would require more than a day's services on the part of the commissioner.

Mr. LOCKWOOD. Take the case there in Boston, of the Maverick Bank. If that case was properly investigated before a United States commissioner, he certainly could not do it in one day; and no United States attorney would attempt to present that case to a grand jury for indictment without a preliminary examination of some character. In the ordinary cases of bank failures he would not attempt to present the matter to a grand jury without such an examination before the commissioner, so as to avoid any technical errors that might be developed in the prosecution of the case.

Mr. WOLVERTON. With regard to the commissioner in Boston, of whom I am speaking, he had from January, 1884, to January, 1892, a total of 2,532 cases, or an average of 3161 per year. The average fee charged for each case was \$16.51 and the average amount allowed by the Comptroller was \$3.63. He had charged twice as much, under his construction of the fee bill, as the Attorney-General and the Comptroller's department of the Treasury were willing to allow him, and they claim they allowed everything he was entitled to under a proper construction of the fee bill. And it is due to the Attorney-Generals of the United States, for the last eight or ten years at least, and to every officer of the Comptroller's department of the Treasury, to say that they have done all in their power to correct the abuses that exist all over the United States under this section.

Mr. LOCKWOOD. Do you not think they have succeeded

pretty well? Mr. WOLVERTON. They have not succeeded to their satisfaction by any means, because it was at their instance that this resolution was offered, and this bill received the approval of the Comptroller of the Treasury and the Attorney-General, as going far to correct the abuses that exist under the present act.

Mr. EVERETT. The gentleman's statement relative to the Attorney-General's Office refers to previous cases.

Mr. WOLVERTON. Yes; the Attorney-Generals have been trying for several years to correct this abuse. It is due to the House to say that some of the United States courts have made rules to some extent looking to the correction of this abuse.

But how did this commissioner in Massachusetts transact his business under this section? Let me show you. Alluding to the number of these arrests, we find that of these cases 207 were for violations of the internal-revenue laws. One hundred and eighty-

six of these were compromised before him. Two hundred and fifty-six cases were for illegal registration.

fifty-six cases were for lingua registration.

Of these 256, 79 were sent to court, 74 were discharged by him, and in 103 no arrests were mide at all. They were simply for political purposes preceding elections. This commissioner held the incompatible offices of chief supervisor of elections for the State of Massachusetts, with several assistants, and also the office of United States commissioner.

Mr. MERCER. What was his name?

Mr. WOLVERTON. His name was Hallett; but perhaps I should not mention his name, because I am informed that he is dead. I only use it here to show the manner in which he, perhaps not more than others, was led to construe this provision of the bill differently from what the United States attorneys construed it, and to show how it can be abused by an improper construction of it, and what opportunities are allowed to the fee maker if a commissioner chooses to embrace the opportunities offered him.

Now, Hallet, the chief supervisor of elections, would go across the room to Hallett, the United States commissioner, and inform Hallett, the United States commissioner, that John Jones, somewhere in Massachusetts, had illegally registered. been a banker having a summer residence there, or in other parts of the State, as in one instance a professor of a college who happened to live somewhere else during the summer months. Hallett, the commissioner, would take into consideration the information brought before him by Hallett, the chief supervisor of elections, and determine whether Hallett, the commissioner, had made out a prima facie case for the court, and to determine whether Hallett, the supervisor of elections, had presented such whether Hallett, the supervisor of elections, had presented such information as would justify Hallett, the commissioner, to issue the warrant. Hallett, the supervisor of elections, satisfied Hallett, the commissioner, that warrants ought to be issued in 79 of these cases, but when the hearing came before Hallett, the United States commissioner, Hallett, the supervisor of elections, failed to convince Hallett, the commissioner, that the men ought to be arrested, and therefore he did not issue his warrants in this number of cases. But it is the supervisor of the supervisor of elections, failed to convince Hallett, the commissioner, that the men ought to be arrested, and therefore he did not issue his warrants in this number of cases. But in every case Mr. Hallett, the United States commissioner, sent up to the Comptroller's Department at Washington a bill of \$4.15 for fees against the Government of

Never issued a warrant at all, as I said, in these cases; simply walked from one side of the room, we are to presume, as supervisor of elections to consult himself as commissioner, a veritable Pooh-Bah, and in each case presented his bill for \$4.15 against

the Government.
Mr. EVERETT. A consultation fee.
Mr. MERCER. And all of this under the good old Common-

wealth of Massachusetts.

Mr. WOLVERTON. Yes; in the good old Commonwealth of Massachusetts, where it is to be presumed that the laws are honestly enforced, if they are enforced anywhere in the United

Mr. CULBERSON. Where it is alleged that they were honestly enforced?

Mr. WOLVERTON. Yes.

Now, in one hundred and three of these cases, as I have said, no arrest was made at all. Informations were made by Mr. Hullett, the supervisor of elections, before Mr. Hallett, the United States commissioner, but on further consideration of the information so produced the warrants of arrest were not issued.

Nevertheless the \$4.15 in each case was charged up against the Government. A large part of the claim was disallowed and suit was brought before the courts in Boston, which decided that he was entitled to recover from the Government this amount.

In seventy-four cases Mr. Hallett, the commissioner, did not believe Mr. Hallett, the supervisor of elections, had sufficient evidence, and so he discharged the parties. This illustrates the abuses which prevailed in Massachusetts, and is likely one of many under existing laws. The fees claimed by Mr. Hallett for services in these cases amounts to \$41,801.38. The Government allowed him \$21,864.73 and disallowed \$19,936.65, for which he has sued the Government and recovered independ for a part of as sued the Government and recovered judgment for a part of the disallowed claim at least; because, under the ruling of the courts the more pro forma approval of a bill by United States commissioners or of the clerks of the court gives them a prima facie claim against the Government, and suits were brought and judgments obtained in several instances, and there is litigation

in reference to the balance now going on.
It is said by the accounting department that there was some defect in the cases stated for the consideration of the court, and you know how that affects a final determination of the court where the action is founded on a case stated. The above sum of \$41,801.38 did not include \$2,678.10 which he received on account of settlements in internal-revenue cases. So that the entire amount received by this commissioner in Boston from the United

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States was \$24,542.83 for eight years or \$3,067.85 a year. This was not all the fees, however, this commissioner received. As supervisor of elections he sent in a bill for one year alone of about \$11,000, and the Government allowed him some \$3,500, I believe. I think a suit has also been brought for the balance of that. So you can see the amounts which have accrued in the way of fees by this construction of the law in this case, which may be only one of many similar cases.

It is a curiosity, Mr. Speaker, to see just how he makes up the statements of \$4.15, thus returned to the Government for services rendered in each of these cases where he made no arrest and had no hearing, but only considered the case presented before himself by himself. It is a curiosity. It is made up as follows:

Complaint, 4 fols	#0. 60
Ooth	. 10
Warrant to arrest	
Summous	1 60
Entering return, 1 fol	. 15
Discontinued, no arrest	. 30
Pattern of proceedings, 4 fol	. 60
Making docket, etc., no issue joined, etc	1.00
	4, 15

Another example, No. 265 of his docket, the costs amounted to \$15, 85, and are as follows:

610. 00; talk tal 0 tal 10 tal	
	80.
Oath	1.
	3.
Entering return	
Summons	
Hearing and case sent up. Personal recognizance of deft. with surety, 7 fols., acks	5.
Acknowledgments, 25 cents each	
Justification of surety	
Swearing two witnesses	
Swearing two witnesses to travel, etc	
Filing five papers.	,
Returning proceedings, 6 fols	
Copies of process comp., 4 fols.; arrest, 3 fols.; summons, 2 fols.—9 fols.	
Service of same, 1 fol. Making docket issued, joined, and testimony given	3.

United States, by Thomas J. Boynton, post-office inspector, vs. James H. Kane, for unlawfully using the United States mail to carry out a scheme to defraud at Boston:

Lra	uu	at poston:	
ur.		Comp., 4 fols., 60; oath, 10 Warrant to arrest, \$1; ent. ret., 1 fol., 15 Summons 25, entering return, 1 f., 16 Personal recog, of Boynton (4 fols., 60; acknl., 25). Dft. arrested; hearing and cont. to 10th; entering continuance,	. 85
		1 fol., 15. Recog. of dff. with Theodore Lutz of Boston as surety (4 fols., 60: acknl. of each, 25; just of surety, 10). Recog. of Carlotta Williamson with Leonard Wise, of Boston, as surety (4 fols., 60: acknl. of each, 25: just of surety, 10). Recog. of Blanch A. Smith with Annie D. Smith, of Boston, as surety (4 fols., 60; acknl. of each, 25: just of surety, 10). Personal recog. of Agnes Anderson (4 fols., 60; acknl., 25). Personal recog. Lillie V. Edgins (4 fols., 60; acknl., 25). Personal recog. Effic L. Treworgy (4 fols., 60; acknl., 25). Personal recog. Effic L. Treworgy (4 fols., 60; acknl., 25).	1. 20 1. 20 1. 20 1. 20 2. 85 85 85 85
		Personal recog. of Luttle N. Little (4 fols., 60; acknl., 25) Personal recog. of Luella L. Bostwick (4 fols., 60; acknl., 25). Personal recog. of James Hall	. 85
	10.	Hearing, wits, examined and case cont. to. 14th. entering continuance (i fol., 15). Recog. of Lillie V. Edgins with Annie E. Thompson, of Boston, as surety (4 fols., 60; acknl. of each, 25; just. of surety, 10).	5. 00 . 15
		Recog. of Effie L. Treworgy with Warren E. Belcher, of Boston, as surety (4 fols., 60; acknl. of each, 25; just of surety, 10)	1.20
		Recog. of Agues Anderson with Horatio C. Barrett, of Boston, as surety (4 fols., 60; acknl. of each, 25; just. of surety, 10). Recog. of Mary L. Burns with Mary A. E. Burns, of Boston,	1. 20
		as surety (4 fols, 60; acknl. of each, 25; just of surety, 10). Personal recog. of W. S. Emery (4 fols, 60; acknl., 25) Personal recog. of George B. Thomas (4 fols, 60; acknl., 25) Recog. of Luelia L. Bostwick with Nelson Bostwick, of Boston, as surety (4 fols, 60; acknl. of each, 25; just of surety, 10)	1.20 .85 .85
ch.	14.	Hearing and dfs.; sent up; final recog. of dft., with Theodore Lutz, of Boston, as surety (7 fols., \$1.05; acknowl. of	
		each, 25; just of surety, 10). Final recog, of Agnes Anderson, with Horatic C. Barrett, of Boston, as surety (7 fols. \$1.05; acknl. of each 25; inst. of	1.68

	ton, as surety (4 fols., 60; acknl. of each, 25; just. of surety, 10)	1. 20
14.	Hearing and dfs.; sent up; final recog. of dft., with Theodore Lutz, of Boston, as surety (7 fols., \$1.05; acknowl. of each, 25; just of surety, 10).	1.65
	Final recog, of Agnes Anderson, with Horatio C. Barrett, of Boston, as surety (7 fols., \$1.05; acknl. of each, 25; just. of surety, 10)	1, 65
	Final recog. of Mary L. Burus, with Mary A. E. Burns, of Boston, assurety (7 fols., \$1.05; achnl. of each, 25; just of surety, 10)	1.65
	Final recog. of Luella L. Bostwick, with Nelson Bostwick, of Boston, as surety (7 fols., \$1.05; acknl. of each, 25; just. of	
	surety, 10). Final recog. of Carlotta Williamson, with Leonard Wise, of Boston, as surety (7 fols \$1.05; acknl. of each 25; just. of	1.65
	Final recog of Effic Treworgy, with Warren E. Beicher, of	1.65

fch. 14.	Final recog. of Lillie V. Edgins, with Annie E. Thompson, of	
	Boston, as surety (7 fols., 1.05; acknl. of each, 25; Just. of surety, 10).	81.65
	Final recog. of Blanch A. Smith, with Annie D. Smith, of Boston, as surety (7 fols., 1.05; acknl. of each, 25; just of surety,	1. 65
	Final personal recog. of Hattle N. Little (7 fols., 1.05; ack., 25). Final personal recog. of T. J. Boynton (7 fols., 1.05; ack., 25). Final personal recog. W. S. Emery. (7 fols., 1.05; ack., 25).	1, 30 1, 30 1, 30 1, 30
	Final personal recog. Do. L. Nulton (7 fols., 1.05; ack., 25). Final personal recog. Geo. B. Thomas (7 fols., 1.05; ack., 25). Warrant to commit James E. Hall, \$1	1.30 1.00 1.5
	Entering return, I fol., '5 Administering oath to Lillie Edgins, Agnes Anderson, Effic L. Treworgy, Mary L. Burns, Hattie N. Little, Lucila L. Bostwick, Carlotta Williamson, Blanch A. Smith, James E. H.dl, W. S. Emery, George B. Thomas, D. L. Nulton, and T. J. Boynton, witnesses for United States	1, 30
	Order to pay Lillie, Agnes, Mary, Hattie, Luella, Carlotta, and	. 25
	copy. Order to pay Effie, and copy. Order to pay Hall, and copy. Order to pay Hall, and copy. Order to pay Emery, and copy. Swearing above 9 wits, to travel, etc. Filing 24 papers comp. war.; sum., 18; recog., 2; court 1 hat Copies of process comp., 4 war., 3 sum., 2 court, 8 hat., 3 = 20 f. Certificate to same, 1 fol., 15 Return of proceedings, 6 fols. Making docket, etc., issue joined, and test given.	. 25 . 25 . 25 . 90 2. 40 2. 90 . 15 . 90
		58.15

Now, it would take a great deal of ingenuity, it seems to me, on the part of the most astute lawyer to figure out of that fee bill \$4.15, for no services whatever rendered, and make up the taxation of fees in the two other cases. In one case \$58.15 were taxed up and the docket showed only three hearings. There were 103 cases of that same kind, as covered by the first docket entry, where there was no arrest and no service rendered, except the mere information which Mr. Hallett made before Mr. Hallett.

Mr. RAY. You made up your minds that this was a case where the law was abused, did you not?
Mr. WOLVERTON. Yes, sir.

Mr. RAY. Now, is not the just conclusion this, that you are seeking, by changing the law to prevent the possibility of abuses of this kind by working great hardship on the great mass of Government officials? The cases where the law has been abused

es very few indeed.
Mr. O'NEIL of Massachusetts. Not at all.
Mr. WOLVERTON. I would say to the gentleman from New York [Mr. RAY] that this instance of abuse in Massachusetts, to which our attention was directed particularly, is not the only one; but the abuse of this fee bill by commissioners of the United States and the practice of fee-making by them is complained of as existing to a greater or less extent all over the United States; and there are cases in Georgia and in Alabama where the marshals and commissioners have combined together and abused legal process perhaps to a greater extent than prevails in Massachusetts.

Mr. RAY. Conceding that to be the fact, could not there be some provision put in this bill by which an honest official, who spends several days in investigating a case, could be paid for his services and receive proper compensation upon the certificate of

Mr. WOLVERTON. In reply to the gentleman, I would say that I can see no objection to such a provision, or what is better, the suggestion of the chairman of the Committee on the Judiciary [Mr. CULBERSON]. There is a bill now pending before the Committee on the Judiciary looking to the making it a salthe Committee on the Judiciary looking to the making it as alaried office. The cases are so numerous where the hearing occupies only a few minutes, or at most an hour, that the fees received in the cases that require but little attention ought to compensate the commissioner for a case now and then which requires a greater length of time.

Mr. RAY. So you think in the end he would get his just

dues?

Mr. WOLVERTON. I think in the end the commissioners will get their full dues.

I would say that this same abuse prevails in my own State in some cases. Complaint has been made of commissioners in Illinois and other States of the continuances of hearings by commissioners in order to enable the commissioner to get his \$5 missioners in order to enable the commissioner to get his \$5 a day, and to pay witness fees to his friends and the friends of the marshal, to testify to something they know nothing about for the sake of receiving witness fees and mileage, 5 cents a mile coming and going. The abuse prevails all over the country. Mr. O'NEIL of Massachusetts. That is the natural tendency of the fee system?

Mr. WOLVERTON. Yes, sir.

Mr. EVERETT. Have the committee made any investigation in the same direction as this in other States?

Mr. WOLVERTON. A committee appropriate for the same

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Mr. WOLVERTON. A committee appointed for the same purpose by the Fifty-first Congress, of which committee I believe the gentleman from Alabama [Mr. Oates] is the only mem-

ber now serving in this Congress, made an extended examination into this question, not only in the Boston case, but in cases in Alabama, Georgia, and different States of the South, where they found instances where they would arrest men at the seat of government, as they did in Boston, and pass by twenty or more commissioners, and go to a far corner of the State, 250 miles, the officer getting 5 cents per mile up and 5 cents a mile back, or 10 back if he brought the prisoner, bringing him across the whole length of the State for the sake of making fees against the Government; and not only that, but compelling the witnesses to come, and his bail to come, subjecting the defendants to great hardships; and in one instance, I believe, they developed the fact that a combination existed between the defendant, the witnesses, the marshal, and the commissioner, by which even the bail were arrested, when they got half-way home, and brought back to justify, because of some misstatements as to their qualifications

Mr. EVERETT. And the distances are greater in the Southern States than they are in Massachusetts, so the abuse would

be greater. r. WOLVERTON. Yes.

Mr. OATES. With the gentleman's permission, I bear willing testimony to the facts as he has stated them, and I will state that there have been even greater abuses, and the measure the gentleman is advocating is as mild a way of treating these abuses as is at all effectual. In fact this measure might be made more extreme.

Mr. WOLVERTON. We meant to remedy this as far as we could at this time, and to call the attention of Congress to the fact that some further remedy and restriction should be passed in order to correct these abuses. If anyone will look at the testimony, which will be found in connection with the report, No. 1966 of the Fifty-second Congress, and then will look at the testimony. timony, which is much more voluminous, accompanying the report made by the gentleman from Alabama [Mr. OATES], I think anyone will be satisfied that this bill is very mild, as the gentleman from Alabama [Mr. OATES] states, and that there should be even more restraint than this bill as amended will im-

Now, the next section, the fourth section of this bill, which proposes to amend section 1014 of the Revised Statutes, relates to an abuse that has existed and now exists in all the States, of arresting a person charged with an offense against the United States in one part of the State, generally at the seat of govern-ment, and sending a marshal past other commissioners, who have jurisdiction of the case also, and bringing the defendant through the whole State to this one commissioner for a hearing, to give bail, to be bound over to court or committed, instead of taking him, as the laws generally require, to the nearest competent

him, as the laws generally require, to the nearest competent officer to give him a proper hearing.

There is, perhaps, as much or more abuse by the marshals and deputy marshals under this section than by commissioners under section 847. A provision was inserted in the sundry civil appropriation bill in the last Congress providing that if a marshal or officer having charge of a warrant violated the provision in the appropriation bill which required him to take the offender to the nearest officer having jurisdiction, that he should forfeit all mileage. The section, as we have amended it here, provides that he shall take the offender, or the alleged offender, who may in any instance be innocent, to the nearest officer having jurisdiction of such offenses, to give him a hearing and have him

many instance of innocent, to the hearest officer having jurisdiction of such offenses, to give him a hearing and have him committed to prison if he can not give bail, admitted to bail, or discharged, as the facts may justify.

Mr. OATES. If the gentleman will allow me just there, I have very recently, within the last ten days, had information from my State of several cases where officers have arrested alloged offenders against the liquor laws 130 miles from Monta. alleged offenders against the liquor laws, 130 miles from Mont-gomery, arrested them upon warrants obtained from a commisgomery, are steed them upon warrants obtained from a commissioner at Montgomery, and although there are judges and officers of ability willing to hear these cases, they have carried them all the way to Montgomery to be investigated, and about one out of every ten has been bound over and the others found to be guiltless and discharged.

Mr. CULBERSON. They are not could be a commission.

Mr. CULBERSON. They are not entitled to get any pay for that service

Mr. OATES. They have been rendering accounts for it.
Mr. CULBERSON. The law passed at the last Congress provides expressly that they shall not be paid for any services of that sort

Mr. OATES. Is my friend aware of the fact that this law, which is intended to make them take the arrested party before the nearest officer to save expense, has received a construction, first, in the Treasury Department by one of the accounting officers, which has been subsequently approved by the Attorney-General, who holds that it is in the discretion of the arresting

Mr. CULBERSON. The law expressly declares that if an of-ficer who arrests an alleged offender shall carry him beyond any officer who has jurisdiction of the offense, that no pay shall be allowed, and how the Attorney-General can construe a statute so plain as that as to vest discretion in the officer I can not see

Mr. OATES. I am so much in accord with the opinion given by my friend from Texas that I gave an opinion before this ses-

sion began last spring to some people interested in this matter. I stated that that was the law, yet this construction has come along since, and runs contrary to that opinion.

Mr. WOLVERTON. These four amendments suggested by the Committee on the Judiciary were embodied in four bills, as I stated, at the last session of Congress, and were passed unanimously by the thick the last session of congress, and were passed unanimously by the thick the last session of congress, and were passed unanimously by the contraction. mously by this House, but it was so late in the session that it was feared they would not be reached in the Senate and they were not. This fourth section, to amend section 1014, was included in the appropriation bill on the suggestion of the chairman of the Committee on the Judiciary, because it was needed to meet just this kind of abuse. We have inserted the amendment here to section 1014, because I do not think legislation in appropriation bills is advisable at any time. I do not think it is a good

Mr. LYNCH. It seems to me that section 1014, as found in this bill, will not cure the defect, or prevent the abuse of which you complain, because it does not provide where the process shall issue, whether in the county where the offense was committed or where the defendant resides. It says that the arrest shall be made where he may be found. That is very indefinite.

Mr. CULBERSON. You could hardly arrest him anywhere

Mr. LYNCH. The process should be issued in the county

where the offense is committed.

Mr. CULBERSON. That is where the warrant issues.

Mr. LYNCH. It does not provide that. Mr. CULBERSON. That is the law now.
Mr. WOLVERTON. That is the law now.

Mr. WOLVERTON. That is the law now.
Mr. LYNCH. Under the amendments of last Congress?
Mr. WOLVERTON. Yes, sir.
Mr. LOCKWOOD. Let me ask the gentleman in charge of
this bill whether it is a fact, as I have understood, that the
Committee on the Judiciary have under consideration a bill to
abolish the present United States commissioners, all of them,

and appoint new commissioners upon salaries?

Mr. WOLVERTON. I do not know that there is any such bill before the committee. I understand, however, that such a

bill has been introduced.

Mr. CULBERSON. There is no bill before the committee to abolish the United States commissioners; none whatever; but there is a bill before the committee to change the system of pay ing commissioners, marshals, and district attorneys. That bill has been referred to a subcommittee, and we hope to make a report upon it to this Congress.

Mr. LOCKWOOD. As I understand, United States commissioners can now be appointed without limit by the judges, and the result following upon that is that in the larger cities there are a great many United States commissioners. Now, I agree fully with the purposes of this bill except as to cases in which hardship may be worked. You say here, "Taken before the nearest United States commissioner." Now, in important cases that might not be the proper course to follow, in my judgment, bese the nearest commissioner might be a perfectly worthless

fellow, entirely unit to go on with an important examination.

There is where the trouble has grown up from the appointment of commissioners who were not fit to be commissioners, and who were in league with the marshals to work up fees against the Government, whereas men who were fit and competent to be commissioners would not issue warrants except in proper cases. Yet their fees are to be fixed by the rule which applies to those who are guilty of these abuses. The marshal will always go to the commissioner who is in sympathy with him, instead of to a man who may perhaps be more competent.

Mr. WOLVERTON. What would the gentleman suggest?

Mr. LOCKWOOD. I would wipe out all the commissioners

and have a new deal.

Mr. WOLVERTON. That we can not do in this bill.

Mr. LOCKWOOD. No; but it seems to me that this bill is only a mere skirmish on the outside of the main subject.

Mr. RAY. Let me suggest to my colleague from New York [Mr. Lockwood] whether the best way to get rid of the evil of which he complains, the existence of a great many unfit and worthless commissioners, would not be to compel the taking of criminals before those fellows, thus bringing out the fact that they are unfit? In that way measures could be set on foot to get rid of them.

Mr. LOCKWOOD. Well, that would be a pretty hard way of doing it. [Laughter.]

Mr. WOLVERTON. The presumption is that the judges will

appoint only proper men as commissioners.

Mr. LOCK WOOD. That is the supposition, but the fact does

not always agree with it.

Mr. MALLORY. Then Mr. MALLORY. There is a bill now pending for the ap-pointment of United States commissioners, instead of by the

judges. Mr. LOCKWOOD. I think that either the President or the Department of Justice should have the appointment, and then I would give those commissioners power sufficient so that they could discharge these people, and not drag innocent witnesses from one end of a State to another.

Mr. WOLVERTON. I think that every member of this

House, especially if he is a lawyer, will recognize the fact that abuses exist in his own district under every section of the statutes that this bill proposes to correct; and while the bill may not be all that is desirable, I feel satisfied it will prove a great saving to the Government. I will state that we asked the Comptroller and the Attorney-General to revise these fee bills, and they started in to do it, but they found it was a larger job than they had anticipated; and, after waiting a long time, we finally re-ported this bill as a means of temporarily restraining these im-

ported this bill as a means of temporarily restraining these improper charges against the Government.

Mr. RAY. Is it not true that this bill was reported to the House from the Judiciary Committee unanimously?

Mr. WOLVERTON. It is. There was not a dissenting voice in the committee. The bill has the approval of the Attorney-General and also of the First Comptroller and of the expert leaks it his department. clerks in his department.

The SPEAKER. Is there any amendment to the bill?

Mr. WOLVERTON. No, sir.

The bill was ordered to be engrossed and read a third time;

and being engressed, it was accordingly read the third time, and

Mr. WOLVERTON moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW YORK AND NEW JERSEY BRIDGE BILL.

Mr. GEARY (when the Committee on Interstate Commerce was called). Mr. Speaker, I call up the bill (H. R. 3289) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersay.

The bill was read. An amendment recommended by the committee was read, as follows:

Mitted was read, as follows:

Strike out all after the word "provided." in line 83, down to and including the word "void." in line 84, and insert: "and within two years after the passage of this act; and said company or companies shall expend within the first year after construction has commenced, as herein required, not less than \$250,000, and in each year thereafter not less than \$10,000,000 in the actual construction work of said bridge; which shall be reported to the Secretary of War; and the said bridge shall be completed within ten years from the commencement of the construction of the same, as herein required; otherwise this act shall be null and void."

Mr. WARNER. Mr. Speaker, there was an amendment to that bill agreed upon and settled between myself and the gentlethat bill agreed upon and settled between myself and the gentle-man from California [Mr. Geary] who has called up the bill this morning, but I find that that amendment, in my own handwrit-ing, has been torn off from the bottom.

Mr. DUNPHY. If the gentleman will indicate the amend-ment we will put it in.

Mr. WARNER. I will explain what it was, although, as I kept no copy, leaving the original in possession of the commit-tee, I shall not be able to give the precise words.

The amendment as it now reads provides for an expenditure

The amendment as it now reads provides for an expenditure of \$250,000 during the first year after the construction is commenced and \$1,000,000 thereafter. The clause then follows: "Otherwise this act shall be null and void." As it now reads there might be a question whether the "otherwise" referred simply to the bridge not being completed within ten years or whether it referred to all of the conditions not having been com-

Inasmuch as the arrangement under which the amendment Insmuch as the arrangement under which the amendment was originally proposed by me referred to the bill as it stood, and as it stood the word "otherwise" would apply to all of the conditions. The gentleman from California [Mr. GEARY], in tharge of the matter, agreed with myself that it was not improper that all doubt should be removed by inserting after the word "otherwise" a dash and explanatory words about like these: "that is, unless the construction of said bridge shall be commenced, proceeded with, and completed within the time and at the rate provided for this act shall be null and void." It is that clause. provided for, this act shall be null and void." It is that clause, sir, which has been torn off and which this paper shows was originally there, by the caret with the lines running down to the place where the tear has removed the rest of the amend-

Mr. GEARY. Now, Mr. Speaker, this amendment as offered is the amendment sent by the gentleman from New York [Mr. WARNER] and adopted by us; and he then said that with that amendment he was satisfied with this bill. Two or three days afterward he asked for the bill and wanted to add these words. He came over and talked about it; and as I understood from him, he and I agreed that the change suggested would add no weight whatever to the amendment. Now, that has not been taken off with any intention to prevent the gentleman from getting all the security he may imagine necessary. Now, I understood that it was not agreeable, that it was not necessary; because I thought so I withdrew it. You need not get indignant [addressing Mr. WARNER] over the matter; if you want those amendments now, I say we will accept the amendments; but my understanding was you did not think such an amendment necessary.

Mr. WARNER. Then I ask first that they accept the amendment. And I state that the gentleman is mistaken. As a matter of actual fact the gentleman asked me hurriedly to give my views as to a certain proposition which he dictated and I wrote down. I told him that in that respect it was satisfactory to me, but that I would call his attention the next morning to matters that struck me as being necessary to be inserted. I did so. He then brought me, for the first time, after the meeting of his committee, the clause which has just been read. I endeavored to get a copy of that. I was unable to do so. I do not lay it to the gentleman; but I am explaining the circumstances. It was not until several days afterward that finally he brought me a copy.

I pointed out to him just what I have pointed out to the House I pointed out to him just what I have pointed out to the mouse this morning, that there might be a misunderstanding which, instead of making that amendment a good thing for the bill, would really make it a better thing for the promoters of this bridge. He agreed with me that there could be no objection to inserting the words which would make plain the object of the amendment. I then and there wrote upon the amendment the words which, since they have passed into his possession, have been torn off. I accept the proposition to incorporate in the amendment the words which I will dictate.

The SPEAKER. The gentleman will send up his amend-

ment.

Mr. WARNER (dictating to the Clerk)-

Insert after the word "otherwise" the words "that is, unless the actual construction of said bridge shall be commenced, proceeded with, and completed within the time and at the rate above provided for"—

and I leave the House to decide what they want to do with this

Mr. GEARY. Mr. Speaker, I have reported this bill to the House from the Committee on Commerce. It does not concern my people; and I have no interest in its passage or its defeat. After Mr. WARNER made his objection the other day, I methim late in the afternoon and said to him: "I supposed this bill was agreeable to everybody in New York; it was so represented to the committee by different interests." This amendment was then suggested by the gentleman [Mr. WARNER] and the amend-ment was approved of by me, and the bill sent back to this House from that committee. Afterward, the bill having been here two or three days—no attempt made to passit—he suggested this additional matter—wrote it on the bill, which he had in his desk, not in mine, I having sent it over the day before—

Mr. WARNER rose

Mr. GEARY. Did you not have it at all?
Mr. WARNER. I never had it except when it was handed to me with that amendment written upon it; you had it in your possession; I never had it from the very moment when the original matter was submitted to me. And I want to say that the gentleman is incorrect in stating that that amendment was agreed to by me and submitted to the committee. It is an amendment which was drawn by the committee, and which I never saw until which was drawn by the committee, and which I never saw until after the committee had adjourned for that morning. And it was because, not of any question as to what was agreed to, but as to the phraseology by which that agreement should be carried out, that I tried to find the gentleman for several days afterward. When he did appear I asked him for the bill. It was not in my desk; he had had it; he brought it to me. I called his attention to the matter; he agreed with me, as I understood; and in any case he handed me the bill for the purpose. I wrote in the bill the words I have dictated to the Clerk, as well as I could remember them, indicating their place, and it turns up with the words torn off this morning.

Mr. GEARY. Now, Mr. Speaker, the gentleman from New York is mistaken. That bill was in his own possession, because

York is mistaken. That bill was in his own possession, because I went to that desk and took it out and left the bill with the gentleman, and did not see it at all myself afterwards until this

Mr. WARNER. The gentleman is entirely mistaken. I sent a page to ask the gentleman for the bill, and the page came back to me with the word that the gentleman would bring it to me

himself. But he did not. Mr. GEARY. Now. M

Mr. GEARY. Now, Mr. Speaker, I will state the facts to be that I took the bill and gave it to the gentleman; went to that desk over there; got it out and left it on his desk. You (referthe day, and I think all of it, because I said I was going out of the Capitol and would not probably return here. Afterwards you called attention to the advisability of making the change which you had written on the bill, and I, sitting at that desk, or at your desk, discussed with you the necessity for it, and came to the conclusion that you yourself did not deem it necessary to insert it in the bill. sary to insert it in the bill.

Now, my statement is just as good as yours, I submit to the House, and they can decide it. After we had agreed that it was not necessary, because I believe you did not regard it as necessary, I myself took it off, and that bill has been in the possession

of the House ever since.

Now, I do not care about your amendment. I have been willing, as far as I had authority to do so, to accept any amendment offered by anybody that would protect the parties, the Government, and the State. The gentleman will not deny that.
Mr. WARNER. You have always professed it, sir.
Mr. GEARY. I have so stated; and I understood that the gen-

tleman did not regard this matter as necessary

Now, I do not care about the bill; it is not one of mine. It is a matter in which I have no personal interest. I am not willing that the gentleman from New York shall endeavor to impress upon this House the idea that I have been guilty of any intention of misleading him or anybody else, or that I have purposely done something that did mislead him. I do not want any reflections of that character to be made upon me by the gentleman

tions of that character to be made upon the by the from New York or by anybody else.

Mr. WARNER. The "gentleman from New York" will not make any reflections whatever. But the facts are as I have stated them, as shown by the gentleman's own statement. These words were put in the bill by an understanding with the gentleman bimself. The bill has not been in my possession. I have man himself. The bill has not been in my possession. not seen it until this morning, when it turns up with these words

torn off.

That is all I desire to say.

The SPEAKER. The question is on the amendment offered by the gentleman from New York to the amendment of the committee.

Mr. WILSON of Washington. Mr. Speaker, let us have the amendment read as it will stand if the amendment of the gentleman from New York is adopted.

The amendment as proposed to be amended was read, as fol-

Strike out, in line 83, all after the word "Provided," and insert:
"And within two years after the passage of this act; and said company or
companies shall expend within the first year after construction has conmenced, as herein required, not less than \$250,000, and in each year thereafter
not less than \$1.000,000 in the actual construction of the work of said bridge,
which shall be reported to the Secretary of War, and the said bridge shall
be completed within ten years from the commencement of the construction
of the same as herein required; otherwise, that is, unless the actual construction of said bridge shall be commenced, proceeded with, and completed
within the time and rate above provided for, this act shall be null and void.

The amountment to the provided for, this act shall be null and void.

The amendment to the amendment was agreed to.

The amendment as amended was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

On motion of Mr. GEARY a motion to reconsider the last vote

was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. UPDEGRAFF, indefinitely, on account of important business.

To Mr. Russellof Georgia, for two weeks after Monday next, on account of important business.

CLERK TO COMMITTEE ON EDUCATION.

Mr. RUSK. Mr. Speaker, I submit a privileged report from the Committee on Accounts. This committee recommends the adoption of a substitute for a resolution referred to them.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. STALLINGS, respectfully report that they have examined into and considered the same, and offer the following substitute and recommend its pas-

ered the same, and one of the thirty-six clerks to the comittees of the House age:
"Resolved, That one of the thirty-six clerks to the comittees of the House during the sessions provided for by the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1894, be, and is hereby, allowed and assigned for the present Congress to the Committee on Education;

and and "Resolved, That the pay of said clerk shall begin from the time such clerk entered upon the discharge of his duties, which shall be ascertained and evidenced by the certificate of the chairman of the committee."

The original resolution is as follows:

Resolved, That the Committee on Education be, and is hereby, authorized to employ a clerk for the sessions of the Fifty-third Congress, such employment to date from August 21, 1893, to be paid 86 per day, as other session clerks are paid.

Mr. RUSK. Mr. Speaker, I will state that there are sixteen of the clerks, provided for in the appropriation bill of last year, who are unassigned. This report assigns one of those clerks to the Committee on Education. I move the previous question on the adoption of the report.

Mr. SIMPSON. I want to ask the gentleman a question for

Mr. SIMPSON. I want to ask the gentleman a question for information.

Mr. SIMPSON. Do these clerks draw pay before they are as-

signed to duty?
Mr. RUSK. They draw pay from the time they enter upon Mr. SIMPSON. They draw pay when they are assigned to duty

on a committee? Yes. Mr. RUSK.

Mr. SIMPSON. I understand this resolution says they shall draw pay from the lat of August?

Mr. RUSK. No, that was the original proposition, in place of which a substitute is offered by which we designate one of the clerks already appropriated for, instead of a clerk to be paid out of the contingent found. of the contingent fund.

The previous question was ordered.

The resolution was agreed to.
On motion of Mr. RUSK, a motion to reconsider the last vote was laid on the table.

PUBLIC PRINTING AND BINDING.

Mr. RICHARDSON of Tennessee. I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union, for the further consideration of bills on the Union Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents, with

Mr. Dockery in the chair.

Mr. FITHIAN. Mr. Chairman, on yesterday I moved to strike out sections 62 to 73, inclusive. I have conferred with the gentleman from Tennessee [Mr. RICHARDSON] in regard to those sections, and I find that only sections 62, 63, 66, 67, 68, and 69 relate to the new offices proposed to be created by this bill. I therefore withdraw the motion which I made yesterday, to strike out all the sections mentioned, and move to strike out only sec-

tion 62; but I ask unanimous consent that that motion shall apply also to sections 63, 66, 67, 68, and 69.

The CHAIRMAN. The gentleman's motion, to strike out section 62, is pending. The Chair understands the gentleman now to ask unanimous consent that the motion to strike out ap-

ply also to the other sections mentioned.

Mr. FITHIAN. To sections 63, 66, 67, 68; and 69 also.

The CHAIRMAN. Is there objection to that request?

Mr. RICHARDSON of Tennessee. Mr. Chairman, I do not object to it. On the other hand, I state that those sections are

the sections which create and deal with the contemplated new officers, and inasmuch as there seems to be opposition to the provision in that respect, I consent that those sections may be stricken out, on the motion of the gentleman from Illinois [Mr. FITHIAN

The CHAIRMAN. The request is that the motion to strike

out apply to those sections.

Mr. RICHARDSON of Tennessee. I understand that, and I notonly agree that it may apply to those sections, but that they may go out of the bill, in order that every part of the bill which The CHAIRMAN. Is there objection to that request?
The CHAIRMAN. The Chair will now suggest to the

The Chair will now suggest to the gentleman from Tennessee [Mr. RICHARDSON] that the other sections

be read by the Clerk.

Mr. RICHARDSON of Tennessee. I see no use in reading

Mr. RICHARDSON of Tennessee. I see no use in reading them again, because there is no controversy over them now. The CHAIRMAN. Very well.

Mr. RICHARDSON of Tennessee. They were read last night and printed in the RECORD this morning.

Mr. FITHIAN. Sections 62, 63, 66, 67, 68, and 69 are the sections covered by my motion to strike out.

The CHAIRMAN. The question is on the motion submitted by the gentleman from Illinois [Mr. FITHIAN] to strike out the sections was agreed to. The motion was agreed to.

Mr. RICHARDSON of Tennessee. Now, Mr. Chairman, before proceeding further, I move to strike out section 64, which fore proceeding luriner, I move to strike out section 64, which is not included in the sections which the gentleman from Illinois has included in his motion, and insert the substitute which I had printed in the RECORD this morning.

The CHAIRMAN. Section 64 has not been read.

Mr. RICHARDSON of Tennessee. I know it has not been

read; and I want it read now, so as to make my motion to strike

The Clerk read as follows:

The Clerk read as follows:

SEC. 64. The superintendent of documents is also charged with the sale of public documents, except as herein otherwise provided; and all documents hitherto published for sale by other offices of the Government shall be turned over to him. He is hereby authorized to sell any publication of the Government at cost, as estimated by the Public Printer, and based upon printing from stereotyped plates, excepting old and rare volumes, which shall be sold at an appraised value, to be determined by the superintendent of documents, the Fublic Printer, and the Librarian of Congress, acting as a commission for this purpose; but only one copy of any document shall be sold to the same individual, excepting in the case of libraries or schools, by which additional copies are desired for separate departments thereof. All moneys received from the sale of documents shall be covered into the Treasury monthly and placed to the credit of the general fund for public printing.

Mr. RICHARDSON of Tennessee. Now, Mr. Chairman, the section I offer as a substitute for the section just read, changes that section so as to make it apply to the superintendent of docu-ments now in the Interior Department instead of the officer contemplated in the new section of the bill. I ask to have read the substitute which I offer, and which appears on page 2741 of the

substitute which I offer, and which appears on page 2741 of the RECORD this morning.

The Clerk read as follows:

SEC 64. The suferintendent of documents is hereby authorized to sell st cost any public document in his charge, the distribution of which is not herein specifically directed, said cost to be estimated by the Public Printer and based upon printing from stereotyped plates: but only one copy of any document shall be sold to the same person, excepting libraries or schools by which additional copies are desired for separate departments thereof; and whenever any officer of the Government having in his charge documents pulsade for sale shall desire to be relieved of the same, he is hereby authorized to turn them over to the superintendent of documenta, who shall receive and sell them under the provisions of this section. All moneys received from the sale of documents shall be covered into the Treasury quarterly and placed to the credit of the general fund for public printing, and the superintendent of documents shall report annually the number of copies of each and every document sold by him, and the price of the same. He shall also report annually the number of documents received by him and the disposition made of the same.

Mr. RICHARDSON of Tennessee. Mr. Chairman, the super-intendent of documents named in this section, of course, applies to that officer now in the Interior Department, and who has been there for many years; but, in order to obviate any question that may arise, inasmuch as in one section stricken out another super-intendent of documents is mentioned, I move to amend the sub-stitute by adding in the first line, after the words "superin-tendent of documents," the words "in the Interior Department." Then it will show very clearly that it means the present officer. The CHAIRMAN. Without objection that amendment will be considered and agreed to.

There was no objection. Mr. RICHARDSON of Tennessee. The object of this section as I offered it is simply to give an opportunity to persons to secure documents that they desire to pay for. If they want them, they can go to the officer and buy such as he has on hand.

Mr. PICKLER. Why make a restriction that no one shall be

able to obtain more than one copy?

Mr. RICHARDSON of Tennessee. It is to prevent speculation. We did not want to leave an opportunity for a second-hand bookseller to go there and buy a whole stock and open store, but we desire to make them go as far as they possibly can. Mr. PICKLER. Does not the gentleman think that this is

too restrictive. Suppose a member of Congress wants to buy a dozen volumes, why shall he not have the privilege of distributing them among his constituents. I suppose you wanted to pre-

vent speculation in large lots being purchased?

Mr. RICHARDSON of Tennessee. That is all.

Mr. PICKLER. I am perfectly willing if the gentleman will

say not to exceed a dozen.

Mr. RICHARDSON of Tennessee. I am perfectly willing insert after the designation that they shall not be sold to the same persons, except libraries or schools for which additional copies are desired now, the words "or members of Congress."

I will agree to that.

Mr. PICKLER. I will accept that.

Mr. RICHARDSON of Tennessee. I think that would cover what the gentleman desires. After the word "thereof" add the words "or members of Congress" on line 6.

Mr. PICKLER. Would it not be better to make it to "Government officials?"

Mr. RICHARDSON of Tennessee. I do not think so. They can get them printed on their requisition if they need them.

The CHAIRMAN. The Clerk will now report the substitute

as modified.

The substitute as modified was read.

Mr. PICKLER. One more question. I see in the third line of the section, "All documents hitherto published for sale by other officers of the Government shall be turned over to him." Does that include any of those volumes in the basement about which we have heard so much here?

Mr. RICHARDSON of Tennessee. You are now reading the text of the bill for which I have offered this substitute.

words you read do not appear in the substitute.

Mr. PICKLER. I did not know that.

Mr. RICHARDSON of Tennessee. I will say to the gentleman, however, that it does not include those books.

The CHAIRMAN. The question is on the substitute.

Mr. CLARK of Missouri. Is an amendment admissible now?

The CHAIRMAN. One amendment to the substitute is in

Mr. CLARK of Missouri. I desire to offer an amendment, then.

The Clerk read as follows:

Amend section 64 by adding the words:

"Itshall be the duty of the superintendent of documents, within thirty days after the approval of this act, to prepare a catalogue of the hundreds of thousands of volumes now held in reserve and unavailable for distribution, and which catalogue shall be made accessible to all Senators, Representatives and Delegates; and he shall apportion each and every sort of book and document equally among Senators, Representatives, and Delegates."

Mr. RICHARDSON of Tennessee. I ask my friend to withhold his amendment, because I have a section which covers that

very point, and much more fully, I think.

Mr. CLARK of Missouri. All right, then.

The CHAIRMAN. The gentleman withholds his amendment.

The CHAIRMAN. The question is on the modified substitute offered by the gentleman from Tennessee. The substitute was agreed to.

The Clerk read as follows:

The Clerk read as follows:

SEC. 65. The superintendent of documents shall, at the close of each regular session of Congress, prepare and publish a comprehensive index of public documents, beginning with the Fifty-second Congress, upon such plan as shall be approved by the Joint Committee on Printing; and the Public Printer shall, immediately upon its publication, deliver to him a copy of each and every document printed by the Government Printing Office; and the head of each of the Executive Departments, Bureaus, and offices of the Government shall deliver to him a copy of each and every document issued or published by such Department, Bureau, or office not confidential in its character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on Printing shall direct.

Mr. RICHARDSON of Tennessee. I move to strike out of

Mr. RICHARDSON of Tennessee. I move to strike out of section 65 all after the word "character," in line 12. I do that because it relates to the preparation of a consolidated index by the new officer that was contemplated, under the direction of the joint committee, and that will not be needed as the bill stands.

The amendment was agreed to.
Mr. COFFEEN. Mr. Chairman, Idesire to call the attention of Mr. COFFEEN. Mr. Chairman, I desire to call the attention of the gentleman in charge of this bill to one more point in connection with this section. It mentions the Fifty-second Congress, but I think it should mention also the Fifty-third Congress, and that (a point which the gentleman from Missouri [Mr. CLARK] was intending to reach) these things should be attended to within 30 days from the approval of this bill.

Mr. RICHARDSON of Tennessee. It begins with the Fifty-second Congress, but it goes on through the Fifty-third and thereafter. It begins with the Fifty-second Congress because there is a catalogue for the Congresses prior to that.

Mr. COFFEEN. I suppose that will reach the point.

The Clerk read as follows:

The Clerk read as follows:

Mr. COFFEEN. I suppose that will reach the point.

The Clerk read as follows:

Sec. 70. All documents at present remaining in charge of the several Executive Departments, Bureaus, and offices of the Government not required for official uses shall be delivered to the superintendent of documents, and hereafter all public documents accumulating in said Departments, Bureaus, and offices not needed for official use shall be annually turned over to the superintendent of documents for distribution or sale. The Secretary and Sergeant-at-Arms of the Senate and the Clerk and Doorkeeper of the House shall cause an invoice to be made of all books stored in and about the Capitol other than those belonging to the quota of members of Congress and Delegates and to the Senate library; and all such documents, unless ordered to be retained by the chairmen of committees by which they have been stored, shall be transferred to the superintendent of documents for distribution and sale, as provided in this act, and such invoicing and transfer shall be made annually hereafter.

Where, in the division among Senators, Representatives, and Delegates of extra copies of documents printed for the use of Congress, there shall be a remainder beyond the number of 25 to each House of Congress, the surplus beyond 25 shall be turned over by the superintendents of the folding rooms to the superintendent of documents from accumulations thereof in the Executive Departments, or received from officers of the two Houses, shall be distributed by him, first to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portion of such sets; and, third, to other parties, which persons and libraries shall be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as possible an equal allowance is made to each member of Congress;

Mr. RICHARDSON of Tennessee. Mr. Chairman, I move to strike out that section, because it also relates to work by the

new officer that was contemplated, and in lieu of it I offer the amendment which will be found printed on page 2625 of this morning's RECORD, and which I ask to have read.

The amendment was read, as follows:

The amendment was read, as follows:

Strike out section 70 and substitute in its place three sections, as follows (sections 68, 69, 70):

"Sec. 68. The Secretary and Sergeant-at-Arms of the Senate and the Clerk and Doorkeeper of the House of Representatives shall cause an involve to be made of all public documents stored in and about the Capitol, other than those belonging to the quote of members of the present Congress, to the Library of Congress and the Senate and House libraries, and all such documents shall by the superintendents, respectively of the Senate and House folding rooms be put to the credit of Senators, Representatives, and Delegates of the present Congress, in quantities equal in the number of volumes and as nearly as possible in value, to each member of Congress, and said documents shall be distributed upon the orders of Senators, Representatives, and Delegates, each of whom shall be supplied by the superintendents of the folding rooms with a list of the number and character of the publications thus put to his credit: Provided, That before said apportionment is made copies of any of these documents desired for the use of committees of the Senate or House shall be delivered to the chairmen of such committees:

And provided further, That 4 copies of each and all leather-bound documents shall be reserved and carefully stored, to be used hereafter in supplying deficiencies in the Senate and House libraries caused by wear or loss.

"Sec. 69. All documents at present remaining in charge of the several Executive Departments, bureaus, and offices of the Government not required for official use shall be delivered to the superintendent of documents, and hereafter all public documents as commisting in said Departments, bureaus, and offices not needed for official use shall be annually turned over to the superintendent of documents for distribution or sale.

"Sec. 69. All documents for distribution or sale.

"Sec. 70. Where, in the division among Senators, Representatives, and Delegates of extracoples of d

Mr. RICHARDSON of Tennessee. This amendment provides for the distribution of the vast surplus of books and documents

in the vaults which do not belong to the quotas of members.

Mr. PICKLER. Who makes this distribution?

Mr. RICHARDSON of Tennessee. It is to be made by the Mr. RICHARDSON of Tennesses. It is to be made by the Secretary and Sergeant-at-Arms of the Senate and by the Clerk and Doorkeeper of the House, they first to cause a catalogue to be made of these documents in order that members may see what we have, and then they are directed to make the distribution among Senators and Members, giving each one an equal number of documents and as near as may be of equal value. This distribution is reported for in the manner that cartlevant have distribution is provided for in the manner that gentlemen have claimed it ought to be made, that is, by our own officers, rather than by the new clerk contemplated in the bill. What I have

just said applies to section 68.

The next section provides that documents remaining in charge of the several Executive Departments and bureaus of the Government, not required for their official use, shall be delivered to the superintendent of documents (in the Interior Department of course), and shall be disposed of by him; the object being to get rid of the surplus of documents in the Departments which has accumulated from time to time, and which are not needed there. The next section provides for the distribution of the remainder after the division has been made among members.

Mr. PICKLER. The language of section 69 offered by the

gentleman provides, as I gather from the reading, that these documents shall be turned over to the superintendent "for distribution or sale.

Mr. RICHARDSON of Tennessee. That section provides a manner of disposing of the surplus which will remain after the

manner of disposing of the surplus which will remain after the distribution pro rata among Members and Senators.

For instance, let us assume that 2.000 copies of a document are printed for the use of the House. That number is to be divided by 350, because we have that many Members and Delegates. Now, if the remainder is 350 copies, those are not appropriated or assigned to members, but they remain in the hands of the Doorkeeper, or they get lost in some way. There is no account taken of them. The distributing officer does not commence at the top of the alphanet and run down until all the downents are disof them. The distributing officer does not commence at the top of the alphabet and run down until all the documents are distributed, leaving somebody at the bottom with less than those above him. That would be unfair. Therefore he makes the division by giving all the members the same number, and the re-

mainder is not accounted for.

In one session of Congress that remainder, undivided and unassigned, has amounted to over 50,000 copies. Now, this section deals with that surplus, and it does it in this manner: It provides that wherever, after the division is made, this remainder exceeds twenty-five, the surplus over and above twenty-five shall be turned over to the superintendent of documents in the Inte-

Mr. TAYLOR of Indiana. Does it say in the Interior Department?

Mr. RICHARDSON of Tennessee. It does not say that, but there is no other superintendent of documents. It provides that the surplus exceeding twenty-five shall be turned over to him for distribution or sale.

Mr. PICKLER. How does he distribute them under this provision?

vision?

Mr. RICHARDSON of Tennessee. He distributes them first to libraries, giving preference to those designated by members of Congress, and then, if there are any left over, the gentleman from South Dakota, or anybody else, or any librarian comes along and wants to buy extra copies he is authorized to sell them.

Mr. PICKLER. Will not that cause a large accumulation of

documents with him?

Mr. RICHARDSON of Tennessee. It will cause an accumula-tion of all over twenty-five of each document under this provi-sion, but as the thing stands now that surplus goes nowhere. We want these surplus documents to go to him so that he may have them to supply vacancies in libraries or to sell them rather than to have them lost and no account taken of them at all.

[Here the hammer fell.]

Mr. CLARK of Missouri. I ask that the gentleman from Ten-

nessee [Mr. RICHARDSON] may have five minutes more. On this bill he has to do more talking talking than all the rest of us put together.

There was no objection.

Mr. TAYLOR of Indiana. I wish to ask the gentluman from Tennessee whether there is now such an office known to the law as the superintendent of documents?

Mr. RICHARDSON of Tennessee. Yes, sir; it has been in

existence for a great many years.

Mr. TAYLOR of Indiana. Is it known by that title?

Mr. RICHARDSON of Tennessee. Yes, sir; the officer is known as superintendent of documents in the Interior Depurtment. He is appointed by the Secretary of the Interior and has his office in that Department. He distributes the census reports and a great many other documents. He is the distributing agent for these designated depositories that we have been talking

about so much in connection with this bill.

One word more. Of these documents remaining, 25 are assigned to each member and held to fill any immediate demands. If the copies assigned to any member have been lost or possibly destroyed in the document room, or if there is a miscount, there will be 25 copies from which he can supply the demand upon him. We turn over to this superintendent of documents simply

the excess after this allowance of 25.

Mr. COFFEEN. I wish to inquire whether this is the proper time for me to offer an amendment to section 70. Are we con-

sidering that section now?

Mr. RICHARDSON of Tennessee. Yes, sir; a substitute for

that section is pending.

Mr. COFFEEN. Then I desire to offer an amendment which, as I understood, the chairman of the committee was willing to accept, but which, in framing this substitute, he appears to have overlooked.

Mr. RICHARDSON of Tennessee. Let us hear the amend-

The CHAIRMAN. The gentleman from Wyoming [Mr. CoF-FEEN] offers the amendment which will be read.

The Clerk read as follows:

The Clerk read as follows:

In the substitute as printed in the RECORD, strike out all after the word "law" to the end of the section and insert the following:

"All documents delivered to the superintendent of documents under the provisions of this section shall be divided and placed, subject to the orders of Senators and Members of the House of Representatives, as follows: One-third of each kind of document shall be set apart for the use of Senators and two-thirds for the use of Members of the House. Each kind of documents set apart shall be divided as nearly as may be equally among the respective members of each House; and the remainders, if any there be, shall be combined with other similar remainders, and from time to time the combination of remainders shall be again divided equitably as nearly as may be among the members of the Senate and the House, respectively."

Mr. CORFEFEN. This among the members of the Acoustic Among the members of the senate and the House, respectively."

Mr. COFFEEN. This amendment covers the point which came up in discussion here some days ago. The object of the amendment is that these surplus books and documents which are acment is that these surplus books and documents which are accumulated shall, when the distribution is made by the superintendent of documents, be divided into quotas subject to the orders of Congressmen, so that whoever has charge of the distribution of documents shall not first make up complete sets for public school libraries and other libraries, but that all of these documents designed for general distribution shall be subject to the orders of the various members of Congress, that they may judge of the proper distribution of them. It was generally under stood, I think, the other day, that this amendment would be acceptable. I believe the gentleman in charge of the bill [Mr. Richardson] was willing that it should prevail.

Mr. RICHARDSON of Tennessee. The object of the amend-

ment, as I understand, is to dispose of this surplus, which in drafting the section we provided should be turned over to the superintendent of documents for distribution to libraries, etc.

superintendent of documents for distribution to libraries, etc. These surplus books under the amendment will be assigned, as I understand, to members of Congress.

Mr. COFFEEN. Yes, sir.

Mr. RICHARDSON of Tennessee. I do not object to the proposition; I am willing that such disposition shall be made of these books. All I want is to make some disposition of this

Mr. COFFEEN. Then, as the amendment appears to be gen-

erally acceptable, I ask a vote upon it.

The question being taken, the amendment of Mr. Coffeen

was agreed to.

Mr. CLARK of Missouri. I move to amend section 69 of the substitute as printed by adding what I send to the desk.

The Clerk read as follows:

It shall be the duty of the superintendent of documents within thirty days after the approval of this act to prepare a catalogue of the hundreds of thousands of volumes now held in reserve and unavailable for distribution, and which catalogue shall be acceptable to all Senators, Representatives, and Delegates; and he shall apportion each and every sort of book and document equally among Senators, Representatives, and Delegates.

Mr. CLARK of Missouri. Mr. Chairman, this amendment provides that all books and documents shall be divided equally among Senators, Representatives, and Delegates; because I do not believe that Senators are any better than Representatives and Delegates. [Applause.] They do not know the people half so well as we do; and only those whose terms expire on the 4th of March, 1895, have as much use for these documents as we have. [Laughter.] The remainder of them can afford to wait until the next distribution of the reserve books. [Laughter.] The whole theory of distribution hitherto has been absolutely ridiculous. It makes one Senator of the State of New York equal to seventeen Representatives; one Representative in Nevada equal to two Senators; and one Representative in Colorado equal

equal to two Senators; and one Representative in Colorado equal to one Senator. [Laughter.] This amendment establishes an equalty of ratios among the Senators, Representatives, and Dele-[Laughter.]

Mr. BRYAN. Restores the parity, so to speak. [Laughter.]
Mr. CLARK of Missouri. Yes; that is it. What I want is a
square deal and a fair "divy" all around. [Laughter.] This suggestion of mine is in the nature of what the logicians would call
an argumentum ad hominem, and it ought to pass nem. con. This is but the beginning of a salutary reform. Laughter.] [Laughter.]

If, as the gentleman from Tennessee [Mr. RICHARDSON] claims, this bill will enable the Government to save \$200,000 annually on its printing alone, it is a most meritorious measure and certainly ought to be enacted into law. If it will rescue from their moldering grave a million books and documents, or even half of that number, and to that extent furnish winter reading and entertainment for the people, it will accomplish great good, although the text thereof may not be quite so thrilling as that of Tom Jones, The Mayor of Castorbridge, Ben Hurr, or King Solomon's Mines. [Laughter.]

Mines. [Laughter.]
We were told the other day that these volumes range in value from \$25 down to 10 cents. I was very much impressed with the great wistfulness [laughter] and deep soulfulness [laughter] with which the gentleman from Maine [Mr. Reed] propounded his pertinent and far-reaching interrogatory to the chairman of the committee, "How many of these volumes are worth \$25 each?" [Laughter.] There was no cynicism, mystery, or metaphysics in that query. It went straight to the core of the question and to the hearts of the members, and was very suggestive of Col. Seller's famous declaration that "there's millions in it." [Laughter.]

In my district—as no doubt in others—there are colleges, academies, high schools, and individuals whose libraries would be both ornamented and improved by the addition of some of these more valuable books. I want my share. [Laughter.]

Lintroduced this amendment because human nature in Congress, like human nature outside these Halls, is possessed of a very strong bias towards the great American game of grab. [Laughter.] If the superintendent of documents is not restrained by this amendment or something like unto it, he will have free rein to play the favorites of this House and of the other.

The CHAIRMAN (Mr. ARNOLD in the chair). The time of the gentleman has expired.

Mr. TAYLOR of Indiana. I ask unanimous consent that the gentleman may be permitted to proceed for five or ten minutes

The CHAIRMAN. In the absence of objection the gentleman will proceed for five minutes.

There was no objection.

Mr. CLARK of Missouri. Sad and strange as it may seem,

kissing goes by favors here as well as elsewhere; and, if this bill passes without this kind of restriction, the statesmen "with a pull" in this House will seize all of the valuable books, and I believe that in the distribution of this vast store of wisdom each and every one of us should have his full quantum of the twenty five-dollar books as well as his pro rata of the dime volumes. I came very near saying "dime novels." I wish some of them were. [Laughter.] I suspect that, as a matter of fact, they are. I am very sure that some of the unique and startling agricultural the-ories evolved from the fertile imaginations of the savants of the Government would appear decidedly novel to the genuine farmers of the country who have grown gray in following the plow and communing with nature. [Renewed laughter.] I am heartily in favor of scattering this pent-up Utica of learning and of art over a smiling land. I would much prefer to see this Congress pass into history as a million-volume Congress rather than a

The sudden, unexpected, and simultaneous distribution of a million volumes over this country would have a healthy educational effect on the public mind, and is in direct line with that campaign of education which we have been conducting with so much enthusiasm for lo! these many years in this country, and which was crowned last November with such glorious results [laughter on the Republican side], and which is now being frit-

tered away somewhat. [Renewed laughter.]
A great many people have an erroneous idea that all Government publications are as dry as a powder magazine, a proposi-tion in Euclid, or Tupper's poems. [Laughter.] This free gift of the wisdom of the fathers will explode that impression at once. Some Government works are things of beauty and joys forever. [Laughter.] I once wrote to Senator VEST and requested him to send me any literature he might have in stock, and he sent me two large and handsome volumes on what the scientists call entomology, but what we plain people call bug-ology [laughter], each warranted to contain ten thousand illus-trations. [Laughter.]

That was certainly a big haul—twenty thousand bugs out of

That was certainly a one mail bag. [Laughter.]
This was not all, however, that I owed to the discriminating taste of the Senator and to the boundless generosity of Uncle Sam, for at the same time I was the happy recipient of two huge and gorgeous tomes containing a splendid steel engraving of every species of snake that went with Noah into the Ark. [Laughter.]

My little three-year old boy, from constant playing with these books, has come to know more about snakes and bugs than any gentleman who has not toyed too long with that seductive and bewildering beverage known as Moxican pulque. [Laughter.] That brilliant and exceedingly interesting work, evolved from the inner consciousness of "Our Uncle" Jerry Rusk, concerning

hawks and owls, has had such an unprecedented run, which can not be predicted even for Gen. Lew. Wallace's Prince of India laughter], that there will have to be a new and enlarged edition of it published to satisfy the craving of the people for the good, the beautiful, and the true. [Laughter.] I really think, Mr. Chairman, that Longfellow must have had in his mind this buried literary treasure-trove that is concealed down here in the vaults of the Capitol when he wrote those lines:

Nothing useless is or low; Each thing in its place is best; And what seems but idle show Strengthens and supports the rest.

[Laughter.] I urge immediate action on this bill. If we can not give the people that increase in the circulating medium of which they are in sore need [laughter] and for which they are so clamorous, we certainly can give them a million books which they paid for years ago. I express this hope with some confidence, because I can not, to save my life, see how the money power has any interest in obstructing this measure. [Laughter.] If it had, I interest in obstructing this measure. [Laughter.] If it had, I would despair, for it seems to run things here. In making this distribution, Mr. Chairman, we can plant ourselves fearlessly and firmly on the maxim—

He gives twice who gives quickly.

[Applause.] Mr. RICHARDSON of Tennessee. I ask to have the amend-

ment of the gentleman reported again.
The amendment of Mr. Clark of Missouri was again read.
Mr. RICHARDSON of Tennessee. I understand this relates
to the books mentioned in section 59, and there is no objection to it, as it relates to that section.

In regard to the books in the vaults, I have never looked at them and I do not know anything about their value. But inasmuch as the remark I made as to their value has been commented upon several times, I desire to state the ground upon which I base the statement that some of them are worth \$25 apiece. The joint committee called before them, when we were

preparing this bill, a gentleman of this city who deals very largely in Government publications, Mr. Lowdermilk, who is probably known to many of you gentlemen—a man of superior intelligence and a first-class business man. While he was before the committee he testified as to these books that are stored in the vaults of the Capitol that do not belong to the quota of members. The chairman of the committee asked him this question:

There is an enormous accumulation of what are known as the reserve documents; they have been emptied out of the committee rooms of both Houses, and that has been a necessity. You take our own committee room, where perhaps we have more books than in any of the other committee rooms of the senate, simply because we have not the space to put them. Only the last session we had to clean out all the reserve documents that antedated the Forty-seventh Congress, so that we have here only the modern publications, and the difficulty is to find a place of storage or a receptacle for this vast accumulation, for it is enormous, even a single set of reserve documents.

And Mr. Lowdermilk replied:

But I think you ought to have a building devoted to that purpose alone. Books that are now rotting away will be worth their weight in silver after a while. Some of those books to-day are worth \$25 or \$30 a volume.

That is on page 251 of the report, and is a quotation from Mr. Lowdermilk's testimony. Now, I ask that the amendment be voted upon and let us proceed.

The amendment was agreed to.
The CHAIRMAN. The question now is on the substitute offered by the gentlemen from Tennessee [Mr. RICHARDSON] as amended.

The substitute as amended was agreed to.
The Clerk, proceeding with the reading of the bill, read as

SEC 71. A catalogue of Government publications shall be prepared by the superintendent of documents on the first day of each month, which shall be printed in the Official Gazette of the Patent Office, and during sessions of Congress also in the CONGRESSIONAL RECORD, and shall show the documents printed during the month, where obtainable, and the price thereof. On the first day of July of each year he shall prepare and print in pamphle for distribution and sale 2,000 copies of a catalogue of Government publications issued during the year, giving the price of each and where purchasable.

Mr. PICKLER. Mr. Chairman, do these 2,000 catalogues give the people of the country any knowledge of what they can get in the way of Government publications? It seems to me this is an extraordinarily small number.

Mr. RICHARDSON of Tennessee. This is simply to give the members of this House and of the Senate, and those interested and the libraries, some notice of what has been published. The superintendent of documents fixed that number, and said it would be as many as we would need.

Mr. PICKLER. It does not give the people any knowledge,

unless a larger number is printed.

The Clerk read sections 72, 73, and 74.

Mr. COFFEEN. Mr. Chairman, the reading clerk had gone over sections 72 and 73 before I noticed it, and there is one point to which I wish to refer. In section 72 it is provided that—

Said copies shall be distributed by the superintendent of documents to free public libraries having more than 1,000 volumes, etc.

Does that interfere in any manner with the Congressmen drawing their quota of these documents for general distribution? We have been aiming to make members of Congress in both Houses responsible for the proper distribution of these publications, and my amendment has already been carried, which will do that.

It is correct, as we have already decided in the amendment that I have offered and which has been carried, that the surplus books for distribution shall all be subject to the orders of Congressmen. I want that plan of distribution still to prevail; and if the chairman of the committee will give me a moment of his attention I think it would be best to strike out this provision to distribute by the superintendent of documents to public libraries having more than a thousand volumes other than Gov-ernment publications in their libraries, and let these documents all go through the members of Congress

Mr. RICHARDSON of Tennessee. That amendment ought not apply here, because these are designated depositories, which are named by members, and if we are not going to supply them with these publications we ought to provide that they shall not be supplied. The amendment offered by the gentleman applied to the surplus, and this applies to the permanent publication and

the distribution to all libraries that are depositories. Mr. COFFEEN. If this section was so worded as to apply only to the public depositories, with the understanding that was given us the other day on this point, that these depositories are subject to constant revision by members of Congress—
Mr. RICHARDSON of Tennessee. They are.
Mr. COFFEEN. Then I have no objection to the distribution to such depositories. But it names more than the public depositories. It speaks of certain public libraries having a cer-

positories. It speaks of certain public libraries having a certain number of volumes, and when you travel through the West,

in that partially developed country, where our institutions of learning and libraries are not yet fully developed, a great many of them may not have 1,000 volumes other than Government pullications, and so we would not get our share with the older and more developed libraries.

Mr. COOPER of Indiana. Of which section does the gentle-

man speak?

Mr. COFFEEN. Of section 72.

Mr. RICHARDSON of Tennessee. We have passed that some

Mr. COFFEEN. But I object to passing it until it is amended.
It is section 72, which provides that extra numbers of certain documents shall be distributed by the superintendent of documents shall be and multiplift libraries having more than ments to free schools and public libraries having more than a thousand volumes other than Government publications, which have not been designated as public depositories, and which school and public libraries I wish stricken out unless they are designated by the Congressman. I was just saying, also, if the gentleman will permit me until I finish my statement, that in the West it is impossible at this time to have our public libraries brought up to the condition where they would have the number of 1,000 volumes required by this provision, and they can not reach up to this requirement. I therefore think we ought to adopt an amendment giving to those people and the people of other States a just and equitable quots in every Congressional district, without regard to the condition of their libraries; and I want, therefore, this section to be so amended. I hope the gentleman will amend this section in that respect himself, so as to limit distribution to the designated depositories and without records to the bution to the designated depositories and without regard to the number of volumes in them.

Mr. RICHARDSON of Tennessee. While I am in sympathy with the gentleman, I think his amendment is wholly unneces-This section provides that whenever there is an order of publication of a document in excess of 5,000 that 10 per cent, or 500 copies, shall go to the superintendent of documents for distribution to libraries designated. The 5,000 is intended for Members and Senators. You get your pro rata of them, and it simply provides that 10 per cent, or 500 copies, in excess of the number that would be published otherwise shall go to the superintendent to be distributed to the libraries. It is simply making him the agent to supply the libraries, and does not take the distribution away from members, or if it does, it only takes one copy and guarantees that the libraries shall receive that copy from the superintendent of documents. You get the whole number that is published for distribution in your own way, for the use of members, and this officer simply gets 10 per cent of the number where it is in excess of 5,000 for distribution to these public libraries.

Mr. PICKLER. I desire to submit an amendment to section

Mr. RICHARDSON of Tennessee. We have passed that section, and I do not want to return to it.

Mr. PICKLER. But we have returned to it.

Mr. RICHARDSON of Tennessee. But that was only for de-

We are now considering it for all purposes. Mr. PICKLER. Mr. RICHARDSON of Tennessee. I do not like to go back. Mr. PICKLER. I desire to offer an amendment on just one point, which I do not think the gentleman will object to. The Clerk read as follows:

Strike out the words "one thousand," in line 8, of section 72, and insert he words "five hundred."

Mr. RICHARDSON of Tennessee. That is 500 volumes. I do not object to that. But my idea is that a library that has only 500 volumes other than Government publications is not much of

Mr. PICKLER. It may be true that it is not much of a library, but as my friend from the West [Mr. Coffeen] has said, in our new States it takes some little time even to get a library of 500 volumes

Mr. RICHARDSON of Tennessee. I do not object to the amendment.

The amendment was agreed to.
Mr. PICKLER. Now, I desire to offer an amendment to section 73, to make it conform to the provision just adopted.

The amendment was read, as follows: Strike out "one thousand," in line 5 of section 73, and insert "five hun-

Mr. RICHARDSON of Tennessee. That is all right.

The amendment was agreed to.

Mr. VAN VOORHIS of New York. Mr. Chairman, I wish to ask the gentleman how these libraries are to be designated—by the superintendent of documents or by the members of Congress. Mr. RICHARDSON of Tennessee. By members of Congress.
Mr. MERCER. Mr. Chairman, I wish to offer an amendment
to section 74. The chairman of the Committee on Printing having this bill in charge admitted the injustice of this section some time ago in the discussion here, and I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Add after the word "ordered," at the end of line 8, section 74, the following: "And each Senator. Representative, and Delegate shall be notified in writing once every sixty days of the number and character of the publications on hand and assigned to him for use and distribution."

Mr. RICHARDSON of Tennessee. I have no objection to

Mr. COFFEEN. Mr. Chairman, I desire to offer an amendmend to section 72.

The amendment was read, as follows:

Strike out, in lines 7 and 8 of section 72, all after the word "documents" down to and including the word "been," in line 10; so that the provision shall read: "Said copies shall be distributed by the superintendent of documents to designated depositories," etc.

Mr. RICHARDSON of Tennessee. I have no objection to

The amendment was agreed to.

The Clerk read a portion of section 76, as follows:

SEC. 76. Extra copies of documents and reports shall be printed promptly when the same shall be ready for publication, and shall be bound in paper or cloth as directed by the Joint Committee on Printing, and shall be of the number following in addition to the usual number:

Of the Agricultural Report, 500,000 copies, of which 110,000 shall be for the Senate, 350,000 for the House, and 30,000 for distribution by the Agricultural

Mr. RICHARDSON of Tennessee. Mr. Chairman, there is a mistake in the printing of the paragraph just read. The number of the Agricultural Report should be 400,000. That is the number that has been printed for many years with a single exception, and it should have been so in the bill, but by accident the number was made 500,000. Iask unanimous consent to change the number to 400,000, the distribution to be made as before.

Mr. BRETZ. The gentleman must remember that there is an

increased membership here to be provided for.
Mr. RICHARDSON of Tennessee. This will give us about

Mr. RICHARDSON of Tennessee. This will give us about 800 copies apiece.
Mr. BRETZ. That is not enough for my district.
Mr. RICHARDSON of Tennessee. Oh, that will be sufficient.
The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Tennessee. The amendment was read, as follows:

Section 76, line 6, strike out "five" and insert "four;" line 7, strike out 10" and insert "70;" line 8, strike out "and sixty thousand."

Mr. BELTZHOOVER. The gentleman says that he intended to have the number of the Agricultural Report 400,000 in the bill. Mr. RICHARDSON of Tennessee. I do. Mr. BELTZHOOVER. Yet in the report to the House upon

this bill the gentleman says:

Agricultural Report. This section authorizes the printing of 500,000, which is 100,000 more than has been printed for many years by joint resolution. The distribution of the 500,000 is proportionately the same as heretofore

That last remark relates to the increase of members. why does the gentleman move to reduce the number to 400,000

why does the gentleman move to reduce the number to 400,000 when he reported in favor of 500,000?

Mr. RICHARDSON of Tennessee. Four hundred thousand is the number that has usually been printed, the number printed regularly except one year, and I think it is enough.

Mr. BELTZHOOVER. But why did the gentleman report in favor of 500,000, and add that in view of the increased number of members, that would make a proportionate distribution such as we have hed beautofore? as we have had heretofore?

Mr. RICHARDSON of Tennessee. That was not the object in view in making that statement. I may not have changed the language of the report made some two years ago when we printed 500,000 copies, but the intention was to have the number 400,000.

Mr. BELTZHOOVER. But, if the gentleman will pardon me, this report recognizes the increase of membership and gives that as the reason for the increase to 500,000; the reason being that we would require that number to make the same proportionate distribution that we had formerly with a smaller membership.

Mr. RICHARDSON of Tennessee. It does not do that exactly.

The words which the gentleman reads were written by me in a report made more than two years ago. This report, I suppose, simply copied that language of a report made when it was contemplated that we would have a change of the members of Congress. The Senate made the increase, not the House. But I do not think the increased number is necessary.

mot think the increased number is necessary.

Mr. BELTZHOOVER. May I ask another question? Was this report of the Committee on Printing, which I hold in my hand, adopted on the 12th of September, and ordered to be

printed?

Mr. RICHARDSON of Tennessee. I submitted it at that time.

Mr. BELTZHOOVER. Without reading it?
Mr. RICHARDSON of Tennessee. Oh, no; I wrote it. But
I used a portion of printed matter from a former report. It is very easy for the language of a former report to get in in that

way.
Mr. BELTZHOOVER. Was the attention of your colleagues called to the fact that it favored an increase to 500,000?

Tournessee. I can not say about that;

that is immaterial. The question is whether 400,000 copies will be enough. That is all we have been printing; and it seems to me all that we ought to print of this report.

The CHAIRMAN. The Chair will state that the section which

The CHAIRMAN. The Chair will state that the section which gentlemen are discussing has not yet been read.

Several MEMBERS. Oh, yes.

Mr. PICKLER. I rise to a parliamentary inquiry. I see that this is a very long section. Would it not be better that it be considered and amended by paragraphs?

Mr. RICHARDSON of Tennessee. By all means.

The CHAIRMAN. That can be done by unanimous consent.

Mr. RICHARDSON of Tennessee. I ask that it be done.

The CHAIRMAN. Unanimous consent is asked that section 76 be read by paragraphs and that amendments be offered to each paragraph as read. In the absence of objection that order each paragraph as read. In the absence of objection that order

will be made

Mr. RICHARDSON of Tennessee. One word further and I will yield the floor. The publication of the Agricultural Report costs this Government 60 cents per volume for the printing. If we print 400,000 the cost is \$240,000; if we print 500,000 the cost will be \$300,000. Now, as some of my friends here want 500,000 winted instead of 400,000 Lock tham whather they think it a printed instead of 400,000, I ask them whether they think it a proper and wise expenditure of the public money for us to issue proper and wise expenditure of the public money for us to issue that enlarged number of this publication, at a cost of 60 cents a volume, when within twenty-four hours after these reports come from the Printing Office they can be bought by the thousand at stores in this city for 4, 5, and 6 cents per volume?

Mr. BRETZ. Why is that so?

Mr. RICHARDSON of Tennessee. I say it costs the Government 60 cents a volume to print this document; and within twenty-four hours after it is printed it is worth in the stores only 4 to 6 cents a conv.

only 4 to 6 cents a copy.

Mr. BROWN. Where does the supply come from that enables the dealers to sell these books at that rate?

Mr. McCREARY of Kentucky. I think my friend from Tennessee is mistaken as to the price at which these books can be bought. I would like to know where they can be purchased at 5 cents a copy

Mr. RICHARDSON of Tennessee. Certainly my friend does not think I am mistaken as to what it costs the Government to print them?

Mr. McCREARY of Kentucky. No, sir; but I would like to know where they can be purchased at 5 cents a copy. I would like to buy some at that figure.

Mr. RICHARDSON of Tennessee. Well, let the gentleman go to W. H. Lowdermilk's, on F street, and he will furnish the books—I will not undertake to fix the price which he will ask; but it will not exceed IO cents a volume.

but it will not exceed 10 cents a volume.

Mr. McCREARY of Kentucky. That may be the fact; but that is double the amount of the figure the gentleman named.

Mr. DINGLEY. I have myself purchased a number of copies

of these documents at 10 cents a volume.

Mr. RICHARDSON of Tennessee. You can buy them by the wagonload at that price; and I know that in some cases they

have been bought at 4 cents a volume.

Mr. PICKLER. Were those late issues, or volumes several

years old?

Mr. WEADOCK. I wish to ask the gentleman from Tennes-see whether his committee has ever considered any plan for assigning the Agricultural Reports to members representing agricultural districts?

Mr. RICHARDSON of Tennessee. We have not.

Mr. WEADOCK. Of course city members have no need for these documents.

Mr. RICHARDSON of Tennessee. We have not considered that matter; we could not do so, because no such proposition has been referred to our committee, therefore we would not have

jurisdiction of it.
Mr. TURPIN. In view of what the gentleman from Tennes see has stated in regard to the price at which these books can be bought at the stores, perhaps it would be a good idea to strike out "400,000" and insert "200,000," and then authorize the committee at any time within two days after the publication to buy from the dealers the other 200,000. It does not require very much calculation to make it clear that we would make a good

deal of money in that way in a very short time. [Laughter.]

Mr. BELTZHOOVER. The amendment proposed by the chairman of the committee was not anticipated in view of the

gentleman's own report—by which 500,000 copies are authorized. This the committees unanimously recommend in the Senate and the House in a report which I hold in my hand.

The argument which he alleges against this is an appeal to

the committee for a correction of certain abuses of the law, which can not possibly avail with those gentlemen who have not abused it. I have no doubt that a large number of the volumes of which the gentleman has information being sold at a less price than 10 cents per volume, are the quotas of members who represent city districts, or those districts where there are no agriculturists, and which are given by such members to friends for disposition, to the pages perhaps around the House. I was told of an instance where a retiring member, represent-

ing a city constituency, gave his whole quota of Agricultural Reports to one of the pages. Of course the page sells them, as he has a perfect right to do. City members have little use for these has a perfect right to do. City members have little use for these books, and very often give them away to their fellow-members or dispose of them in other ways. But the exceptions where they are offered for sale, as the gentleman from Tennessee states, are necessarily very few. There is not a book published in the list of books authorized by Congress that is more acceptable to the same property of the sam ble to the people among whom they are distributed than the present Agricultural Report, and there is no publication which the House would be less justified in dispensing with or curtail-ing. We published 15,000 copies of the ethnological report. costing \$15 or \$20 a volume, and it is without practical interest or benefit to the farmers of the country. It is of no possible benefit to the majority of them. Why then strike from the number of books that cost 60 cents per volume those to which the farmers of the country are entitled?

I hope the amendment will be voted down.

Mr. BRETZ. Mr. Chairman, I desire to address myself to the amendment which has been offered by the gentleman from Ten-

amendment which has been offered by the gentleman from Tennessee, the chairman of the committee.

The CHAIRMAN. There is but one amendment pending.

Mr. BRETZ. I represent largely an agricultural district, and the pending amendment is one that very materially affects the people of my district. I represent a district containing a voting population of at least 20,000 farmers, or men engaged in agriculture. My friend from Tennessee complains about the cost of these Agricultural Reports, stating that they costabout 60 cents a volume.

I wish to say to him that these reports are about all the farmers of this country, or of my district at least, get from the Government. They are interested in this report. It contains a valuable collection of facts that will enable them to conduct their farming operations on more scientific principles and thereby make more out of their farms than they do now. I have a constant demand for them, and instead of reducing the number as suggested here I would be willing to vote to still further increase the number over and above the 500,000 originally fixed in the bill, because it is the most important document I can send into my district to

the farmers.

The farmers in my district, Mr. Chairman, care nothing for books giving the photograph of the skeleton of bugs that lived thousands of years ago and publications of that character. All they care for is that which concerns their own business and present living current information, and, as I said before, this is about all they get out of the Government—that is, these Agricultural Reports—which represent about all they get from the appropriation of the public money. And while it may occur occasionally, as my friend from Pennsylvania [Mr. BELTZHOOVER] has observed, that some member of Congress representing a city constituency would have no use for his Agricultural Reports, and stituency would have no use for his Agricultural Reports, and gives them to a page, or disposes of his quota in some other way that is no reason why we who represent agricultural districts, and have constant demand for the books, should be cut down in our

quota and prevented from supplying them where they are needed.

I think, sir, that if anything is done in that direction this
Joint Committee on Printing should arrange for a different distribution of the documents. Instead of giving to a member representing city constituencies these agricultural works, turn them over to the members who represent agricultural districts, and turn over those that do not concern the farmers to the members

representing city constituencies.

Mr. OATES. If the gentleman from Indiana will permit me to interrupt, I entirely agree with his statement as to how these documents ought to be distributed. There is no sense in giving an Agricultural Report to a gentleman representing a city constituency, where there is nobody engaged in farming, and where the book would be of no value. The gentleman's object, however, can be reached by a simple amendment to the bill, directing the Secretary of Agriculture, or someone else who has charge of it—I believe the bill provides for a public distributor of documents—requiring him to distribute the Agricultural Reports amongst the members represent the secretary of t ports amongst the members representing agricultural districts.

Mr. BRETZ. That is another proposition after we vote down the amendment of our friend from Tennessee.

I do not know what amendment is pending. Mr. OATES. It is to strike out 500,000 Agricultural Reports Mr. BRETZ.

and make it 400,000.

Mr. OATES. If it is fixed at 400,000, and none of the books go to city districts, it will leave a larger proportion to the agricultural districts than they now receive, or nearly as large at all

I hope the amendment will not prevail.

Mr. SMITH of Illinois. Mr. Chairman, I desire especially to ask the chairman of the Committee on Printing a question with reference to these Agricultural Reports. Of course all of us who represent agricultural districts are interested in these reports, They are a great source of interest to our people, and I think we ought to have fully as many volumes as we now have, or that the number ought to be increased.

But what I more especially desire to know is this. Has the committee made any arrangement, or can it make any, by which these Agricultural Reports can be prepared for distribution in less time than it now takes? For instance, the Agricultural Report of 1892 is barely ready for distribution at this time. Is thereany way by which we can have them printed earlier, so that they may be ready for distribution in less than a year's time after the facts are collated by the Department and sent to the Public

Mr. RICHARDSON of Tennessee. Mr. Chairman, I can not

answer that question. That depends upon the state of the work in the Government Printing Office, and also upon the preparation of the number of lithographic plates that have to be furnished to the Public Printer, the work upon which is not done here, but by lithographic establishments in other cities.

Mr. SMITH of illinois. The gentleman from Tennessee [Mr. RICHARDSON] knows as well as I do that we are called on, six

and nine months in advance of the publication of these volumes, to furnish them to our constituents. Is there anything in this bill by which any arrangement is made for the earlier publica-tion of these volumes?

Mr. RICHARDSON of Tennessee. There is not. The law now is that the manuscript goes to the Public Printer at the close of the calendar year. When it gets to him, say in the month of December, or the 1st of January, there is a volume of a thousand or twelve hundred pages to be printed, with hundreds and hundreds of plates that have to be prepared, and they have to go to the lithographing establishments in New York or elsewhere, where they are lithographed. It takes the Public Printer a long time to get them back.

Mr. SMITH of Illinois. Would it be possible for the Committee on Printing to request that these be made special, and if that were done, could the printing be done earlier than it is now done?

Mr. RICHARDSON of Tennessee. If they were made special they could be printed earlier.

Mr. SMITH of Illinois. Will the chairman try to get some-

thing of that kind done? Mr. RICHARDSON of Tennessee. One word, and then I will be through. I was going to say that I do not want to misrepresent anybody in this statement as to the price of these books; but the joint committee took proof upon this subject, and if generally the way to be supported by the way that the subject is the way to be supported by the way that the subject is the subject in the subject is the subject in the subject is the subject in the subject in the subject is the subject in the subject is the subject in the subject in the subject in the subject is the subject in the subject in the subject in the subject in the subject is the subject in the su tlemen will turn to the report, on page 255, they will find that we called a witness before us who had these Agricultural Reports for sale. He sent out this advertisement:

Fight hundred copies Agricultural Reports of 1891; also 216 copies of that valuable work, Diseases of the Horse. Will sell at low figures.

He sent that advertisement out on a postal card, and we called him before the committee and interrogated him. "Where did you get them?" and he told us.

We asked him at what price he sold them, and he said he sold the report on Diseases of the Horse at from 40 to 50 cents a copy, and the Agricultural Report at an average of 5 cents a volume. That is the ground on which I made the statement that they can be bought for that. But there seems to be such a demand for these publications that I withdraw the amendment and will allow the number to remain at 500,000.

Mr. PICKLER. I desire to offer an amendment. It is at the

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from South Dakota [Mr. PICKLER]. The Clerk read as follows:

At the end of line 10, on page 32, insert the following:
"Provided further, That there shall be published at each session of Congress 40,000 copies of the publication of the Agricultural Department known as the special report on the Diseases of the Horse, 10,000 for the Secretary of Agriculture, 10,000 for the Senate, and 20,000 for the House of Representa-

Mr. RICHARDSON of Tennessee. I want to make the point of order against that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. RICHARDSON of Tennessee. The point of order is that
this bill provides only for permanent publications of the Government. This special report is not a permanent publication, but
it is an effort to put in the bill a publication which is simply a
special report. This bill, as I have stated, dc..ls with the annual
permanent publications of the Government, and not with special
reports, and it is not intended to provide for them.

Mr. PICKLER. That is just what I am and averaging to do

Mr. PICKLER. That is just what I am endeavoring to do.
This bill is certainly amendable. The gentleman does not pretend that the bill which he has reported can not be amended.
Now, I simply undertake in this amendment to make this publication, known as the special report on Diseases of the Horse, a permanent annual publication, that a certain number shall be printed at every session of Congress. I think the point of order is not well taken.

The CHAIRMAN. The Chair thinks it is in the power of the House, if it so desires, to continue this publication and to

make it annual.

Mr. PICKLER. I trust that this amendment will be adopted, and it ought to be twice the number, rather than the 40,000

and if ought to be twice the number, rather than the 40,000 copies that I suggest.

Mr. McMillin. Will the gentleman allow me a question?

Mr. PICKLER. Yes.

Mr. McMillin. What is the necessity of making an additional print of this work on the Diseases of the Horse for distribution by the Agricultural Department? That Department has already printed, without any direction by Congress, a very large number of these books, and distributed them long ago. Then Congress added still further to this number, and now you propose to make a third reprint for the Agricultural Department.

Mr. PICKLER. I will be glad to answer the gentleman. I think we have had three different publications of that book; and

yet if the gentleman's constituents are at all like mine, he is receiving letters by almost every mail asking for copies of this work; and I want to say to the new members here upon this floor that you are getting these requests, and you have none of that publication to your credit, and will not have any unless this

amendment is adopted.

Now, as to the merits of the work. I want to say this, that we have just had a new edition of this book. The plates and stereotypes are prepared and are new. There has simply been one edition stricken from these plates, so that it will be very little cost to the Government outside of the cost of the paper and the

binding.

Mr. McMillin. Does not the gentleman know that to day, in the junk shops of this city, these books can be bought for less

than they are worth?

Mr. PICKLER. No, sir. Not in any number. You can not

get 500 copies to save your soul.

Mr. McMILLIN. Then the situation has changed very ma-

terially lately

Mr. PICKLER. Farmers are paying \$2 or \$3 each for them. Mr. File Left. Farmers are paying \$2 or \$3 each for them. You may occasionally pick up a copy in a bookstore where they will sell them for what they can get; but that is not an answer to the question. Now, gentlemen, talking about the Agricultural Department reports, and nobody wanting them; here is a report that they do want. They are wanted by all classes of men, by farmers, by merchants, and all who are owners of horses; and certainly in all our districts there are a large number of people who do own horses. It is recognized as the most valuable publication that has ever been issued under the direction of the Government.

It does not seem to me that we should not begin to use economy as against agriculturists. If a man has a horse that is sick he desires to know what should be done for it and to do it immediately; and this book saves multiplied thousands of dollars to our people. It is a book that all men who own horses need, and that they shall be able to consult. Let us economize somewhere else. Let us cut down some of the other reports.

Mr. McMILLIN. Will the gentleman permit me to ask him

Mr. McMILLIN. Will the gentleman permit me to ask him a question right there?
Mr. PICKLER. Yes, sir.
Mr. McMILLIN. If the gentleman bases his argument on the fact that it is beneficial to the people, would the gentleman insist upon the publication of a medical book and sending it out for free distribution among the people—
Mr. PICKLER. That is not a suppossible case.
Mr. McMILLIN. For men, women, and children.
Mr. PICKLER. The gentleman, I suppose, wants to advocate the abolishment of the Agricultural Department.
Mr. McMILLIN. I advocate the running of the Government on Government lines. I do not question the merits of this book; and this is not the question here. We have already printed a

and this is not the question here. We have already printed a large number of them; and if a new edition is to be printed, let it be done in a separate bill, and in this bill, which provides

not for the printing of special documents, but provides a general

law to govern all printing.

Mr. PICKLER. Let us abolish the Agricultural Department on your theory. If this matter will help the agriculturists and stock-raisers, what is the good of objecting to it? We should be able to go to this expense in their interest. There is no publication, and I say it without any fear of contradiction, so valuable to the farmers and so valuable to every member upon this floor

to the farmers and so valuable to every member upon this floor as has been this publication.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I am willing to concede much that the gentleman from South Dakota has said in regard to the value of this publication. It is a valuable work; but, Mr. Chairman, I say that I am utterly opposed to Congress printing any more copies of this work.

Mr. PICKLER. Why?

Mr. RICHARDSON of Tennessee. That is what I am going to tell you.

Mr. PICKLER. I know of no good reason.
Several MEMBERS. He will give you them.
Mr. RICHARDSON of Tennessee. Mr. Ch

Mr. Chairman, we have already printed 175,000 copies of this work, and if you continue to print and send out this work gratis, you will simply increase the demand for it in each succeeding edition, and you will never satisfy the demand. You can not satisfy the demand for a good thing when you give it away.

Mr. PICKLER. Because it is good, you do not want the peo-

ple to have it.

Mr. RICHARDSON of Tennessee. We proceed upon a wrong Mr. RICHARDSON of Tennessee. We proceed upon a wrong principle when we undertake to supply this demand for this book; and I will tell you how it ought to be supplied. This bill provides for the sale of the plates from which this book is printed. Now, let some deserving poor printer purchase these plates from the Government and print that book in numbers sufficient to meet the demand. It will cost 60 cents a copy to print the book. Now any man who has a horse, much less a horse that is a good one, and who will not spend 60 cents for a book by which he may learn to dector that here a water to the control of the cont which he may learn to doctor that horse ought not to have a horse; but when you come to print 180,000 copies, as you have done, and then add 60,000 more by this amendment—

Mr. PICKLER. Only 40,000. Mr. RICHARDSON of Tennessee. Making 220,000-

Mr. PICKLER. There ought to be 2,000,000.

Mr. RICHARDSON of Tennessee (continuing). For which you have paid 60 cents each, you still see that you have taxed the Government \$150,000, and we do that to put that book out; to distribute it among the people gratis, we only create a demand

for that many more copies.

Now, it is unjust to give this book to one citizen if you do not give it to another, and as long as you distribute it by this method you can only half meet the demand. The plan I propose is that the plates be sold and let some poor printer earn a living by printing this work and selling it at a reasonable price. In that way the entire demand can be met at a cost of about 60 cents a

Mr. BAILEY. Let me ask the gentleman what better right has this Government to publish a book to teach me how to doctor my horse than it has to publish a geography to teach children the map of the world? It occurs to me that instead of providing for printing more of these documents all such provisions

ought to be stricken from the bill.

Mr. BELTZHOOVER. Under the Department of Agriculture we have a large bureau, with seven or eight heads of the different divisions and a chief, costing the Government altogether not less than \$50,000 a year. If the Bureau of Animal Industry amounts to anything, why not publish the investigations and discoveries which it makes for the benefit of the people?

Mr. RICHARDSON of Tennessee. I am in favor of publishing them, and this bill puts at the disposal of the Secretary of Agriculture a large sum of money for the purpose of compiling such information, and authorizes him to publish a certain edition. But when the Government, with its special facilities, has got together these statistics and other information, and when these bureaus have discovered something valuable, as it seems they have done in this special report in relation to diseases of the horse, then I think the Government has done all it ought to do. If it has special facilities for procuring this information, let it use those facilities; but it does not follow that it ought to undertake to supply gratis the demand for these publications all over the United States.

Mr. PATTERSON. Mr. Chairman, I desire to offer an amendment as a substitute for the amendment proposed by the gentleman from South Dakota.

The amendment was read, as follows:

Add to line 10, page 32, the words "Provided, That in the Agricultural Reort for 1863 the special report on Diseases of the Horse shall be printed."

Mr. PATTERSON. Mr. Chairman, that will enable the farmers of this country to have a very large distribution of this very valuable work, and I do not see that it interferes with the scope and purpose of this bill at all. It simply provides that in the Report of the Agricultural Department for 1893 the special report on Diseases of the Horse shall be embodied.

Mr. McMILLIN. Infurther support of my colleague's amendment, I want to call attention to the fact that the proposition of the gentleman from South Dakota [Mr. Pickler], which I have examined, provides for the printing of 40,000 copies of this document at every session of Congress until Gabriel blows his trumpet. If this Government lasts so long, we shall be printing annually 40,000 copies of this book on the Diseases of the Horse. [Laughter.] Mr. PICKLER. Certainly.

Mr. PICKLER. Certainly.
Mr. PATTERSON. I simply desire to say that I have consulted with a great many members, and I have not seen one who represents an agricultural district who did not say that he had a very large demand for this book. It seems to me that the printing of it in the Agricultural Report would be a very proper and

Mr. PICKLER. I withdraw my amendment and accept the substitute of the gentleman from Tennessee. I am really pleased that somewhere in Tennessee there are friends to horsemen. The interior of Tennessee does not seem to have any horses. [Laughter.] I suppose they have mules, and I want to say to my friend from Tennessee [Mr. McMILLIN] that he can find something in this book that will help him to doctor mules as well as

Mr. McMILLIN. Then I recommend it to the gentleman's

own constituency. [Laughter.]
Mr. PICKLER. Well, my constituents have intelligence enough to want this horse book, while the gentleman's do not

seem to have so much intelligence.

Mr. McMILLIN. The intelligence of a constituency is always

Mr. McMILLIN. The intelligence of a constituency is always judged by its action in electing a Representative. [Laughter.]
Mr. PICKLER. The gentleman from Tennessee says that this amendment of mine provides for a continual annual publication of this document. So it does, and this document ought to be published regularly. These agricultural reports are continuous; the Bureau of Animal Industry is continuous; this book on the horse is superior to any of the other publications, and why should it not be printed and distributed continuously among the people of this country who want it? I want to say further that the arguof this country who want it? I want to say further that the argument that because the people want these books in such large quantities they should not be supplied with them is futile. The demand shows the appreciation by the people of this work, yet demand shows the appreciation by the people of this work, yet now, when we have gone to the expense of printing the book, when we have the stereotype plates on hand, it is proposed to cut off the publication and not let the people have the advantage of it, but to sell the plates to somebody to go into a private speculation. That is the argument. Now that we have the plates of this work on hand, why should we not let the people have the benefit of it by free distribution?

Mr. BRETZ. I desire to observe to my friend from South Dakota that the amendment now rending does not provide for

Dakota that the amendment now pending does not provide for the publication of this document beyond the year 1893. It sim-ply provides that it shall be incorporated in the Agricultural Report for that year, but says nothing about any future publica-

Mr. PICKLER. I appreciate what the gentleman says, but I think that if we get this number this time there will be no controversy over printing this document hereafter; even Tennessee

will fall into ranks the next time. [Laughter.]
Mr. MORSE. Mr. Chairman, I trust that the amendment of
the gentleman from Tennessee [Mr. PATTERSON] will prevail.
If I am not mistaken the proposition of the chairman of the committee having this bill in charge would result in preventing the free transmission of these books through the mails. While they are a Government publication they can be franked, but otherwise

we should not have the right to frank them to our constituents. I think I am correct. If the amendment offered by the gentleman from Tennessee be adopted, this book will be sent out under the frank of members of Congress without increasing the

expense to the Government.
All that the gentleman from South Dakota [Mr. Pickler] says with reference to the demand for this book is true. There says with reference to the demand for this book is true. There is no other Government publication issued during the three terms that I have been in Congress for which I have had so much call as for this. The statement of one gentleman here that this book can be bought at the book stores for 20 cents a volume is a mistake. You can not buy a copy of this book in the city of Washington for less than a dollar, nearly twice the cost of publication by the Government. It seems to me it would be statesmanship and economy to stop the publication of books for which we have no demand, and to sumply to the people what they are we have no demand, and to supply to the people what they are

asking for—such books as this, which treats of the diseases of the horse. It is certainly a valuable book.

Mr. EVERETT. I think it very likely that my colleague [Mr.

Morse is correct in what he says as to being unable to buy these volumes at bookstores, except at a large price. But I have had them offered to me by private parties—as many copies as I might

wish—for 50 cents a volume.

Mr. MORSE. That is 10 cents less than they cost the Gov. ernment. There is no question that the Government does publish thousands of volumes of books which are comparatively useless; but this is a book pertaining to diseases of that faithful animal, the best servant that God Almighty ever gave man—the horse. Let us disseminate this information, let us adopt the

amendment of the gentleman from Tennessee.

Mr. LANE. Mr. Chairman, I beg to differ with gentlemen who have spoken in regard to the value of this publication. In

who have spoken in regard to the value of this publication. In my view there never was a greater humbug in the shape of a book issued by the Government than this very publication. You may read the book from beginning to end and you will find that it does not prescribe a single remedy for any disease of the horse. Mr. PICKLER. The gentleman is mistaken. Mr. LANE. Oh, no, I am not. The gentleman has had his talk; and I hope he will not interrupt me. I say that in any bookstore in this city or elsewhere you can buy for 40 cents a better book on the horse and his diseases than this publication which costs the Government more than a dollar a volume to print which costs the Government more than a dollar a volume to print and send out. By propositions of this kind you swell the taxes upon the people, while you deceive them with the idea that you are sending them a free book, when in point of fact, in view of the way our taxes are levied, the book costs the people \$4 a

This book on the Diseases of the Horse ought not to be incorporated with our Agricultural Report. If included with that report it must exclude something more valuable, or must make the volume unnecessarily bulky.

It may be wise for the Government to publish occasionally information which the people cannot obtain from ordinary sources, but when such information is published it is the property of the people; and if the information is really valuable to the people, and desired by them, there is enterprise and pluck and capital enough in the country to publish in book form such information. If it will not pay private enterprise to circulate these volumes, the Government ought not to do it.

In matters of this kind the citizen can always do better than the Government; and the Government ought not to be administered in a paternal spirit by furnishing to the people a volume of this kind, when the citizen can for a reasonable price buy at any bookstore a reliable publication on the subject by some of the most scientific horsemen in the country. I say that the idea of circulating books of this kind through the agency of the Gov-ernment is a humbug and a fraud. The amendment ought not

Mr. SIMPSON. Mr. Chairman, it is surprising to me that so many gentlemen should rise here in opposition to the printing of this book. Beyond question there is a general demand for the book among our agricultural community, numbering throughout the United States 30,000,000 people. Yet I notice that whenever any proposition comes up in this House for the interest of the agricultural community there is general opposition to it. Gentlemen here are eloquent in advocay of a bill to appropriate \$6,000,000 for building a battle ship, while as a matter of fact we appropriated last year but a little over \$3,000,000 for agricultural purposes-for the purpose of carrying on the Agricultural De-

partment of this country.

My objection to the amendment of the gentleman from Ten Agricultural Report, the people will not get it until 1894. This is too long for them to wait. There is now a very urgent demand for the book; and I believe it ought to be printed at once

at the expense of the Government and sent out.

Mr. PICKLER. The gentleman will allow me to say that during this Congress several propositions for printing this volume have been introduced and referred to the Committee on Print-

have been introduced and referred to the committee ing; but they slumber and die there.

Mr. SIMPSON. Certainly, simply because the old mossback farmers of the country have been sending here as Representatives men who are intent only on looking after the interests of corporations, so that the agriculturists can not get a hearing. Such things as this ought to be a lesson to them. Of course this lands. Such things as this ought to be a lesson to them. Of course this is comparatively a small matter, but it illustrates how inadequately the agricultural community are represented in this House. When a little matter of this kind meets with such opening the such a position, it is only another straw showing which way the wind

is blowing here.

I will guarantee that if any bill came up here appropriating anything in the way of a benefit to a corporation, these

gentlemen would not be quite so eloquent in their denunciation

of it or so vigorous in their opposition.

Now, Mr. Chairman, I hope this bill will pass; and as we have Now, Mr. Chairman, I nope this old will pass; and as we have gone into this particular fraternal business, and the other fellows have got their hands into the public Treasury, I propose that there shall be a fair divide in the interest of the farmers, as long as we are committed to the policy and propose to con-

Here the hammer fell. Mr. LIVINGSTON. Mr. Chairman, the purpose of this publication is not so much to provide a remedy for the diseases of the horse as to diagnose the diseases to which the animal is sub-

the horse as to diagnose the diseases to which the animal is subject. If the gentleman from Illinois [Mr. Lane]—and I presume he has not read the book—

Mr. PICKLER. Of course he has not.

Mr. LANE. The gentleman is vastly mistaken.

Mr. LIVINGSTON (continuing). If the gentleman from Illinois will say that it does not point out distinctly and definitely every single disease to which the horse is subjected—

Mr. LANE. I say that the book is of no practical use or assistance to any man in taking care of his horse.

Mr. LIVINGSTON. It not only points out the diseases and

Mr. LIVINGSTON. It not only points out the diseases and the mode of detecting them when the horse is affected by dis-

Now, Mr. Chairman, the fact and the truth of the matter is, that the farmers of this country and the laborers, tenants, and croppers of the country handle millions and millions of dollars worth of horseflesh and muleflesh annually, and many of them, the great bulk in fact, are absolutely ignorant of the diseases of the freat bulk in fact, are absolutely ignorant of the diseases of the horse, and are ignorant of the remedy to apply when the disease is ascertained. There is an almost universal demand for this book. I want to suggest that the agricultural people of the country are not the only people who demand this book. Stable men, merchants, fancy stock-raisers, ratired citizens, gold bugs, and silver men, everybody is demanding the book. I do not want to charge in this House that this is an appropriation especially and since the target of the country. Untropose it cially and simply for the farmers of the country. But suppose it was? Taxation in its last analysis means the sweat of the face; and when the members of the House wish to publish the report of the Committee on Ways and Means, where but a single argu-ment was made directly opposed to the interests of the farmers of the country, there was but little objection to publishing thou-

sands and thousands of them at a vast expense to the people.

Mr. TAYLOR of Indians. Oh, yes; there was objection.

Mr. LIVINGSTON. If the Revised Statutes, or the Supplement to the Revised Statutes, was before the House to-day for publication, and the chairman of the committee having the

publication, and the chairman of the committee having the matter in charge should ask us to provide 100,000 additional Supplements for the benefit of the lawyers of the country, there would be no objection. Why, then, the objection whenever the farmers or laborers are interested? Why, I ask?

Mr. Chairman, it makes me tired when men stand here contending for appropriations by the millions to foster and support monopolies, and yet when the farmer asks for a little amount here, why he is ridiculed on the floor of the House by some such speech as that of the gentleman from Illinois, who says he does not understand what he wants, and that he is simply deceived and humburged by somebody else. humbugged by somebody else.

Mr. LANE. I represent more farmers than you do or ever

will.

Mr. LIVINGSTON. Well, I will make this suggestion to the gentleman, that if one-fourth of his farmers indorse the statement he made here to-day, I will resign my seat in this House. Now the only objection I have heard to the amendment of the gentleman from Tennessee is this, that we are too long getting the edition published of the Agricultural Report. I am willing, however, to accept it, and since the gentleman from South Dakota [Mr. PICKLER] has accepted the amendment I will give it my support. my support.
Mr. DINGLEY. Will the gentleman from Georgia pardon

me for a suggestion?
Mr. LIVINGSTON.

Certainly.

Mr. DINGLEY. It seems to me that if we are to publish more copies of this book on the Diseases of the Horse, it should be in a separate volume, and not be put in the Agricultural Report, which is already quite bulky. It will make the book so much a separate volume, and not be put in the Agricultural Report, which is already quite bulky. It will make the book so much larger than now, that it will be quite inconvenient to those people who have occasion to use it. I suggest, therefore, that if we are to publish more volumes they should be separate.

Mr. LIVINGSTON. I quite agree with my friend from Maine. Mr. DINGLEY. And since little or nothing will be saved by publishing the two together, there seems every reason why these publications should be separate.

The CHAIRMAN. The time of the gentleman from Georgia has expired

has expired.
Mr. VAN VOORHIS of New York was recognized.

Mr. PATTERSON. Will the gentleman yield to me for an

Mr. VAN VOORHIS of New York. Certainly. Mr. PATTERSON. I desire to add these words to the amend-tent: "as a separate volume."

Mr. RICHARDSON of Tennessee. I would not do that. That is more than even the gentleman from South Dakota asked for.
Mr. SIMPSON. Will the gentleman yield to me for a ques-

The CHAIRMAN. The gentleman from New York has the floor and yielded, as the Chair understands, to the gentleman from Tennessee only for a suggestion.

Mr. PATTERSON. I hope the gentleman will yield me a few

moments further.

Mr. VAN VOORHIS of New York. With the consent of the committee I will do so.

Mr. PATTERSON. I desire to say this, Mr. Chairman, that

on reflection it might make the Agricultural Report too volu-minous to combine the two; therefore I think it would be better to print the book in two volumes, and thus let this special re-port on the Diseases of the Horse appear in a separate volume.

port on the Diseases of the Horse appear in a separate volume. I desire to say that while I am not very conversant with these matters, I represent a district that has four agricultural counties in it. I have distributed every copy of this book that I could get, and I have now over a hundred letters lying on my table from farmers requesting this book, and I am unable to supply the demand. I think, in all seriousness, that the test of the merit of a book is the demand which comes from the people who use it.

Mr. DINGLEY. That is true.

Mr. PATTERSON. Now, when the first edition of this book was published it went out to thousands, and increasing demands have come up from the farmers throughout the country for this work. I think the cheapest and most expeditious manner in

work. I think the cheapest and most expeditious manner in which to publish this book is to do so in connection with the next Agricultural Report as a separate volume.

Mr. SIMPSON. If the gentleman from Tennessee [Mr. Pat-

Mr. SIMPSON. If the gentleman from Tennessee [Mr. PatTERSON] will allow me—
Mr. VAN VOORHIS of New York. I can not yield further.
The CHAIRMAN. The gentleman from New York [Mr. VAN
VOORHIS] is entitled to the floor.
Mr. VAN VOORHIS of New York. I want to say a word in
favor of this book. It is unquestionably a very valuable publication. It ought to be in the hands of every farmer and of every
man who handles horses in any shape. I do not care in what
form you print it, whether you put it in the Agricultural Report or print it in an independent volume, or make an additional
volume to the Agricultural Report. It ought to be printed in
some way.

I want to say with reference to this book that a prominent citizen of my district, who owned a very valuable horse that was diseased, and in the hands of veterinary surgeons, who could not do him any good, wrote me for the book. I managed to get one, and I have a letter from him stating that he is doctoring the horse himself under the directions of the book, and that the

horse is getting well.

Now, this book makes every horse-owner his own horse-doctor, If we are going to print books at all, when there is a book that is really valuable let us give it to the people.

Now, I want to ask the chairman of the committee [Mr. RICH-

Now, I want to ask the charman of the committee [Mr. RICH-ARDSON of Tennessee] where he is going to find the poor printer to sell these plates to who can pay a price anywhere nearly adequate to what these plates ought to bring? If the printer is a poor printer, you have got to give him the plates, and give away the property of the Government that has cost so much, to some private concern, when the people ought to have the books printed from these plates. from those plates.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I hope we may get a vote on this amendment.

The CHAIRMAN. The Chair agreed to recognize the gen-

tleman from Pennsylvania [Mr. SIBLEY].
Mr. SIBLEY. Mr. Chairman, I believe the Democratic party had "reform" emblazoned on its banners in the last campaign, as usual

Mr. DINGLEY. On its banners, but nowhere else.
Mr. SIBLEY. I am heartily in favor of reform and in sympathy with it, but I am not one of these reformers who want to commence along the line of the agricultural interests and have reform end at its initial point. I think there are grand oppor-

tunities for reform.

The time of this body has been wasted for several days in a proposition to remit the penalty of \$40,000 incurred by some shipbuilders. Now, would it not be a pretty good plan of reform to demand that these penalties to which these people have subjected themselves under failure of plain terms of a contract be enforced. Let us take that \$40,000 and devote it to some useful purpose. We have paid these firms hundreds of thousands of ful purpose.

dollars as bounties and rewards for doing better than contract, when they carned premiums. Now, let us put the shoe on Uncle Sam's foot for a little while. Let Uncle Sam have a little tur-

key talked to him when his turn comes, as it so seldom does. But every time a proposition comes in relating to agriculture, somebody suggests cutting down and paring down, and yet the agricultural interests represent 44 per cent of the entire population of this nation, and are the source of our wealth. The agricultural interests of the country are bringing back the gold from Europe to-day and destroying a manufactured panic. While this horse book may be imperfect, as my friend says, yet as a horseman and a person somewhat familiar with anatomy and materia medica, I believe it is a valuable work, and I believe it has saved hundreds of thousands of dollars to the stock-growers of this country. The wider dissemination of information that we can get to the agricultural class who create our wealth the better. I am in favor of reform, but not of cheese-paring reforms. I do not want a reform that stops the spigot, but turns the barrel bung side down and bunghole wide open! I am in favor of reform, but not of cheese-paring re-

I belong to a committee which I am not going to belong to any longer, and I will now resign my position on the Committee on Expenditures in the Treasury Department. [Laughter.] That is a committee that ought to be one of the most important committees in this House. It is charged with investigating the expenditures of hundreds of millions of dollars. That committee is denied a clerk, and I will never stultify myself by signing a report certifying to the correctness of these carenditures when report certifying to the correctness of those expenditures when I can not tell any more about them than I can tell the contents of this book by looking through the cover. If that committee is afforded ample opportunity to discharge its duty, I will go through those expenditures and devote my time and what little business talent I have to find where that money has gone and see whether it has been properly expended.

I would commence reforms along those lines where there are \$50,000,000 or \$100,000,000 involved, but would not adopt that character of reform which denies clerk hire amounting to \$2,500 a year and call that reform. It is not reform that is known as Democratic reform among my people. I propose to help stop what has been charged here regarding the influence given for a public building in a certain town if influence will be given for another measure in some other place, a trading of jobs as it were. I am not for the kind of reform that would deny to the producers of wealth of this country the information that is given to them by the various reports that are printed.

Give them all the reports they desire. Give them reports on science and chemistry, on plant growth and on anatomy, or materia medica in its relation to domesticated animals, and practically everything that is of interest to them. I tell you, Mr. Chairman, they are the foundation upon which this Republic rests, and the history of the globe shows that whenever agriculture has declined, as it is declining in this country, all material prosperity has declined with it and human liberties have been overthrown. The prosperity of the farmer means at all times the prosperity of the nation, and my voice and my vote will be found favoring any and all legislation having that end in view

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"]
Mr. HALL of Missouri. Mr. Chairman, I have been in this body but a short while, but I wish to say that I am very sick and tired of what—not having a better term of expression, and with-out any disrespect—I desire to term by the name of "rot" that has been indulged in on this occasion and on great many other occasions.

I maintain that the farming class, above all people on earth, are interested in the entire destruction of class legislation. I maintain, further, that they can not consistently come to this body and ask for the abolition of class legislation if they seek it for themselves. I say that the farming class, and those that are their friends, should stand up in this House and say the back of our hands is turned against all class legislation of any kind or

character.

That is the only ground we can work on, because it is the broad ground of justice and right; and no man in this body can utter a truth of greater importance to the class of people with which I have cast my lot. I am not a town farmer. I have the credit, or discredit, as you may call it, of living 18 miles from the nearest town and railroad. I say that the agriculturists have no respect for a reform of this kind. We do not ask for class legislation of this character, but all we do ask is a free field and fair fight in the battle of life. field and fair fight in the battle of life.

Mr. SIMPSON. Will the gentleman allow me to ask him a

question?

Mr. LIVINGSTON. Will the gentleman allow me to ask him a question? Will you inform me if you are in favor of abolishing the Department of Agriculture?

Mr. VAN VOORHIS of New York. And of Education? Mr. LIVINGSTON. And of Education; as being for the benefit of the farmer

Mr. HALL of Missouri. I am not speaking at this time on the question of the abolition of the Agricultural Department. I am protesting in the name of a farming class against what I termed in the beginning "rot," gotten off by political farmers. Laughter

Mr. SIMPSON. Will the gentleman now define what he means by class legislation, and what part of this legislation does he call class legislation?

Mr. HALL of Missouri. I think that legislation of any kind

Mr. HALL of Missouri. I think that legislation of any kind that gives to any particular class their seeds or their books of any kind or character which they could go into the market and buy is class legislation as far as this bill is concerned; and I do

not propose to go any further just now.

Mr. SiMPSON. On that line of argument would the gentleman abolish the printing of the Nautical Almanac, which is a publication of the same kind, so far as the Government is con-

cerned, so useful to another class of citizens engaged in another branch of industry? Would be call that class legislation?

Mr. HALLof Missouri. I will say this to my friend from Kansas, that I am not now discussing the Nautical Almanac; I am simply replying to this stuff that has been gotten off here, placing the farmer in the attitude of asking this Government for class legislation in his behalf. legislation in his behalf.

Mr. SIMPSON. I hope the gentleman will define what he stuff.

Mr. HALL of Missouri. And I will say further that it is just

Mr. SIMPSON. As what?

Mr. HALLof Missouri (continuing). That it is just such teaching as that which makes the agriculturists of Kansas and other States socialists, or tending in that direction; the teaching which directs them to look to the National Government for suc cess instead of to their own well-directed efforts. I do not believe in any such education as that. I believe that, as old Sam Tilden said, the National Government should do nothing for the State that the State can do for itself; and that neither the Na-tional Government nor the State government should do anything for the individual that he can do for himself; and I want to put myself on record as against all species of class legislation, for the farmer, the manufacturer, or any other class of citizens. [Applause on the Democratic side.]

Mr. SIMPSON. I hope the gentleman, before he takes his seat, will define what he meant by "stuff." [Laughter.]
Mr. RICHARDSON of Tennessee was recognized.
Mr. HALL of Missouri. I do not know any—
The CHAIRMAN. The gentleman from Tennessee has the

Mr. RICHARDSON of Tennessee. I yield to the gentleman

Mr. BROWN. Mr. Chairman, I listened with a great deal of pleasure to the remarks which the gentleman from Missouri [Mr. Hall] has just submitted to the House; but I desire at the outset of the few words I shall say to dispute his statement that this is class legislation. It is not class legislation. It is legis-lation clearly within the power of Congress, for the benefit of the whole country, and not for the benefit of any set or class. This book is not to be provided for the agricultural people of the country any more than for the professional or any other class of people; and, in proportion to their numbers, it is used quite a larged by the professional and other people as it is by the agricultural to the professional country by the professional and other people as it is by the agricultural people as it is by the agricultural people as it.

as largely by professional and other people as it is by the agricultural population.

But, Mr. Chairman, I rose more particularly to oppose the substitute offered by the gentleman from Tennessee [Mr. PATTERSON]. If I understand his proposition, it provides for the publication of 500,000 copies of this work, either to be bound with

publication of 500,000 copies of this work, either to be bound with the Agricultural Report or separately.

Mr. PATTERSON. In a separate volume.

Mr. BROWN. I do not believe there is anyone upon the floor of this House who sincerely desires that we shall provide for the publication of 500,000 copies of this work, unless it be my friend from Tennessee himself. My earnest and enthusiastic friend from South Dakota [Mr. PICKLER]—he is an Indiana production, and for that reason I like him, if for no other—asks for only 40,000 copies. I think myself that there ought to be from fifty to seventy-five thousand copies of that work provided for in this bill.

I think so, for the reason that, so far as my experience goes.

I think so, for the reason that, so far as my experience goes, the demand for agricultural literature is continually on the increase. We have already distributed all of these books that were assigned to us, and we can all speak truthfully when we say that we are constantly receiving inquiries about this work. I speak now for no particular class. Men who have livery stables, physicians, and others write for the book; merchants and

gentlemen of leisure write for it. It is within the power of Congress to legislate upon this subject, to make this publication for the general welfare of the people, and I trust the House will provide from 50,000 to 75,000 copies of this work.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I hope

very much that we shall now get along with the bill. say a word or two on this point, but if any other gentleman de-

say a word or two on this point, but if any other gentleman desires to speak I will not take the floor from him.

Mr. MEIKLEJOHN. Will the gentleman permit a question?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. MEIKLEJOHN. When this bill was under debate a few days ago section 53 was adopted, providing for the sale of stereotype and electrotype plates of all documents published by the Consequent. I understand the gentleman to say that if this I understand the gentleman to say that if this Government. Government. I understand this gentleman to say that it this document on Diseases of the Horse is desired by the people of this country, the plates can be sold and the publication be made by some private publishing house. I understand that this volume now costs the Government about 50 cents percopy. Now, can the chairman of the committee give us any assurance as to what price per volume the people of this country will have to pay if it ceases to be a Government publication and passes into the hands of private publishers?

I showed to the committee and the House a few weeks ago that the publication entitled Military Tactics, which was copyrighted by Hugh T. Reed, of Chicago, and which could be purchased at first for 40 cents a volume, costs at this time \$1.50, as sold by Mr. Reed on the market. If this be true, I take it that if the volume now under consideration should be published by

private publishing houses the people will pay twice or three times what it now costs the Government to publish it.

Mr. RICHARDSON of Tennessee. There need be no difficulty about this matter. If one person undertakes to issue the publication at too high a figure somebody else will get duplicate plates from the Printing Office, and if two publishers combine in a trust, so that the book is sold too high, then a third, a fourth, and a fifth will be induced to publish the work, so that there is no danger of the price going beyond what the book is worth.

Mr. MEIKLEJOHN. Have we any assurance as to the number of publishing houses that will go into the enterprise of furnishing this publication?

Mr. RICHARDSON of Tennessee. Oh, no; but if there is any

demand for it some printer can earn a living by printing the book. But that is not the question now before us. The section with which that question connects itself has been passed. I wish to address myself to the amendment of my colleague [Mr. PAT-TERSON), and then I hope we shall have a vote.

Mr. Patterson rose. Mr. RICHARDSON of Tennessee. I yield to my colleague

Mr. PATTERSON. Mr. Chairman, I desire for a moment to reply to my friend from Missouri [Mr. HALL].
Mr. RICHARDSON of Tennessee. I thought you wanted to

Mr. RICHARDSON of Tennessee. I thought you wanted to ask me a question. [Laughter.]
Mr. PATTERSON. I do not think my friend from Missouri could go further than I would go in opposition to class legislation; but the House will remember that not ten minutes before I offered this amendment this Committee of the Whole had agreed to print 500,000 copies of the Agricultural Report. Now, that is to all intents and purposes as much class legislation as the publication of the green's property or the Discourse of the House the publication of the special report on the Diseases of the Horse.

Mr. PICKLER. Far more.
Mr. PATTERSON. Therefore, Mr. Speaker, I feel that the argument of my friend from Missouri falls entirely to the

I wish now to repeat that—— Mr. COOPER of Indiana. On that point will the gentleman allow me a moment?

Mr. PATTERSON. I yield for a question.

Mr. COOPER of Indiana. There is a distinction which I wish gentlemen of the House to observe, because I do not desire to be put, and I do not think other members of the House ought to be put, in the position of voting for class legislation when they provide for the publication of these Agricultural Reports. These reports are annual publications, and they are supposed to embody each year the results of the experiments conducted in the Agricultural Department; they are the annual reports of the proceedings of that Department. On the other hand, the publication of this work on the Diseases of the Horse is the indefinite reproduction of a book which has been issued to the people heretofore and is now within their reach.

Mr. PATTERSON. In other words, according to my friend from Indiana [Mr. COOPER], if Congress annually indulges in class legislation it is all right; but if it does it in a special instance it is all wrong. I do not understand that argument.

Now, the fact about the matter is, that of all the books that

have been published in recent years by the Agricultural Department, this book, so far as my observation extends, is in greatest demand among the agriculturists of this country. am constantly in receipt of letters requesting copies of this ook. If it should be published as a separate volume of the next Agricultural Report I would get only about 800 or 900 copies for my entire district, which, I submit, would be a very limited sup-ply, in view of the fact that the book is so valuable. I submit that this book can be more economically published in connection with the annual Agricultural Report of 1893 than in any other

way.

Mr. RICHARDSON of Tennessee. If it be published as a separate volume, how can it be sent out any more cheaply when you

ouple it with the Agricultural Report?

Mr. PATTERSON. Is this the first instance in which the Agricultural Report has ever been published in two volumes?

Mr. RICHARDSON of Tennessee. It is. That report has al-

ways been published in one volume.

Mr. PATTERSON. My recollection is that it has appeared heretofore in more than one volume.

Mr. RICHARDSON of Tennessee. Never.
Mr. PATTERSON. Well, I may be mistaken about that. So far as the provision for a separate volume is concerned, I have put that in at the suggestion of friends here, because it would be more convenient and useful in that shape; it could be preserved as a volume by itself; I think the public at large would prefer it in that form; and if it be published in connection with the Agricultural Report it certainly would not involve a very extraordinary expense. I submit that it could be published more cheaply this way than as a separate and independent volume.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Chairman, I must be

mr. RICHARDSON of Tennessee. Mr. Chairman, I must be permitted a word or two in answer to my colleague [Mr. Patterson]. The estimate for printing this book is 61 cents a copy. If you print 500,000 copies (and that is the number proposed by this amendment) you tax the people over \$300,000 for the printing of this one volume on the Diseases of the Horse. Now, the gentleman from South Dakota [Mr. Pickler], who is extravagant [I say it with all respect] in his love for this book, has asked only for the publication of 40.000 copies.

the publication of 40,000 copies.

Mr. PICKLER. Right there will you allow me a question?

Mr. RICHARDSON of Tennessee. Not now. Those 40,000 copies, at 60 cents each, would cost \$24,000. I was resisting that proposition; but here comes my colleague [Mr. PATTERSON] and proposes to incur an expense of \$300,000 for the printing of this book. It seems to me he does not think what he is doing. It will cost just as much to print this book as a separate volume to

will cost just as much to print this book as a separate volume to accompany the Agricultural Report as it would to print it in ordinary form as a volume by itself.

Mr. PATTERSON. I will remind my colleague that the amendment of the gentleman from South Dakota proposed an annual publication of 40,000 copies. My amendment proposes a single publication in connection with the Agricultural Report.

Mr. RICHARDSON of Tennessee. I do not want to claim any wall for the ways that the statement of the second s

Mr. RICHARDSON of Tennessee. I do not want to claim any credit for the suggestion; but if my colleague would modify his amendment so as to provide for including this publication as a part of the regular Agricultural Report, it might not be so objectionable. But when he undertakes to provide for publishing two volumes—the Agricultural Report of full size to the number of 500,000 copies, and then the same number of copies of this book on the Diseases of the Horse-it seems to me he is going

altogether too far.

I think we ought to limit it to one volume, and that ought not to larger than the usual report of the Secretary of Agrilture. We do not want to spend all of the money for the pub-

lic printing, and the gentleman ought to move his amendment with some consideration of that fact.

Now, let me reply to another remark of the gentleman from South Dakota wherein he says that this book ought to be printed south Dakot wherein he says that this book ought to be printed as an annual report, because there are other annual reports. I wish to say that the regular annual reports are new here; that is to say, they contain new matter every year. But the gentleman's proposition would involve the publication of the same matman's proposition would involve the publication of the same matter year after year. That would be something entirely new and novel in the history of the Government publications. We do print the annual reports each year, as I have said, but they are new material each year. They are supposed to contain new matter. But this publication which the gentleman provides for is a publication every year of the same identical matter.

Mr. PATTERSON. Will the gentleman yield to me for a question?

Mr. RICHARDSON of Tennessee. Yes.
Mr. PATTERSON. You are versed in these matters. What
would be the cost of the printing of the special report as a part of the one volume of Agricultural Reports?

Mr. RICHARDSON of Tennessee. My opinion is, Mr. Chair-

man, if you would insert the matter that goes into the special report in the annual report of the Secretary of Agriculture, and have it understood at the same time that the regular annual report will be thereby enlarged but little, by leaving something out, it will not add much to the cost of the annual report of the Secretary of Agriculture. But if you make a separate volume, then we pay just as much for the special report on the Diseases of the Horse as we pay now for the annual report of the Secretary of Agriculture; that is to say, about 60 cents a volume, and the edition of 500,000 copies of the special report which is provided for would entail an expense, as I have already shown, of about \$300,000.

Mr. PATTERSON. But my colleague has not quite answered y question. I understand the point that he is discussing now. question. But it is not my object to eliminate matter from the Agricultural Report. My object is not to reduce the Agricultural Report, but to extend the report, by including also the special work

on the Diseases of the Horse.

Mr. RICHARDSON of Tennessee. If that goes in the other

ought to be reduced.

Mr. PATTERSON. What I want to know is as to the difference in cost between the printing of the special report in one volume and the printing in two volumes—separate volumes.

Mr. RICHARDSON of Tendessee. There would be a great deal of difference. I can not tell you exactly without an estimate from the Printing Office, but certainly the binding of 500,000 copies would add a very considerable expense

Mr. PATTERSON. Would not that be substantially all the

Mr. RICHARDSON of Tennessee. That would be the main

Mr. PATTERSON. Now what is the cost of binding such a

work as that?

Mr. RICHARDSON of Tennessee. I can not give the exact figures. I suppose anywhere from 25 to 40 cents.
Mr. PATTERSON. For binding alone?

Mr. RICHARDSON of Tennessee. Yes, sir; that is my judg-

[Here the hammer fell.]

Mr. DINGLEY, Mr. Chairman, it is very evident from the liscussion which has been proceeding in the committee that there is a disposition on the part of the members to vote for the publication of additional copies of the work known as Diseases of the Horse. Whether it is wise to do it or not I do not propose to discuss, because I think the House or the committee—a large majority of it—are in favor of the publication.

Now, the question, and the practical question, it seems to me, s, first, how we shall publish the work under consideration; and, second, how many volumes ought to be published? First, on the point of the manner of publishing. I think it would be exceedingly unsatisfactory if additional copies of the work known as Diseases of the Horse are to be published to include them in the annual report of the Secretary of Agriculture. And why? Because if it is to be included in this report it will, in the first place, make an exceedingly bulky volume, that will be handled with a great deal of difficulty. Secondly, if the book is distributed it will necessitate the sending of an Agricultural Report to every person to whom the work on the Diseases of the Horse is sent-two reports to one person-and will, therefore, result in distributing to about one-half of the number of persons that the work should be distributed to if published separate from each other. Third, there would be—and I desire to call the attention of the gentleman from Tennessee to this fact—a very little difference in the cost of publishing the works separately and publishing them together, unless the regular annual report on agriculture is to be reduced in size in consequence of this combination of the two books in one. If the regular matter provided for in the annual report on agriculture is to be all included, it will make a volume as bulky as it ought to be without including in it the other volume on the Diseases of the Horse.

Mr. PATTERSON. Will the gentleman allow me to interput him for a suggestion?

rupt him for a suggestion? Mr. DINGLEY. Yes.

Mr. PATTERSON. I understand on consultation with friends that the next Agricultural Report will be probably a much smaller volume than usual, and that this special report on the Diseases of the Horse can be incorporated in it without making the volume too bulky. In view of that fact, Mr. Chairman, I desire to withdraw from the amendment the words "as a separate volume," and let it go as originally prepared.

The CHAIRMAN. The gentleman from Tennessee moves the adoption of the amendment as amended.

Mr. DINGLEY. Now, just one word, to conclude. Of course, if this volume is to be greatly reduced in bulk, then that particular objection might be obviated, although it would not obviate the first objection to which I have referred; but I assume that this report, when the matter shall be entirely completed for it, will be of the usual bulk; and if so, then that it will make a

it, will be of the usual bunk; and it so, then that it will make a book that is altogether too large for usual distribution.

Now, the only possible saving that there can be in putting these volumes in one is not in the entire binding, because each book has to be bound up to the cover precisely the same, whether published together or published separately, and it is simply in the outside cover that any saving will be made, which is not a large amount. large amount.

It seems to me that the advantage that will be had in having these books to distribute separately, thus providing a distribu-tion to twice the number of people without involving the sending of two books bound in one, where only one was wanted, would

accomplish greater good.

Thirdly, as to the number of volumes, I do not think it is wise for this House to order the printing of 400,000 copies at this time of this work on the Diseases of the Horse. It seems to me that it is a larger number than is needed at this time. This book is stereotyped, and if future Congresses shall desire additional volumes they can be ordered then; but for the present it seems to me that 75,000, or 100,000 copies at the outside ought to suffice this Congress, and that we ought not, especially in the condition of the Treasury at the present time, to authorize the publication of a large way here of releases the condition of the condition of the treasury at the present time, to authorize the publication of so large a number of volumes at such an expense. [Applause.]

Mr. Chairman, I move to strike out all after the word "provided" and insert the matter which I have sent to the Clerk's

The CHAIRMAN. The gentlemen from Maine offers an amendment to the amendment, which the Clerk will report. The Clork read as follows:

Strike out all after the word "provided" and insert "that 75,000 copies of the Government work known as Diseases of the Horse be printed, 50,000 cop-ies for the use of the House and 25,000 for the use of the Senate."

Mr. DINGLEY. I would not object to carrying it up to a

Mr. DINGLEY. I would not object to carrying it up to a hundred thousand, if it was very much desired.

Mr. PICKLER. I desire to say that I am not so particular about the form in which this publication is obtained, so that we obtain it in some form for our constituents; and I want to say, in reply to the chairman of the committee, that you must remember the chairman of the committee, who is certainly a very efficient member in this House, is here for the purpose of keeping down the appropriations for printing. That is his legitimate business, and he wishes, of course, to make as large a saving as possible, if this bill shall be adopted by the House; so we must expect that he will try to trim these appropriations down all he possibly can.

Now, the gentleman says that this book will be put out every

year, and that is not like the Agricultural Report, because that is a new work every year. I want to ask the gentleman if there are not studies and investigations being made by the Agricultural Department every year in regard to the diseases of the horse and all that pertains to the horse, just the same as in all the other departments of agriculture; and if it was an annual publication, would not there be enough new matter in that respect,

the same as in any other agricultural report? Further, gentlemen, if one of my constituents gets one of these horse books this year he will not get it next year, but some other constituent will; and is it not a new matter to my other constituent next year, just the same as it is to the one who receives it this year? These books are not duplicated. You do not send them to the same man, as you do the Agricultural Report, but even if it runs for ten years, you would not supply all your constituents. The book is new to each man who receives

it every year.

Now, the gentleman from Illinois [Mr. Lane] is the only witness that I have ever heard testify on the other side of this case. I have offered a good many resolutions in this House for the publication of this book, and I have received a large number of letters in regard to it from horsemen and menengaged in business where horses are employed; from veterinary surgeons, from many other people, and I have only had the highest commendations of this book.

Why, Mr. Chairman, there can be no other reasonable posi-on. Does not this Government employ the very best talent possible to make this study and to develop the matter that goes into this book? Is it possible that the gentleman from Illinois undertakes to tell us that not only are the people all fools, and do not know what they want when they call for this book, but that the Agricultural Department has employed a lot of nincompoops to get up this book!

The CHAIRMAN. The time of the gentleman has expired. Mr. LIVINGSTON. Mr. Chairman, I desire to offer a sub-

The Clerk read as follows:

Provided. That there shall be published 30,000 copies of the publication of the Agricultural Department known as special report on Diseases of the OF86, 5,000 for the use of the Senate and 25,000 for the use of the House of Horse, 5,000 in Representatives.

Mr. SAYERS. Mr. Chairman, I desire to say a few words to the committee. The appropriations for printing, without the extra session, amount to about \$3,000,000 per annum. That is what it has cost the Government.

Mr. RICHARDSON of Tennessee. Three million six hun-

dred thousand dollars.

Mr. SAYERS. Three million six hundred thousand dollars.

Mr. RICHARDSON of Tennessee. That is what it was last

Mr. SAYERS. Now, that is the expenditure without the additional cost of printing incident to the extra session of Congress.

After this extra session of Congress shall have concluded, the cost of printing will for the present fiscal year be nearly \$4,000. cost of brinking will for the present useal year be nearly \$4,000,-000. When the deficiency bill comes up for consideration, in order to supply the money necessary for the Printing Office, it will be found that a deficiency appropriation amounting to nearly a million dellars will be required.

I want to caution gentlemen against making these large expenditures. When the sum total of our expenditures for this year shall be reached, and shall amount to over \$500,000,000, gentlemen will think it very strange that the Committee on Appropriations, and the other committees which have charge of appropriation bills, have not cut down and trimmed their bills in order that the appropriations of this year should not reach \$500,000,000, not thinking that by amendments offered in this House, and passed by this House, the appropriations for printing for the present fiscal year will be more than half a million dollars in excess of those of any previous year.

Now, I warn gentlemen right here, and especially do I warn the gentlemen from Tennessee [Mr. PATTERSON], as to the extent of your appropriation for the present fiscal year.

Mr. PATTERSON. Will my friend just for a moment yield to a suggestion there?

Mr. SAYERS. Certainly.

Mr. PATTERSON.

to a suggestion there?
Mr. SAYERS. Certainly.
Mr. PATTERSON. Now, Mr. Chairman—
Mr. SAYERS. I do not yield for a speech.
Mr. PATTERSON. I will reply to the gentleman—
Mr. PICKLER. The chairman of the Committee on Printing suggests that this bill will save a great deal of money.
Mr. RICHARDSON of Tennessee. But if you get in an order for 300,000 copies of this report there will not be much reduc-

Mr. PATTERSON. Mr. Chairman, I was about to say that the proposition is to print this special report on the Diseases of the Horse in the Agricultural Report. Now, the Secretary of Agriculture can, as I am informed, eliminate matter that is nothing like so valuable to the farmers as this special report; and it seems to me that other matter might be eliminated in such a manner that there would be no material addition to the cost of printing the Agricultural Report in that form to the ordinary cost of printing the Agricultural Report. of printing the Agricultural Report. You have already authorized the printing of 500,000 copies of the Agricultural Report.

Mr. SAYERS. Now, will the gentleman from Tennessee add a clause to his amendment directing the Secretary of Agriculture to eliminate from the Agricultural Report, of which 500,000 copies have been ordered by the House, a sufficient quantity of matter so as to include in its place a reprint of this horse book without additional cost to the Government? If he will do that, I have no objection to the proposition; but what I do want is I have no objection to the proposition; but what I do want is to call the attention of this House, both sides of this House, to the fact that the revenues accruing to the Treasury are steadily declining, and that it is the duty of every member of this House, without regard to party, to bring the appropriations clearly within the revenue. I trust the House will do it.

The CHAIRMAN. The question is on the amendment Mr. LIVINGSTON. Just a moment, Mr. Chairman. I want to say to the Committee of the Whole House that my proposition is an economical one. I want to say, in addition to that, it

tion is an economical one. I want to say, in addition to that, it provides for 30,000 copies, 25,000 copies for the use of the House and 5,000 for the use of the Senate. In the mean time, when the next Congress assembles, if they want 30,000 copies let them attend to that for themselves. I propose to provide for this Congress, and for this Congress alone. In addition to that, Mr. Chairman and gentlemen, I want the book bound as a separate volume or not at all. If you mix it up with the Agricultural Report you will have to send the Agricultural Report to every man who wants a horse book, and vice versu. It will be more expensive the sentlement of the congress that the sentlement has a force the sentlement of the congress that the sentlement of the congress that the congress that the congress that the congress the sentlement of the congress that the congre pensive, as the gentleman has said, by a great deal than this proposition of mine; and now I ask the committee to accept my amendment, ordering the printing of 30,000 copies, which can be done at a cost of 60 cents a copy, making altogether \$18,000.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Tennessee [Mr. PATTERSON], after which the amendment to the amendment, offered by the gentleman from Maine, will be read, and then the substitute, offered by the gentleman from Georgia.

The Clerk read as follows:

Amend by adding after line 10, page 32, the words: "Provided, That in the Agricultural Report for 1893, the special report on the Diseases of the Horse shall be printed."

The CHAIRMAN. That is the original proposition, offered by the gentleman from Tennessee. The Clerk will now report the amendment offered by the gentleman from Maine. The Clerk read as follows:

Amend by striking out all after the word "Provided," and insert "That 75,000 copies of the Government work known as Diseases of the Horse be printed; 50,000 copies for the use of the House and 25,000 for the use of the Senate."

Mr. DINGLEY. Mr. Chairman, in order to test the judgment of the House as to the smaller number, 30,000, I move to strike out "seventy-five" and insert "thirty." Let the vote be taken on that, and if it be rejected, the vote can then recur on the

The CHAIRMAN. The gentleman from Maine will please state his amendment in the language in which he desires it to

Mr. DINGLEY. I move to strike out "seventy-five" and insert "thirty." I make the motion simply to test the sentiment I make the motion simply to test the sentiment of the House

The CHAIRMAN. What number of copies does the man propose for the House, and what number for the So Mr. DINGLEY. I will arrange that subsequently amendment shall prevail.

The CHAIRMAN. The Clerk will report the entire substi-

The substitute was read, as above.

The CHAIRMAN. The question is first on the amendment of the gentleman from Maine.

The question being taken on Mr. DINGLEY'S amendment, the Chairman declared that the noes seemed to have it.

Mr. DINGLEY. Let there be a division. The House divided; and there were—ayes 29, noes 53.

So the amendment was rejected.

The CHAIRMAN. The question now is on the substitute proposed by the gentleman from Georgia [Mr. LIVINGSTON].
Mr. PICKLER. Mr. Chairman, I desire to make a parliamen-

tary inquiry

The CHAIRMAN. The gentleman will state it. Mr. PICKLER. I understood that the gentleman from Maine Mr. DINGLEY | first offered an amendment providing 50,000 copies for the House and 25,000 copies for the Senate, 75,000 in all, and then moved to amend that, and that we voted on his amendment. The CHAIRMAN. The gentleman from Maine modified his amendment so as to make the number 30,000.

Mr. DINGLEY. I moved to amend the amendment and that

has been voted down; which leaves my amendment now standing proposing to print 75,000 copies.

The CHAIRMAN. The Chair did not so understand it, because the amendment would not have been in order in that degree. The Chair understood the gentleman to modify his amend-

Mr. DINGLEY. It was only an amendment in the second degree. I moved an amendment to an amendment, and an amendment to that was in order.

The CHAIRMAN. No. The first proposition was offered by the gentleman from Tennessee [Mr. PATTERSON], and the gentleman's amendment was an amendment in the second degree.

Mr. DINGLEY. But that proposition was accepted and made the original proposition.

The CHAIRMAN. The Chair did not understand the gentleman from Tennessee [Mr. PATTERSON] to accept it.

Mr. DINGLEY. Well, if that is not so, of course I am wrong;

but practically it makes no difference.

Mr. PICKLER. Mr. Chairman, I desire to offer an amend-ment, the same as that offered by the gentleman from Maine, and to have it pending.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read as follows:

That 75,000 copies of the Government work known as Diseases of the Horse be printed; 50,000 for the use of the House and 25,000 for the use of the Senate.

Mr. PICKLER. Now, Mr. Chairman, I ask the Chair to state

Mr. PICELER. Now, Mr. Chairman, I ask the Chair to state the parliamentary situation.

The CHAIRMAN. The original amendment is the amendment offered by the gentleman from Tennessee [Mr. Patterson]. The gentleman from South Dakota [Mr. Pickler] now offers an amendment to that amendment, which has just been reported by the Clerk. A substitute for both is pending, offered by the gentleman from Georgia [Mr. Livingston].

Mr. SPRINGER. Let that be read and voted upon.
The CHAIRMAN. The gentleman from South Dakota offers an amendment to the amendment, and that is first in order.
Mr. RICHARDSON of Tennessee. I rise to a parliamentary

Inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. RICHARDSON of Tennessee. Is the original proposition
which is pending the amendment of my colleague from Tennessee [Mr. PATTERSON]?
The CHAIRMAN. It is.
Mr. RICHARDSON of Tennessee. That calls for 500,000 cop-

The CHAIRMAN.

CHAIRMAN. It does. RICHARDSON of Tennessee. How is an amendment which calls for 75,000 copies consistent with that unless the proposition is to strike out 500,000 and insert 75,000?

The CHAIRMAN. That is the proposition.

Mr. RICHARDSON of Tennessee. The Chair has not so

stated.

The CHAIRMAN. The Chair was in error if he did not so state, because that is the amendment of the gentleman from South Dakota

Mr. LIVINGSTON. Does that carry with it only 75,000 copies

of the Agricultural Report?

The CHAIRMAN. It does not relate to the Agree Report at all. The Clerk will report the amendment.

The Clerk read as follows: It does not relate to the Agricultural

Strike out all after the word "provided" and insert the following: "That 75,000 copies of the Government work known as Diseases of the Horse be printed: 50,000 copies for the use of the House and 25,000 copies for the use of the Sonate.

The CHAIRMAN. The question will now be taken on the amendment to the amendment offered by the gentleman from South Dakota.

The question being taken, there wereayes 79, noes 17; so the

The question being taken, there were—ayes 13, noes 11; so the amendment of Mr. PickLer was agreed to.

Mr. MORSE. I rise to a parliamentary inquiry. Is it in order now to move to amend so as to change the ratio between the Senate and the House? The proportion for the Senate, as the proposition now stands, is too large.

Mr. DINGLEY. It is the ordinary proportion, which has been established from time immemorial. It can not be changed with

out making trouble.

Mr. MORSE. I think it can.
The CHAIRMAN. It seems to the Chair that the amendment would be a reconsideration of action already taken by the Committee of the Whole, and would not be in order.

Mr. LIVINGSTON. I desire to withdraw my substitute.

The CHAIRMAN. The substitute being withdrawn, the

question is on the original proposition of the gentleman from Tennessee [Mr. Richardson], as amended on the motion of the gentleman from South Dakota.

Mr. DINGLEY. Let it be read as it now stands.

The Clerk read as ollows:

Add after line 10, page 22, these words: "Provided, That 75,000 copies of the Government work known as Diseases of the Horse be printed; 56,000 copies for the use of the House and 25,000 copies for the use of the Senate.

Mr. LIVINGSTON. If it be in order, I would like to move to amend by striking out 50,000 copies as the proportion for the House and inseating 60,000 and by striking out 25,000 as the House, and inserting 60,000, and by striking out 25,000 as the

proportion for the Senate, and inserting 15,000. The CHAIRMAN. In response to the inquiry of the gentleman from Massachusetts [Mr. Morse], a few moments ago, the Chair stated that such an amendment would not be in order, as it would involve a reconsideration of the action of the Committee of the Whole. But the Chair now finds that he misunder-stood the parliamentary situation, and that the amendment is in

Mr. LIVINGSTON. Then I move the amendment as I have

just stated it.

Mr. MORSE. That is the amendment which I was about to

The CHAIRMAN. The amendment, without objection, will be considered as having been offered by the gentleman from Massachusetts [Mr. MORSE]. It will be read.

The Clerk read as follows:

Strike out "50" and insert "60;" so as to read, "60,000;" and strike out "25" and insert "15," so as to read "15,000;" making the clause read: "Sixty thousand copies for the use of the House and 15,000 copies for the use of the Senate."

Mr. MORSE. Mr. Chairman, is debate in order?
The CHAIRMAN. It is,
Mr. MORSE. I will occupy just a minute. Every man on this
floor knows that members of the House of Representatives have very many more calls upom them than members of the Senate for these documents, notwithstanding the fact that Representa-

tives are so much more numerous. I submit that the amend, ment I have proposed contemplates a just division of these books and ought to prevail.

Mr. DINGLEY. While it might be desirable, if we were reviewing this whole question of the division of Government publications between the two Houses, to endeavor to bring about a modification, we must bear in mind that this is the proportion that we have adopted as a basis of division between the two Houses all through this bill; and it has been adopted with re. spect to all our Government publications. There is some danger that if we should undertake to disturb the existing rule of division we might lose this whole proposition. I think we had better maintain the division which has heretofore prevailed with

out any attempt to change it at this time.

Mr. RICHARDSON of Tennessee. I would not say a word on this amendment except for the reference of the gentleman from Maine to the division made in this bill. We have simply fol-

Make to the division made in this thit. We have simply lot-lowed the division which has existed for many, many years. Mr. DINGLEY. That is true. Mr. MORSE. But it is unjust, nevertheless. Mr. RICHARDSON of Tennessee. I have no idea that the Senate will depart from the division which has prevailed heretofore; but I do not oppose the amendment.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question is now on the original proposition of the gentleman from Tennessee [Mr. RICHARDSON] as amended on motion of the gentleman from South Dakota [Mr.

Mr. WEADOCK. I move the amendment which I send to the

The Clerk read as follows:

After line 10, raragraph 2, section 76, add the following words:

"Copies of said Agricultural Report shall be apportioned among Representatives according to the number and population of agricultural counties in their respective districts, provided that at least 50 copies be allowed to each Representative."

Mr. RICHARDSON of Tennessee. I make the point of order that we have already settled this distribution by a positive vote, and that it is not in order now to change the division as already agreed on.
The CHAIRMAN. The Chair sustains the point of order.

the gentleman insists on it.

The Clerk (continuing the reading) read as follows:

Of the report of the Bureau of Ethnology, 8,000 copies: 1,000 for the Sente, 2,000 for the House, and 5,000 for distribution by the Bureau of Ethnology

Mr. BLACK of Georgia. Mr. Chairman, it seems to me that we are proceeding with undue haste. The suggestion which was made to us by the chairman of the Committee on Appropriations [Mr. SAYERS] was, it seems to me, very timely, and one which ought to attract the attention and command the consideration of this committee. We are taking action here now which will come back to us hereafter when we are called upon to make appropriations. I would like to ask the chairman of the Committee on Printing whether it is not a fact that we have now mittee on Printing whether it is not a fact that we have now stored somewhere in this building, or perhaps in other buildings, a large number of the documents mentioned in this bill, or such documents as we are now providing shall be printed?

Mr. RICHARDSON of Tennessee. I think not. These reports that we are now providing for are annual reports. They are printed from year to year, and there can not be stored away any of these reports which have not yet been printed.

Mr. BLACK of Georgia. I am not referring especially to the reports for this year; but I say, have we not stored away copies

Mr. RICHARDSON of Tennessee. It may be that some such

are stored away.

Mr. BLACK of Georgia. Is it not true that we have been called upon to provide a storehouse for these documents? Has not the Government been called on to rent various places for the

storage of documents of this kind?

Mr. RICHARDSON of Tennessee. Yes, sir; that is true.

Mr. BLACK of Georgia. Now, I would like to ask the gentleman what is the necessity for our printing these documents when it has been demonstrated by actual experience that nobody wants them; that nobody will take them? Mr. RICHARDSON of Tennessee. I think the gentleman as-

Mr. RICHARDSON of Tennessee. I think the gentleman assumes a little too much when he says that "nobody" wants them. Because of the fact that we find here occasionally a number of members, two or three or a half-dozen, who do not want them, and thereby these works accumulate, that does not represent the whole number by any means. We take the publications as a rule, and are glad to get them and send them out. I would like to have more of them myself. We send all out that we can get. There will be no accumulation of these I am satisfied.

Mr. Chairman, these publications mentioned in the paragraph of the bill we are now considering are the annual publications

of the Government; and I beg the attention of the committee to of the Government; and I beg the attention of the committee to this fact, that we have reduced every one of them, I believe without exception, largely. Take the one that has just been read, the report of the Bureau of Ethnology. There is a reduction by this bill in that publication of 7,500 copies. They cost about \$2.25 a copy, as near as I can get at it; at all events a little over \$2. So that in this one publication, by the amendment of the committee in reporting this bill, we have saved \$15,000 a year to the Government, and therefore it seems to me it ought to be passed without objection. to be passed without objection.

Mr. BLACK of Georgia. Ought it to pass if we can save \$10.-

Mr. RICHARDSON of Tennessee. I think we have reduced the number as low as possible with safety to the Government. We called the superintendent of the Bureau before us, and he testified that this number of copies that we left in the bill is ab-

solutely necessary for distribution.

Mr. BLACK of Georgia. Let me ask the gentleman further, do you think that the provision for 3,000 copies of the report of the Bureau of Ethnology, for the use of the House, is absolutely

Mr. RICHARDSON of Tennessee. I think so. a very good and important publication. It is a valuable work certainly; a very valuable one to many members from sections where there are scientific schools or establishments of that kind. There is quite a demand for it in many parts of the country.

Mr. BAILEY. I would like to ask the gentleman from Tennessee what is the purpose of the work?

Mr. RICHARDSON of Tennessee. This is the report on eth-

Mr. BAILEY. Yes; but what is the object of publishing it by the Government?

Mr. RICHARDSON of Tennessee. Has the gentleman ever

Mr. BAILEY.

Mr. BAILEY. Yes, sir; I have. Mr. RICHARDSON of Tennessee. Then the gentleman is

just as competent to testify as I am.

Mr. BAILEY. The gentleman answers my question by asking another. I hope he will give the information I have asked

I can not say, of course, from Texas. If he would Mr. RICHARDSON of Tennessee. what would suit the taste of my friend from Texas. If he would like to inquire and learn anything about ethnology he will find the information in this work.

Mr. BELTZHOOVER. Mr. Chairman, I rise to a question of order. What proposition is pending before the committee?

The CHAIRMAN. There is no amendment pending. The Chair has been indulging this debate by consent of the com-

Mr. BLACK of Georgia. Then I will offer an amendment if

Mr. RICHARDSON of Tennessee. If the gentleman will permit me I will move to strike out the last word, a pro forma amendment.

I was going on to say, Mr. Chairman, that these are very scientific and valuable productions, and are valuable not only to ourselves and our Government, but to all scientific people every-where. I do not undertake to say that they would suit my friend from Texas, or his taste for literature, but they do suit the taste

of many people. Mr. BAILEY. That is precisely the point that I wanted to dewelop. Then this is an effort to promote science, as I understand it. Now, the only power of Congress to promote science is derived from the Constitution which expressly authorizes it "to promote the progress of science and the useful arts." How? Not by publishing and distributing such works as these, but by securing to authors and inventors the exclusive use of their writings or inventions for a limited time. And, as I take it, when Congress has done that it has exhausted its power to promote the progress of science and the useful arts. the progress of science and the useful arts.

Mr. BELTZHOOVER. Mr. Chairman, I offer an amendment to this section, or paragraph, of the bill.

The Clerk read as follows:

Amend by increasing the number in line 46, page 35, to "14,000;" and in line 47 change "1,000" to "3,000," and "2,000" to "6,000."

Mr. BELTZHOOVER. Mr. Chairman, if the gentleman in charge of this bill, the chairman of the committee, will give me his attention, I desire to say that this is one of the most valuable publication; made by the Government. The demand for it by the institutions of learning, and by gentlemen of culture throughout the country, is as great relatively as the demand for the Agricultural Porces. ricultural Report.

I believe, therefore, that while I might agree with the gentle-man from Texas [Mr. Bailey] as to the paternalism of the Gov-ernment involved in this question, and that I might justify my-self in voting against publishing anything whatever by the Gov-

ernment, yet, if we do publish these books, I favor the publica-tion of the valuable ones which are most sought after and are believed to be most useful as a means of conveying information The Committee on Printing, instead of reducing to the people. the numbers of these books that outside parties are entitled to, have cut down the number that members of Congress have hitherto received, from 6,000 to 2,000, and have increased the number for the Bureau of Ethnology.

I can see no reason why we, the representatives of the people, in appropriating the money for publications for our constituents, shall not have the right to control the distribution of those documents in a ratable proportion among our districts, without the intervention of people who may distribute them entirely in a few sections, and to a few institutions and persons. If this number is to be 5,000 for the Bureau of Ethnology, then the number ought to be increased, as my amendment proposes, for the Senate and the House. There is no reason why this Bureau of Ethnology should have the right, with the little knowledge they have of the people requiring them in our several districts, to distribute them as they please, without consulting members of

the Senate or House.

Therefore if the number is to remain as the Committee on Printing have reported it, at 5,000 for the Bureau of Ethnology, the number ought to be increased at least to 6,000 for this House of 356 members. I am in favor of economy as much as any gentleman can be, but I dislike this cheese-paring economy in small matters that we sometimes see in this House, and which excites the contempt and derision of the country. If we are going to print these books, let us print the valuable ones, and print them in such quantities that it will be worth while to take the trouble to distribute them. The number now reported will give us but 6 volumes apiece, to be distributed among an average population of 30,000 voters, whereas we ought to have more than double that number to supply the public libraries alone.

Mr. SIMPSON. I wish to offer an amendment to the amend-

ment.

ment.
The CHAIRMAN. The gentleman will send it up.
Mr. SIMPSON. After the word "copies," in line 47, add the
word "two," and strike out the word "one." And in the same
line, after the word "Senate," strike out the word "two" and
insert the word "five;" and in line 48 strike out the word "five"
and add the word "one;" so as to read:
Of the report of the Bureau of Ethnology, \$,000 copies—2,000 for the Senate,
5,000 for the House, and 1,000 for distribution by the Bureau of Ethnology.

I think that will owned the evil compalence of

Of the report of the Bureau of Ethnology, 8,000 copies—2,000 for the Senate, 5,000 for the House, and 1,000 for distribution by the Bureau of Ethnology.

I think that will cure the evil complained of.

Mr. BELTZHOOVER. That proposition being voted on first, if it is adopted I will withdraw my amendment.

Mr. SIMPSON. I think that will cure the evil the gentleman complains of, of giving so large a proportion to the Bureau. I agree entirely with the gentleman from Pennsylvania [Mr. BELTZHOOVER] that this is a very valuable book, which ought to go out to the people. There is a large demand for it in my country. Perhaps in the district of the gentleman from Missouri [Mr. Hall] they will consider it, like him, stuff and rot; but in my country, and in the gentleman's State, I am satisfied that there is a large demand for the book.

Mr. PICKLER. Does the gentleman know whether I,000 copies will be sufficient for the Bureau to enable them to make the exchanges that they make with the various nations of the earth?

Mr. SIMPSON. I should think it would be plenty.

Mr. PICKLER. I would not want to cut them below what they ought to have for making these exchanges.

Mr. FIGHER. I would not want to cut then below what they ought to have for making these exchanges.

Mr. SIMPSON. That will be a sufficient number.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am of the opinion, generally speaking, that the less members of Congress and Senators have to do with anything in this Government, outside of the duties of legislation, the betterfor them and for the

people.

There is a great deal of selfishness in everything, and I understand that; and I have it to as large an extent as the average member of the body of which I am a member. I understand perfectly the feeling upon the part of a member of Congress that he is the proper party to distribute documents; but it is a mistaken feeling, and I think the sooner we go back to the idea that these documents are published for the purpose of disseminating useful information among the people and not for the purpose of being used by us in order to advance our own political fortunes the better for the United States, and, in the long run, the better for us.

for us. Mr. DAVIS. But who knows better the people of the various

Mr. DAVIS. But who knows better the people of the various districts than the Representatives from those districts?
Mr. WILLIAMS of Mississippi. Ah, Mr. Chairman, no man knows the people of the Fifth district of Mississippi better than I do, and nobody knows better where a public document will aid in my redlection than I do.
Mr. DOOLITTLE. Do you not want to be redlected?

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, the people can get these documents just as well through the Departments; and the Departments, as we all know, will take, above all things else, a list from a member of Congress and advice from him as to how to distribute these documents.

Mr. BELTZHOOVER. Will the gentleman allow me to ask him if he ever tried that experiment?

Mr. WILLIAMS of Mississippi. I have; and I am trying it to day in the Interior Department.

to-day in the Interior Department.

Mr. BELTZHOOVER. Have you ever gone to one of those bureaus with twenty-five or fifty names and gota favorable reply?

Mr. WILLIAMS of Mississippi. I will say this, that I am a new member of Congress, and do not pretend to know the one hundred and sixty-fifth part of what I ought to know, much less what is to be known about things lying around loose in Washington about the Departments [laughter]; but I do know this, that one of the first communications I we say from the Agrithat one of the first communications I received from the Agricultural Department was to send a number of names of parties to whom I wanted articles distributed. One of the first communi-cations I received from the Interior Department was a like communication, and I was glad to comply with both so far as that was concerned.

Now, what I want to impress upon the committee is that we should control this distribution which is carried on at a large

Mr. SIMPSON. Will the gentleman allow me to ask him a question? I want to ask the gentleman when he received that communication from the Agricultural Department did not they suggest to him that the gentleman's name should be sent on the articles to be sent from that Department, so that the parties receiving them would understand that the gentleman had sent

Mr. WILLIAMS of Mississippi. I believe they did.
Mr. SIMPSON. Well, then, did not that have the same effect
as if the gentleman had sent them, and while the Departments
are distributing them in this way, at your request, are you not

are distributing them in this way, at your request, are you not in effect distributing the books?

Mr. WILLIAMS of Mississippi. I am not talking about the effect, but I will come to it in this way. In my district, Senators distribute documents; in my district I distribute them, and the Department also distribute them. Here is a man known to be a live, talking Democrat. He gets four documents; and another man, who, perhaps, would get more good out of these documents, gets none. Now, my idea is that the object of these publications is to distribute them where they will do the most good. The next sets none. Now, my does is that the object of these publications is to distribute them where they will do the most good. The next idea in my mind is this, that the very main object in the mind of the Democratic party at present is to put the Government back upon an economic footing. Now, you have just had the chairman of the Committee on Appropriations calling your attention to the fact that if we are to go on increasing these reports of committees that there will come up behind us the necessity fluid to the set of the set sity finally to make appropriations to pay for these things. I shall oppose this proposition, and I desire to offer amendments to the section.

Mr. SIMPSON. Will the gentleman allow me just a moment? I know he wants to be fair. Now, he thinks that these 5,000 copies should be left for distribution by the Department. You leave them in control of their distribution. I think it is dangerous legislation to leave them for their distribution, and it is

a matter of patronage with the Department.

Mr. WILLIAMS of Mississippi. I will offer an amendment that I think the gentleman will agree to, that this distribution shall be given with the advice of the Senators and Representa-

tives from the State. The CHAIRMAN. The CHAIRMAN. The time of the gentleman has expired.
Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire
to oppose the amendment offered by the gentleman from Penn-

Mr. WILLIAMS of Mississippi. I wanted to offer some amend-

Mr. RICHARDSON of Tennessee. I will yield to the gentle-

man so that he may offer his amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am going to offer some amendments which are rather radical in their nature. In lines 12 and 13-

The Chair will state to the gentleman The CHAIRMAN. that there is an amendment now pending, and an amendment to the amendment. At this stage a substitute would be inorder. Mr. RICHARDSON of Tennessee. Mr. Chairman, I want to

say that these amendments offered by these gentlemen ought not to prevail. If we are going to economize, the only way to do it is to reduce the number of documents printed. We have reduced this to reduce the number of documents printed. We have reduced this from 15,500 to 8,000, a saving of about \$15,000 or \$16,000 in this one publication. Now, the distribution we make is 1,000 for the Senate and 2,000 for the House and 5,000 for the Department. Now, I say—

Mr. SIMPSON. Will the gentleman permit me?

Mr. RICHARDSON of Tennessee. I can not do that, I must That is the best distribution that could be make this statement. made of this document.

I assertthat, Mr. Chairman. Gentlemen go upon the idea that if the Department gets these copies they are lost to the country, but if my friend, after distributing his share, wants to get a con or 2 copies, or 3 copies, all he has to do is to ask the chief of this bureau to supply A, B, or C with a copy or copies of the document, and if the chief has got them he will send them to the gentheman's constituent and accompany them with a letter stating that they are sent at the request of the Representative. The gentleman from Pennsylvania [Mr. BELTZHOOVER] complains gentleman from Pennsylvania [Mr. BELTZHOOVER] complains that each member does not get enough of these documents under the bill, but what does he propose? He says that the number proposed in the bill, 6, is not sufficient, that it must be increased, and thereupon he proposes to increase it to 11. Now, if 6 copies will not meet the demand, certainly 11 will not.

Mr. BELTZHOOVER. It will come nearer to it, though.

Mr. RICHARDSON of Tennessee. And the gentleman from Kansas [Mr. SIMPSON] comes along and proposes to increase the number so that each member shall have about 13.

Mr. SIMPSON. I do not increase the number to be printed at all.

Mr.RICHARDSON of Tennessee. You do increase the anowance of members, though, giving them about 13 each, instead of 6, as the bill proposes. Now, each member represents about from 30,000 to 35,000 male voters and there are about as many the control of the contro ladies, making 60,000 or 70,000 grown people in each district. It is obvious that you can not supply all those people with 13 or with 11 copies of these documents any more than you could with 6, and I insist that we ought not to undertake to supply anything like the demand that may be created in a Congressional

district for a valuable publication like this. Let each member have 6 copies, and inasmuch as this is more or less a scientific publication, if he wants to supply the libraries in his district, he will have his 6 copies for that purpose, but we can not undertake to meet the whole demand unless we are prepared to bankrupt the Treasury. I think we have provided copies enough. I think we ought to begin to economize and to keep it up upon every Government publication. The Committee on Printing, recognizing that, have put the knife to every annual publication of the Government, except that of the Department of Agriculture. Gentlemen here have railed about discrimination against the report of the Secretary of Agriculture, but the fact is that we have treated that more liberally than any other publication; we make no reduction in the number of the Agricultural Reports published, while, as I say, we have applied the knife to every other publication; and I do insist that members on this side of the House especially ought not to increase these publications beyond the number contained in the bill. Gentlemen have demanded that we shall economize, and the only way to do it is to reduce the number of these documents published, and the committee propose to do that.

Mr. BELTZHOOVER. Will the gentleman yield for a ques-

The CHAIRMAN. The time of the gentleman from Ten-

nessee has expired.

Mr. BELTZHOOVER. Well, I will move to strike out the last word, and ask him a question which he may answer in my If these publications are made, as I understand they are, for the benefit of institutions of learning and public libraries, ought we not to publish enough of them to be able to send a copy to each public library in our districts? This allowance of 6 copies, which the gentleman proposes, is not half enough to supply the libraries in my district, and will compel me to make an unpleasant discrimination against a majority of these beneficent institutions.

Mr. RICHARDSON of Tennessee. This bill provides that whenever there is an edition of 5,000 copies printed, 10 per cent of them shall be sent to the superintendent of documents in the Interior Department, and he apportions them to the designated

depositories throughout the country, so that the gentleman's district will get its share.

Mr. BELTZHOOVER. I beg the gentleman's pardon. That number—500—will not allow members and Senators more than 1 additional volume, for there are 440 members and Senators in both bodies

Mr. RICHARDSON of Tennessee. There are 6 copies for

Mr. BELTZHOOVER. Well, there are fourteen public libraries in my district, and even if I should get the odd volume which his generosity offers I would have only 7 copies.

Mr. RICHARDSON of Tennessee. But they are not all designations.

mated depositories.

Mr. BELTZHOOVER. They are all designated depositories under the law, and can not get these books under this provision, and I hold that in printing a valuable book like this, while we do

not undertake to distribute it indiscriminately, we ought to print enough copies to be able to supply all the public libraries with

Mr. RICHARDSON of Tennessee. You can not do that with-

Mr. RICHARDSON of Tennesses. Fou can not do that without bankrupting the Government.

Mr BELTZHOOVER. Oh, it is a mere pretense to assert that this would bankrupt the Government.

The CHAIRMAN. The question is on the amendment of the

gentleman from Kansas

Mr. SIMPSON. Before that vote is taken, Mr. Chairman, I wish to say that my amendment does not increase the number of these documents to be printed. It merely takes 4,000 copies from these documents to be printed. It merely takes 4,000 copies from the bureau and distributes them amongst the members of the House and the Senate. Therefore it does not increase the expense of the publication at all.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Kansas [Mr. SIMP-SON], which will be reported by the Clerk. The amendment was send as follows:

read, as follows:

Page 33, line 47, strike out "one" after the word "copies" and insert "two:" same line strike out "two" after the word "Senate" and insert "five;" line 48, after the word "and," strike out "five" and insert "one," so that the provision will read: "Of the report of the Bureau of Ethnology, 8,000 copies; 2,000 for the Senate, 5,000 for the House, and 1,000 for distribution by the Bureau of Ethnology."

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. Beltz-Hoover] as amended by the amendment of the gentleman from Kansas [Mr. SIMPSON]

The amendment as amended was adopted. The Clerk read the following:

Of the report of the Geological Survey, 12,000 copies; 3,000 for the Senate, 6,000 for the House, 3,000 for distribution by the Geological Survey.

Mr. SMITH of Illinois. I move to amend the paragraph by striking out after the word "copies" the word "three," and inserting "two;" by striking out after the word "Senate" the word "six," and inserting "eight;" and by striking out after the word "House" the word "three," and inserting "two," so that the paragraph will read:

Of the report of the Geological Survey, 12,000 copies; 2,000 for the Senate, 8,000 for the House, and 2,000 for distribution by the Geological Survey.

Mr. Chairman, the document referred to in this paragraph is valuable, and one which members of Congress are frequently called on to supply. I do not see why the Senate should have a greater proportionate number of this document than the House; nor do I see why we should assign for distribution by the bureau a greater number of copies than my amendment provides for. No member can supply all the demands that are made upon him for this publication. I think the amendment I have offered contemplates an equitable distribution, and I do not see why it contemplates an equitable distribution, and I do not see why it should not be accepted by the chairman of the committee. It does not increase the aggregate number of volumes, but simply changes the proportionate distribution. Mr. RICHARDSON of Tennessee. As I understand, this

amendment does not increase the aggregate number to be printed, but simply provides a change as to the distribution. I have no idea that the Senate will agree to this proposition, but I do not oppose the amendment.

The amendment was agreed to. The Clerk read as follows:

The following reports required by law to be made to Congress shall not be printed unless the printing be recommended by the head of the Department making the same, and ordered by concurrent resolution of Congress, namely: Report of contracts for conveying the mails, report of fines and deductions in the Post-Office Department, and accounts of the First Comptroller of the Treasury, and the report of the proceedings of the annual meetings of the Board of Supervising Inspectors of Steam Vessels.

Mr. RICHARDSON of Tennessee. In order to make the paragraph just read more intelligible, I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in lines 203 and 204 the words: "And accounts of the First Comptroller of the Treasury," and insert in lieu thereof the words "the report of the Treasury accounts by him from time to time rendered to and settled with the First Comptroller."

The amendment was agreed to.

The Clerk read as follows:

Of the annual report of the Comptroller of the Currency, 10,000 copies; 1,000 for the Senate, 2,000 for the House, and 7,000 for distribution by the Comptroller of the Currency.

Mr. RICHARDSON of Tennessee. The committee inadvert-ently omitted one of the annual publications. To remedy the omission, I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 241 insert the following:
"The annual report of the Commissioner of Navigation in the Treasury
epartment, 1,000 copies for the Senate, 2,000 copies for the House, 1,000 cop-

ies for distribution by the Commissioner; and of the annual List of Merchant Vessels of the United States, 5,000 copies for distribution by the Treasury Department."

The amendment was agreed to.

The Clerk read as follows:

To the Vice-President and each Senator, 44 copies; and to the Secretary and Sergeant-at-Arms of the Senate, each 25 copies; to each Representative and Delegate, 22 copies; and to Clerk and Sergeant-at-Arms of the House, each 25 copies; to be supplied daily as originally published or in the revised and permanent form bound only in half Russia, or part in each form, as each may elect

Mr. PICKLER. I move to amend by adding after the paragraph just read, the following:

Provided, That there shall be 20 additional copies of the Congressional Record of the extraordinary session of the Fifty-third Congress furnished each Representative and Delegate.

Mr. Chairman, it seems to me that in view of the important matters which have been discussed during this extraordinary ssion, and the special demand that there is for the CONGRE SIONAL RECORD containing our proceedings, it would be well to provide for this small increase, only 20 additional copies for each Representative and Delegate. There has never before, I believe, been such general interest in our proceedings and such a desire on the part of the people to understand what is being discussed by members

Mr. COOPER of Indiana. As a substitute for the amendment of the gentleman from South Dakota [Mr. Pickler] I move to amend by inserting after the words "may elect" the following: To each of such eight public or school libraries as shall be designated for this urpose by each Representative and Delegate in Congress, one copy of the purpose by each

Mr. Chairman, this is a substantial amendment and one of a permanent nature, intended to control to the extent stated the distribution of the CONGRESSIONAL RECORD hereafter. I agree entirely with the remarks of the gentleman from Mississippi against putting into the hands of members of Congress the promiscuous distribution of public documents. I believe that no great good is subserved thereby. I do not subscribe to any proposition which treats documents printed for public distribution as

osition which treats documents printed for public distribution as the personal perquisites of members of Congress.

This amendment proposes to place copies of the CONGRES-SIONAL RECORD, not where they will advance the fortunes or ambition of any individual, but where they will supply a want of the public. We have already a like provision with reference to the distribution of the Patent Office Gazette. Each member of Congress is allowed to name eight libraries in his Congressional district where the Patent Office Gazette shall be deposited, so that it may be within the reach of those who desire to refer to it. The provision of my amendment will virtually increase the number of copies allowed to each member in a much larger proportion than may appear on the face of the proposition. If you put 8 copies of the CONGRESSIONAL RECORD in libraries to be designated by the Representative—where they can be consulted by the public who have access to those libraries, you serve one

hundred times more people than if those 8 copies were placed at the personal disposition of the member.

If you give the members of this House the CONGRESSIONAL RECORD for personal distribution, they will go to personal or political friends or perhaps the newspapers, and undoubtedly to that extent you will aid in the distribution of the RECORD. But if you put them in a library, or a permanent institution—eight designated in each Congressional district that will be within the reach of the people generally-they can be then used as works of reference and reach a very much larger number of the people than

they can possibly reach under the present system of distribution.

Mr. COBB of Alabama. Will the gentleman tell me how many districts there are in the United States that have eight public libraries:

Mr. COOPER of Indiana. I am not able to state to the gentleman how many districts are supplied with the number of pub-lic libraries I have designated. I am sorry to think there would be any Congressional district within the limits of the United States in which you could not find at least eight libraries. My States in which you could not find at least eight libraries. My amendment prescribes no particular kind of library. It may be a high-school library, an academic library, a town library, or a county library, or a city library. The matter of the distribution to the various libraries of whatever character, would be left entirely to the members themselves, and it would be supposed that they would designate those libraries which would be most accessible to the greatest number of people. I scarcely think there is a Congressional district in the United States in which there could not be found at least eight libraries, of some character, suitable to receive this publication. If there be no such number in any district in the country, then I am in favor of sending this work and laying the foundation of such libraries by furnishing them to begin with the CONGRESSIONAL RECORD.

Now, the RECORD is fast becoming a work of reference, and it is mainly as a work of reference that it is valuable. It is often

the case that the constituents of the members on this floor de-Bire to know simply how a vote was had on a certain question, how their Representative was recorded upon it. Perhaps that is all the RECORD would be required for ordinarily. If there is a place in the county where it is known that the RECORD is kept on file in current numbers, where parties can refer to it and see how the Representatives have voted on or discussed such and such questions, at such and such times, it would be a very great convenience to the people. This amendment would also greatly relieve members of Congress without taking away any of the number of Records now allowed them under existing law.

[Here the hammer fell.] Mr. SMITH of Illinois. Mr. Speaker, I desire to offer an amendment to the pending amendment. I understand the gentleman from Indiana has offered a substitute. If proper, this perhaps may be regarded as an amendment to the substitute.

The CHAIRMAN. The amendment to the amendment will be

The Clerk read as follows:

In section 76, on page 43, line 292, strike out "twenty-two," and insert in lieu thereof "fifty."

Mr. SMITH of Illinois. Mr. Chairman, in support of that amendment I simply desire to say this, that the CONGRESSIONAL RECORD is one of the most valuable documents to our constitu-

ents that we can possibly secure for them from the Government. Now, most of us have a number of counties in our Congressional districts—I have in mine, nine, or will have at the next tion. I have ten now, and under the present arrangement I have but two copies of the CONGRESSIONAL RECORD that I can furnish to each of the different counties.

I am proud to say that in my district I have fourteen public libraries. I furnish to each public library a copy of the Congressional Record, and I have plenty of calls from constituents outside for copies of this publication. I believe if we would spend more money in furnishing additional copies of the Con-GRESSIONAL RECORD and less money in publishing worthless documents the people of this country will be much better served.

I believe this amendment which gives to each member fifty copies instead of twenty-two ought to meet the sanction and ap-

proval of every member of this body.

Mr. COFFFEN. Mr. Chairman, as I understand the circumstances, we have an amendment proposed by the gentleman from South Dakota, and an amendment just offered by the gentleman from Indiana [Mr. COOPER] to that amendment, and a substitute proposed by the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. I offered mine as an amendment to the substitute, because, as I understood it, there was an amend-

ment to the original proposition.

The CHAIRMAN. No, the Chair regards it as an amendment

to the amendment.

Mr. SMITH of Illinois. Very well.

Mr. COFFEEN. I am in favor of the amendment proposed by the gentleman from Illinois. The number of copies which the members receive of the CONGRESSIONAL RECORD if considerably increased would be highly appreciated by our constituents. Now, a word as to to the subject of the distribution of these docu-

ments generally. The argument that those who distribute them independently of the members of Congress are supposed to do it more impartially I think is not correctly founded. A member of Congress not only knows the needs, qualifications, and desires of his constituents and knows the various libraries of his district, but is better able to determine what character of Government publications each one ought to receive, but also knows what will

meet the approved judgment of the people in his district.

Again, touching the merits of the amendment itself. Fifty copies is a small number of the CONGRESSIONAL RECORD for each member of Congress. I have had so many calls for them from libraries, newspapers, political clubs, even from ladies' clubs and societies who take an interest in the State of Wyoming in considering the condition and movement of public affairs and the proceedings of Congress, together with calls from other en-terprising people outside of clubs who want copies for their own use, that I am unable to furnish even a considerable fraction of what is called for.

And one point more, Mr. Chairman, showing why I hope that And one point more, are charman, showing why I hope that this amendment will pass. We provide in this bill for the print-ing of a few copies of the statutes and laws that are passed here in Congress. We make no provision for the general distribu-tion of these laws throughout the United States, among the 65,000,000 people. Those who may oppose this increase in the quota of Congressional Records are moving in the direction of limiting even still further their opportunity to know what laws are passed and what are the purposes of and the arguments for and against those laws. If we do not increase the quota of the CON-GRESSIONAL RECORD it appears to me that there is a little item of inconsistency about it in our actions. Those who would limit

the publication of laws and the distribution of the RECORD at the same time, should explain, if they can, why we should hald every man, woman, and child in the United States responsible for any disobedience to our laws and make no just and proper provision for the dissemination of information among the page ple as to what the law is.

All these points taken together justify me in voting for the substitute of the gentleman from Illinois [Mr. Smith], and I

hope it will pass.
Mr. RICHARDSON of Tennessee. I want to ask that the amendment offered by the gentleman from South Dakota [Mr. Pickler] be reported in order that I may know exactly what

The Clerk will report the amendment. The CHAIRMAN. The Clerk read as follows:

At the end of line 296, page 43, insert the following:
"Provided, That there shall be 29 additional copies of the Congressional
RECORD of the extraordinary session of the Fifty-third Congress furnished
each Representative and Delegate."

Mr. RICHARDSON of Tennessee. Now, I want to ask the gentleman from Illinois [Mr. SMITH], who offers to increase the number to 50 copies, whether he limits it to the extraordinary session?

Mr. SMITH of Ulinois. No; my amendment is to furnish 50 copies to each member of Congress, and let that be permanent. Mr. RICHARDSON of Tennessee. Now, I want to be heard just for a moment on these amendments.

Theamendment which the gentleman from Illinois [Mr. SMITH] The amendment which the gentleman from Illinois [Mr. SMITH] offers is a very extravagant one. I have the estimate of the Public Printer, showing that it will cost \$5 to furnish one copy of the RECORD to a member. Therefore if you increase the number to 50, you give each member \$250 worth of RECORDS. Now, when you multiply that by 360, the number in the House simply, you make an expense of \$80,000 by that simple amendment; and if you increase it so as to include the Sentars rous will make it. if you increase it so as to include the Senators, you will make it cost about \$120,000 a year.

Mr. PICKLER. The RECORD of this extraordinary session will not cost \$5, will it?

Mr. RICHARDSON of Tennessee. I am speaking now of the regular RECORD of the ordinary session. Of course I am not making any estimate for the extra session now; but I want to show how rapidly it piles up the expense, when we increase the

The amendment offered by my friend from Indiana [Mr. COOPER] will cost the Government \$14,400. It seems to me if we are going to make any additions at all, we ought not to go beyond that.

For myself I am opposed to any increase, but there is a demand on the part of gentlemen whom I recognize as friends of economy, who want an increase in this publication.

If we intend to increase it at all, I will vote for the lowest in

crease, that proposed by the gentleman from Indiana [Mr. CCOPER], but I say we ought not to increase it at all.

I want to make this statement in order that there may go into

the RECORD this evening, with these amendments, a statement as to the cost, in order that gentlemen may understand how much they are increasing this cost if they move to make these increases in this publication.

I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. Dockery, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2650) providing for the public printing and binding, and the distribution of public documents, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted: To Mr. Hines, indefinitely, on account of sickness in his family. And then, on motion of Mr. SAYERS (at 5 o'clock p. m.) the House adjourned until to-morrow, Thursday, October 19, 1893, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows: By Mr. CURTIS of Kansas: A bill (H. R. 4126) to authorize and direct the Secretary of the Treasury to discontinue the office of collector of customs at certain ports, and for other purposes-to the Committee on Expenditures in the Treasury De-

partment. By Mr. HEARD (by request): A bill (H. R. 4127) making a judgment a lien on all real estate or interest therein of the debtor in the District of Columbia—to the Committee on the

District of Columbia.

By Mr. RUSK: A bill (H. R. 4128) to provide for a survey for a bridge across the Eastern Branch of the Potomac River—to the Committee on Interstate and Foreign Commerce.

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Also (by request), a bill (H. R. 4129) relating to arrears of axes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McKAIG: A bill (H. R. 4163) to amend the act of June

By Mr. MCKAIG: A bill (H. R. 4163) toumend the act of June 2, 1890—to the Committee on the District of Columbia.

By Mr. DOOLITTLE: A resolution relative to a report by the Secretary of State concerning the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:
By Mr. ARNOLD: A bill (H. R. 4130) for the relief of Michael Dirnberger—to the Committee on War Claims.
By Mr. BROSIUS (by request): A bill (H. R. 4131) for the relief of Frank J. Burrows—to the Committee on Claims.
By Mr. CURTIS of Kansas: A bill (H. R. 4132) granting a pension to John A. Johnson, late major of the Sixth Kansas Cavalry, and for other purposes—to the Committee on Invalid Pensions.
Also, a bill (H. R. 4133) for the relief of Mrs. E. A. Barney, of North Topeka, Kans.—to the Committee on Invalid Pensions.
By Mr. HOUK of Tennessee: A bill (H. R. 4134) for the allowance of certain claims for stores and supplies reported by the

ance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 4135) for the relief of the Accotink Home Guards of Fairfax County, Va.—to the Commit-

tee on War Claims.

Also, a bill (H. R. 4136) granting a pension to Ellen Connor, widow of Patrick Connor, deceased—to the Committee on Pen-

By Mr. McCREARY of Kentucky: A bill (H. K. 4137) for the relief of James Dozier—to the Committee on War Claims. By Mr. RUSK: A bill (H. R. 4138) for the relief of Regina Ernst—to the Committee on Military Affairs. By Mr. SICKLES: A bill (H. R. 4139) for the relief of Charles Gallagher and to refer his claims to the Court of Claims—to the

Committee on War Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 4140) granting a pension to John F. Burrows—to the Committee on Pensions.

By Mr. PENDLETON of West Virginia: A bill (H. R. 4141) to pension Mary Cunningham-to the Committee on Invalid

Pensions.
Also, a bill (H. R. 4142) granting a pension to Elizabeth A. Jefferson—to the Committee on Invalid Pensions.
Also, a bill (H. R. 4143) for the relief of Henry Snider, of Moundsville, W. Va.—to the Committee on War Claims.
Also, a bill (H. R. 4144) granting to James R. Shrodes, for services rendered during the late civit war—to the Committee on Military Affairs. Military Affairs.

Also, a bill (H. R. 4145) for the relief of A. H. Shaw and others—to the Committee on Claims.

Also, a bill (H. R. 4146) granting relief to Philo L. Kimberly and others, of Wheeling, W. Va., on account of salary due them as clerks in Wheeling post-office for the year 1861—to the Committee on Claims.

Also, a bill (H. R. 4147) for the walk of Table

Also, a bill (H. R. 4147) for the relief of William Dillon-to the

Committee on Claims.

Also, a bill (H. R. 4148) granting pension to Henry Snider, of Marshall County, W. Va.—to the Committee on Invalid Pen-

Also, a bill (H. R. 4149) for the relief of Alexander Shock—to the Committee on War Claims.

Also, a bill (H. R. 4150) granting relief to J. K. Botsford, of Wheeling, W. Va., for damages done to property by United States troops during the late war—to the Committee on Claims.

Also, a bill (H. R. 4151) authorizing additional compensation to assistant commissioners to the industrial exhibition held at Melbourne, Australia—to the Committee on Foreign Affairs.

Also, a bill (H. R. 4152) to remove charge of desertion in the

matter of Richard Crutcher-to the Committee on Military Af-

Also, a bill (H. R. 4153) for the relief of J. M. Price, of Marshall County, W. Va.—to the Committee on Invalid Pensions. Also, a bill (H. R. 4154) granting relief to W. E. Mason, of Marshall County, for money destroyed in January, 1887—to the Committee on Claims.

Also, a bill (H. R. 4155) to pay Andrew F. McLure for use of horse and horse equipments during the late war—to the Com-

mittee on War Claims.

Also, a bill (H. R. 4156) for the relief of Catherine E. Lurty—
to the Committee on War Claims.

Also, a bill (H. R. 4157) for the relief of Beverley H. Lurty—to the Committee on War Claims.

Also, a bill (H. R. 4158) granting a pension to Amanda Frame, of Braxton County, W. Va.—to the Committee on Invalid Pensions sions.

Also, a bill (H. R. 4159) granting a pension to Abraham Shriver—to the Committee on invalid Pensions.

Also, a bill (H. R. 4160) for the relief of George H. McQuain—

to the Committee on War Claims.

Also, a bill (H. R. 4161) for the relief of the personal representatives of James A. Smith—to the Committee on War Claims.

Also, a bill (H. R. 4162) for the relief of John W. Kennedy—to

the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and pa-

pers were laid on the Clerk's desk and referred as follows:

By Mr. ELLIS of Oregon: Resolutions adopted by a meeting of 600 citizens of Astoria, Oregon, asking for the enforcement of the Geary Chinese exclusion act—to the Committee on Foreign

By Mr. HENDERSON of Iowa: A paper from R. J. McVay, esq., of Cascade, Iowa, and another from Mr. Peter Kiene, of Dubuque, Iowa, both urging the establishment of a technical department at the National College for the Deaf at Kendall Green—

to the Committee on Appropriations.

Also, petition of J. P. Stendebach, of Dubuque, Iowa, praying for the reduction of postage to 1 cent an ounce—to the Commit-

by Mr. HERMANN: Protest of citizens of Astoria, Oregon, against extension of time for Chinese to register—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of William Trembor, secretary, of

Freeport, Ill., praying for the reduction of postage to I cent an ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Petition of the Indiana Yearly Meeting of

the Religious Society of Friends, asking for the repeal of the Geary Chinese exclusion act—to the Committee on Foreign Af-

SENATE.

THURSDAY, October 19, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.] The Senate met at 10 o'clock a. m., at the expiration of the

AMENDMENT OF THE JOURNAL.

The VICE-PRESIDENT. The Senate resumes its session. The pending question is on the motion of the Senator from Colorado [Mr. Teller] to amend the Journal of the proceedings of the last legislative day which will be stated. The Secretary read as follows:

That the name of H. M. TBLLER, a Senator from Colorado, be added to the last roll call recorded in the Journal of yesterday, made for the purpose of ascertaining whether a quorum of the Senate was present or not.

Mr. STEWART. Mr. President, much has been said with regard to the power of the Senate to make its own rules. There be no doubt about that power.

Mr. ALLEN. Mr. President, I suggest that there is not a

quorum present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen. Butler. Dixon. Dolph. Faulkner. Gallinger George, Harris, Hoar, Stewart, Teller, Voorhees Walthall. Perkins, Kyle, McPherson. Shoup, Smith, Frye.

The VICE-PRESIDENT. Twenty-two Senators have answered to their names. There is no quorum present. What is the pleasure of the Senate?

Mr. ALLEN. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.
The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

the order of the Senate.

After some delay, Mr. Cullom, Mr. Washburn, Mr. White of Louisiana, Mr. Stockbridge, Mr. Vest, Mr. Davis, Mr. Wolcott, Mr. Proctor, Mr. Roach, Mr. Hawley, Mr. Vance, Mr. Hill, Mr. Vilas, Mr. Bate, Mr. Carey, Mr. Sherman, Mr. Berry, Mr. Higgins, Mr. Dubois, Mr. Gordon, Mr. Gray and Mr. Cameron entered the Chamber and answered to their names. The VICE-PRESIDENT (at 10 o'clock and 26 minutes a. m.)

Forty four Senators have answered to their names. A quo-

rum is present. Mr. ALLEN. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The VICE-PRESIDENT. The Chair lays before the Senate bills from the House of Representatives; which will be read by title and appropriately referred.

HOUSE BILLS REFERRED.

The bill (H. R. 3289) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 2344) for the better control of and to promote the safety of national banks was read twice by its title.

Mr. STEWART. I rise to a point of order.
The VICE-PRESIDENT. The Senator from Nevada will state his point of order.

Mr. STEWART. My point of order is that no business is in order until the Journal has been approved.

The VICE-PRESIDENT. The Chair holds that it is in order to read by title and refer bills from the House of Representatives. The bill just read by title will be referred to the Committee on Finance.

The bill (H. R. 86) for the protection of persons furnishing materials and labor for the construction of public works was read twice by its title, and referred to the Committee on Public

Buildings and Grounds.

The bill (H. R. 2002) to amend an act entitled "An act to provide the times and places for holding terms of United States courts in the States of Idaho and Wyoming," approved July 5, 1892, was read twice by its title, and referred to the Committee

on the Judiciary.

The bill (H. R. 3130) to repeal in part and to limit section 3480 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS.

Mr. VOORHEES. I ask the Senator from Nevada to yield to me for a moment.

Mr. STEWART. For what purpose?
Mr. VOORHEES. It is for this purpose: I desire to ask unanimous consent that communications from the Secretary of the Treasury to the Finance Committee upon important public

matters may be laid before the Senate.

The VICE-PRESIDENT. Is there objection?

Mr. STEWART. I do not object.

The VICE-PRESIDENT. Is there objection? The Chair hears

Mr. VOORHEES. The Senator from New Jersey [Mr. Mc-Pherson] will present them.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of September 22, 1893, a statement as to the num-ber of standard silver dollars coined under the act of February 28, 1878, and July 14, 1890, exported and imported since February 28, 1878; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 9th instant, a statement relative to the redemption of silver certificates in gold, etc.; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

TRANSACTIONS OF NATIONAL BANKS.

Mr. McPHERSON. I desire, in accordance with the request of the chairman of the Committee on Finance, to present the report of that committee with a communication from the Secretary upon a resolution-Mr. STEWART. I

I object to any business until the Journal

has been approved. I have the floor.

Mr. VOORHEES. This is the business for which I asked the nanimous consent of the Senate, and for which the Senator from Novada was kind enough to yield.

Mr. STEWART. Oh, this is part of it. I will yield.

Mr. McPHERSON. I will state to the Senator from Nevada

that it is a report upon the resolution introduced by himself in respect to the probable deficiency in the revenues, and I think the Senator would like very much to have the information. Therefore I will send the report of the committee upon that resolution to the desk, and also the report of the committee and the reply of the Secretary of the Treasury to the resolution offered by the Senator from Kansus [Mr. Peffer] in respect to the conduct of action of the conduct of action of the secretary of the sec duct of national banks. I think the report should be read in both cases and then printed for the information of the Senate.

The VICE-PRESIDENT. The reports will be received.

Mr. McPHERSON, from the Committee on Finance, to whom was referred the resolution submitted by Mr. Peffer August 22, 1893, submitted the following report; which was read and ordered to lie on the table, and to be printed:

Mr. McPherson, from the Committee on Finance, to whom was referred the following resolution submitted by Mr. Perfer August 22, 1893—— Resolved, That the Secretary of the Treasury be directed to inform the

nate—
Pirst. Whether, and in what respect, the national banks, or any of them the cities of Boston, New York, and Philadelphia are being now conducted violation of law.

Second. Whether said banks are paying depositors' checks promptly in

"Second. Whether said banks are paying depositors enecks promptly in lawful money.

"Third. Whether said banks, or any of them, are demanding rates of interest higher than those provided by law, for the loan of money or in discounting notes and bills"—
report that having submitted the matter to the Treasury Department for information, the correspondence with that Department is herewith appended for the information of the Senate.

TREASURY DEPARTMENT, September 30, 1893.

THEASURY DEPARTMENT, September 30, 183, 183 SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, inclosing Senate resolution, viz:

"That the Secretary of the Treasury be directed to inform the Senate—"First. Whether, and in what respect, the national banks, or any of them in the cities of Boston, New York, and Philadelphia are being now conducted in violation of law.

"Second. Whether said banks are paying depositors' checks promptly in lawful money.

"Second. Whether said banks are paying accounting rates of in-lawful money.

"Third. Whether said banks, or any of them, are demanding rates of in-terest higher than those provided by law for the loan of money or in dis-counting notes and bills."

In compliance with said resolution, I inclose herewith a copy of a com-munication from the Comptroller of the Currency, of the 16th instant, con-taining the information desired.

Respectfully yours,

J. G. CARLISLE, Secretary.

Hon. J. R. McPherson.
Chairman Subcommittee of Committee on Finance,
United States Senate.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE CURRENCY,
Washington, D, C., September 16, 1883,

SIR: I have the honor to acknowledge the receipt from you of a copy of the

Shift I have the honor to demand the second to the second to the second to the second t

Senate—
"First. Whether, and in what respect, the national banks, or any of them, in the cities of Boston, New York, and Philadelphia, are being now conducted in violation of law.
"Second. Whether said banks are paying depositors' checks promptly in lawful money.
"Third. Whether said banks, or any of them, are demanding rates of interest higher than those provided by law for the loan of money, or in discounting notes and bills."

In compliance with your request that I furnish you the information called

terest higher than those provided by law for the loan of money, or in discounting notes and bills. In compliance with your request that I furnish you the information called for by said resolution, I have the honor to reply as follows on the three servard queries contained in said resolution:

First. For official information in regard to the manner in which the afters of national banks are conducted, the Comptroller relies chiefly upon their sworn reports of condition, which, under the requirements of law, he calls for five times a year, and upon reports furnished him by the national-bank examiners, who make examinations by personal visits to the banks at such times as the Comptroller directs.

The last reports of condition made to the Comptroller by the banks in Boston, New York, and Philadelphia, for July 12, 1893, disclosed in some cases excessive loans or deficiency in lawful money reserve, and the same statement applies to the reports made by examiners; the last-named reports being sent in to the Comptroller at no fixed date, but only as examinations are made from time to time.

Second. The Comptroller has received no official information showing that national banks in Boston, New York, and Philadelphia are not paying depositors checks in lawful money, and no complaint has been received by the Comptroller from any depositor in a national bank to this effect during the recent financial stringency.

the recent financial stringency.

Third. The Comptroller has received no official information showing that the national banks in Boston, New York, and Philadelphia are demanding rates of interest higher than those provided by law for the loan of money or in discounting notes and bills.

Respectfully, yours,

O. P. TUCKER, Deputy and Acting Comptroller,

Hon. J. G. CARLISLE, Secretary of the Treasury.

APPREHENDED DEFICIENCY OF REVENUES.

Mr. McPHERSON, from the Committee on Finance, to whom was referred the resolution submitted by Mr. STEWART August 28, 1893, made the following report; which was read, and ordered to lie on the table and to be printed.

Mr. McPherson, from the Committee on Finance, submitted a report upon iscellaneous Document 33, resolution by Mr. Stewart, as follows:

[Senate Mis. Doc. No. 33, Fifty-third Congress, first session.]

Mr. STEWART submitted the following resolution:
"Resolved, That the Secretary of the Treasury is directed to inform the Senate whether there is danger of a deficiency in the revenues of the Government during the current year, and if so, what is the probable amount of such deliciency and is any legislation necessary to supply such deficiency."

The resolution was referred to the Secretary of the Treasury, and his reply is appended:

The ARMEN DEPARTMENT CONTROL OF THE SECRETARY OF THE SECRETARY

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., October 2, 1893.

Sir: I am in receipt of your communication of the 12th ultimo, inclosing copies of Senate resolutions of August 28 and 30, 1882, directing the Secretary of the Treasury to inform the Senate how the revenues since the commencement of the present fiscal year compare with the estimates of the Treasury

st id

Departmen, and whether such revenues exceed or are less than such estimates, and the amount of such excess or deficiency, as the case may be; and also whether there is danger of a deficiency in the revenues of the Government during the current year, and if so, what is the probable amount of such deficiency, and if any legislation is necessary to supply such deficiency. In reply I have the honor to submit the inclosed statements relative to the setimates in question, containing comparisons of receipts and expenditures for certain periods indicated in the present and last fiscal years, which comprehend substantially the information sought to be obtained by the resolutions in question.

preheid substants
flows in question.
This answer has been delayed several days in order to be able to present
the operations of the Treasury complete as to the subject covered for the
first quarter of the present fiscal year.
Respectfully, yours,

J. G. CARLISLE. Secretary.

J. G. CARLISLE, Secretary.

Hon. J. R. McPherson, Chairman Subcommittee Committee on Finance, United States Senate.

MEMORANDUM OF ESTIMATES AND OPERATIONS OF THE TREASURY FOR THE FISCAL YEAR 1894.

The estimated receipts of the public revenues, as submitted by this Department to the last Congress for the present fiscal year, less the estimated receipts of the postal revenues, amount to the gross sum of \$403,000,000; and the estimated expenditures for 'be same period in round numbers, excluding the estimated expenditures for 'be same period in round numbers, excluding the estimated expenditures for 'be same period in round numbers, excluding times, with the exception indicated, of \$37,000,000, showing an estimate dexcess for the year of receipts over expenditures for the entire year, and he is not possible to determine their accuracy from the operations of the Treasury for the present or prior months of the current fiscal year.

The above estimates of receipts for the current year divided by twelve would show an average monthly receipt of \$33,750,000; and the estimated expenditure divided in the same way would show an average monthly expenditure of a sum a little in excess of \$31,000,000.

The actual receipts of the Treasury, however, for the months of July, August, and September amount to the sum of \$79,379,417.59; or a monthly average estimated receipts for the entire year, and showing for the first three months of the last fiscal year. Should the autual receipts for the first three months of the last fiscal year. Should the autual receipts for the first three months of the last fiscal year. Should the autual receipts for the entire year.

The actual expenditures of the Treasury for the months of July, August, and September amount to \$83,459,000,800, sp. 39, 378, 375. 75 in excess of the average monthly estimates; and if the expenditures should continue at the same rate during the balance of the current year they would amount to the sum of \$33,836,508.96, or about \$20,336,508.96 in excess of the estimated expenditures for that period, and would show an excess of expenditures over the supposed actual receipts for the year estimated of, say, \$76,318,835.74.

As stated, the operations of the Treasury perati

98.32 for the year.

It will appear from a careful comparison of the receipts and expenditures

Comparative statement of the receipts and expenditures of the United States.

		ending June 1894.	Fiscal year ending June 30, 1893.			
Source.	Month of September, 1893.	Since July 1, 1893.	Month of Sep- tember, 1892.	Since July 1, 1892.		
RECEIPTS.						
Customs Internal revenue Miscellaneous		839, 398, 371, 62 36, 721, 484, 55 3, 259, 561, 42	817, 209, 947, 88 13, 735, 887, 81 851, 792, 97	\$52, 686, 769, 43 42, 665, 465, 94 4, 238, 783, 07		
Total	24, 582, 756. 10	79, 379, 417. 50	31, 797, 623, 66	99, 591, 018, 44		
EXPENDITURES. Civil and miscellane- ous War Navy Indians Pensions Interest Premium	6, 563, 662, 02 4, 804, 838, 86 2, 600, 476, 10 524, 364, 54 10, 786, 864, 53 197, 814, 12	23, 187, 010, 05 16, 010, 373, 40 8, 741, 094, 26 2, 338, 189, 60 35, 810, 091, 65 7, 721, 168, 29	7, 641, 351, 04 4, 363, 770, 46 2, 586, 788, 07 98, 908, 37 12, 654, 367, 13 247, 148, 17	26, 865, 601, 32 12, 167, 902, 39 6, 995, 245, 27 1, 945, 257, 57 40, 367, 574, 84 7, 625, 072, 42		
Total	25, 478, 010. 17	98, 459, 127, 25	28, 192, 423, 24	95, 966, 653, 81		

Deposits during month	\$707.	570.	00
Padamptions during month	000	433	50

TREASURY DEPARTMENT, Warrant Division, October 2, 1893.

Statement of the public debt and of the cash in the Treasury of the United States for the month of September, 1893.

INTEREST-REARING DERT.

	Authorizing	7	When re-	Interest	Amount	Outstandi	ng Septemb	er 30, 1893.	Outstand-	Outstand-
Title of loan.	act.	Rate.	daemable.	payable.	issued.	Registered.	Coupon.	Total.	ing March 1, 1893.	ing October 1, 1893.
Funded loan of 1891. Funded loan of 1907. Refunding cer- tificates.	July 14,1870 and Jan. 20, 1871. July 14,1870. and Jan. 20, 1871. Feb. 26, 1879	4½ per cent continued at 2 per cent. 4 per cent	Option, U.S. July 1, 1907	M., J., S., and D. J., A., J., and O. do	*\$250,000,000 740,867,500 40,012,750	488,251,100	8 71,355,050	\$25,364,500 559,606,150 67,090	\$25,364,500 559,595,900 73,860	825,364,560,00 559,606,150.00 67,090,00
		ng debt, exclusive of as stated below			1,030,880,250	513,615,600	71,355,050	585,037,740	585,034,260	585,037,740.00

*Four-and-a-halfs.

DEBT ON WHICH INTEREST HAS CEASED SINCE MATURITY.

Funded loan of 1891, matured September 2, 1891. Old debt matured at various dates prior to January 1, 1861, and other items of debt matured at various dates subsequent to January 1, 1861.	8614,000,00 1,340,770,26
Aggregate of debt on which interest has ceased since maturity.	1,981,770.26

DEBT BEARING NO INTEREST.

Legal-tender notes (February 25, 1862; July 11, 1862; March 3, 1863) Old demand notes (July 17, 1861; February 12, 1862) National-bank notes:	1346, 681, 016, 00 55, 647, £0
Redemption account (July 14, 1890) Fractional currency (July 17, 1862; March 3, 1863; June 30, 1864, less \$8,375,934 estimated as lost or destroyed, act of June 21, 1879)	20, 727, 095, 75 6, 900, 504, 62
Aggregate of debt bearing no interest	374, 364, 264, 87

Statement of the public debt and of the cash in the Treasury of the United States for the month of September, 1893-Continued. CERTIFICATES AND NOTES ISSUED ON DEPOSITS OF COIN AND LEGAL-TENDER NOTES AND PURCHASES OF SILVER BULLION

Classification.	In the Treas- ury.	In circulation.	Amount issued	
Gold certificates (March 3, 1863; July 12, 1882). Silver certificates (February 28, 1878; August 4, 1886; March 3, 1887). Certificates of deposit (June 8, 1872). Treasury notes of 1890 (July 14, 1890)	85, 000, 00	877. 227, 599, 00 324, 55, 134, 00 8, 200, 000, 00 148, 824, 199, 00	270, 864, 504, (8, 285, 600,	
Aggregate of certificates and Treasury notes, offset by cash in the Treasury	8, 618, 431.00	561, 606, 932. 00	570, 225, 383	

RECAPITILLATION

Control the shallow the control to t				
Classification.	Sept. 30, 1993.	Aug. 31, 1693.	Decrease.	Increase.
Interest-bearing debt . Debt on which interest has ceased since maturity . Debt bearing no interest .	\$85, 037, 740, 00 1, 984, 770, 26 374, 364, 264, 87	\$585, 037, 590, 00 2, 045, 540, 26 373, 877, 128, 37	\$60,770.00	\$150.00 487, 136.50
Aggregate of interest and noninterest-bearing debt	981 396 775 13	960, 960, 258, 63 565, 614, 881, 00	60, 770, 00	487, 988 9
Aggregate of debt, including certificates and Treasury notes	1, 531, 612, 138, 13	1, 526, 575, 139, 63	60,770.00	5,007,768.5

CASH IN THE TREASURY.

Classification.			Demand liabilities.				
Gold— Coin Bars	\$72, 169, 12 3 , 15 101, 026, 648, 61	6173, 200, 771, 10	Gold certificates Silver certificates Certificates of deposit, act of June 8, 1872 Treasury notes of 1890.	\$79, 756, 819, 90 330, 864, 504, 60 8, 285, 000, 00 151, 319, 040, 90			
Silver— Dollars Subsidiary coin Bars	360, 499, 882, 00 13, 496, 416, 24 124, 242, 787, 09	498, 239, 086, 33	Fund for redemption of uncurrent national- bank notes Outstanding checks and drafts Disbursing officers' balan es	8, 429, 392, 41 5, 363, 221, 81 24, 446, 490, 54	8570 , 225, 363, 6		
Paper— Legal-tender notes (old issue) Treasury notes of 1800 Gold certificates. Silver certificates Certificates of deposit, act June 8, 1872 National-bank notes	2, 494, 841. 00 129, 220. 00 5, 909, 370. 00		Agency accounts, etc	4, 208, 054, 76	42, 44 7, 159, 5 106 , 875, 633.		
Other— Bonds, interest, and coupons paid, awaiting reimbursement Minor coin and fractional currency Deposits in national-bank depositories— General account	72, 524, 16 880, 677, 98 42, 628, 511, 99	30, 896, 001. 35					
Disbursing officers' bai- ances	3, 651, 563, 98	17, 213, 278, 04	Aggregate	*************	719, 548 , 155.		

Cash balance in the Treasury	August 3I, 1893	\$107, 283, 910. 64 106, 875, 633. 30
Donney Angles the mo	n 6 %	

Bonds issued in aid of the construction of the several Pacific railroads and interest paid thereon by the United States, and condition of Pacific railroads sinkly fund created by act of May 7, 1878.

Name of railway.				Interest repaid by com- panies.			Sinking fund.		
	Principal outstanding.	Interest accrued and not yet paid.	Interest paid by the United States.	By trans- portation service.	By cash payments, 5 per cent net earn- ings.	Balance of interest paid by the United States.	Bonds.	Cash.	Total.
Central Pacific	\$25, 885, 120, 00 6, 303, 000, 00 27, 236, 512, 00 1, 600, 000, 00 1, 970, 560, 00 1, 628, 320, 00	\$388, 276, 80 94, 545, 00 408, 547, 68 24, 000, 00 20, 558, 40 24, 424, 80	\$38, 983, 627, 27 9, 911, 133, 00 41, 299, 757, 61 2, 509, 808, 28 2, 850, 581, 94 2, 441, 239, 49	13, 982, 463, 72 572, 582, 49 9, 867, 00	\$658, 283, 28 438, 409, 58 6, 925, 91	1, 930, 348, 86 2, 841, 217, 94	\$5, 061, 500. 00 12, 795, 500. 00	170, 374, 56	12, 965, 874.
Total	64, 623, 512, 00	969, 352. 68	97, 996, 200, 06	25, 792, 046, 24	1, 103, 619. 75	71, 100, 534. 67	17,857,000.00	230, 772, 59	18, 087, 772.

The foregoing is a correct statement of the public debt and of the cash in the Treasury at the close of business September 3), 1893.

JOHN G. CARLISLE, Secretary of the Treasury. TREASURY DEPARTMENT, October 2, 1893.

BILL INTRODUCED.

Mr. HOAR. I ask unanimous consent to introduce a pension

bill for reference to the Committee on Pensions.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HOAR introduced a bill (S. 1094) granting a pension to Edmund C. Bailey; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT OF THE JOURNAL.

The VICE-PRESIDENT. The question is on the motion of

the Senator from Colorado [Mr. Teller] to amend the Journal of Monday's proceedings, on which the Senator from Nevada 'Mr. STEWART] is entitled to the floor.

Mr. STEWART. Mr. President, as I remarked, there is no

doubt about the power and the duty of the Senate to make rules. The Constitution expressly authorizes the Senate to make its own rules. Rules are important, and they are for the protection of the minority in times of great excitement, in times when pas-ston and prejudice inspire the majority to override and crush out all opposition. Rules are made in view of the weakness of humanity. It is well understood that at times the best of men are governed by their passions and are liable to do wrong. Ma-jorities again and again have been led into despotic and cruel It is well understood that at times the best of men proceedings. Innocent people have been imprisoned, punished, exterminated by the enthusiasm and power of the majority.

All the woes of humanity result from the violent proceedings

All the woes of humanity result from the violent proceedings of the majority. During all history we have a continuous record of the cruelties and oppressions of even conscientious men when they were the majority. There was a time when the majority in power felt it a duty to burn at the stake and torture those who differed with them on matters of religion. There was a time when a majority of the people believed in witchcraft, and inflicted the most dire penalties upon those who were charged with an imaginary offense.

Rules are framed to check violent action on the port of the

Rules are framed to check violent action on the part of the majority until there can be reflection; until the sober second thought and judgment of the majority of the people can be brought into exercise.

brought into exercise.

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say. "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power."

So far the maxim is certainly true, and is founded in good sense, that as its always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and a buses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

With represent the form the second of the same to such a treation.

With regard to free debate in the Senate, I call the attention of the Senate and of the country to the history of the great struggle which is not yet effaced from the memory of the people of the United States, when in the year 1850 there was a majority in favor of extending slavery into California. There was a struggle here under the rules of the Senate for between six and seven months, which resulted in the compromise measures of 1850. Again in 1854-755, and forseveral years previous to 1860, there was a struggle on the part of the majority to extend slavery into the Territories, which was stubbornly resisted. There are a large number of people in this country who believe that the resistance then made was justifiable; that great and good results have followed from it. Again, there was an overwhelming majority for extending suffrage to Chinese. A small minority resisted it until that attempt was abandoned. All men now approve of the failure of that

action.

Again there was an attempt on the part of the majority to place the control of local elections under Federal authority. That was resisted by the minority; and the result is regarded by a large portion of the American people as the most glorious of any that has been achieved in this country.

In view of these great struggles, in view of the benefits that have been realized, in view of the fact that liberty has been maintained, that our institutions have been preserved in this hall by the exercise of the power of resistance granted to the minority by the rules of this body, which have obtained since the foundation of the Government, it seems that this is not a time to destroy those rules, in a contest like the present, after great good has been accomplished by resistance to the power of the majority exercised under pressure, exercised under passion, exercised and pressed forward by influences which are not commendable and honest, which I must discuss in order to bring this matter more fully before the Senate. I say after these contasts have been had almost invariably the Senate, in its cooler moments, has considered its rules and has made such limitations as it thought proper. It has provided that an amendment may be laid on the table without currying the bill with it.

That facilitates business very much. It has also provided that the merning hour shall be extended from 12 o'clock until 2; that from the time of meeting two hours shall be given for morning business, under which all bills on the Calendar come up for consideration under a five-minute rule, allowing five minutes to each Senator for debate. That rule has facilitated business. The

various modifications that have been made of the rules have enabled the Senate during all these years to perform its business more rapidly than the other House. There is no difficulty in

getting the consideration of any measure in the Senate.

Frequently in the other House, under its arbitrary rules, just measures are necessarily left out and can not be considered. The arbitrary rules of the House have been a cause of much com-plaint and much injustice in depriving citizens from obtaining such legislation as the country and as justice demanded that they should have. But the Senate has always been foremost in its business; and in considering the matter in its cooler moments, after passion had given way, and in making such limitations as will facilitate business, it has not taken away the right to resist

will facilitate business, it has not taken away the right to resist in case of an emergency like this.

Now, while the Senate has the power to make rules, it has power to make rules to protect the minority, and it has made those rules, and when the majority wish to press forward to accomplish what the minority think a great outrage, it is no time to change the rules. Always for the last hundred years, when the majority have been found in a great struggle, the suggestion has come to change the rule. What is the use of rules to protect the minority, if the majority may change them whenever passion, or prejudice, or a desire to accomplish an object inspires them to bring forward a change of the rules. Rules can not project the minority if they can be changed under such can not protect the minority if they can be changed under such circumstances.

The good sense of the Senate and the good sense of the country

has insisted that there should be one place where the rules shall not be changed in an emergency. There is nothing for the protection of the minority if the majority may in the heat of passion change the rules at will.

I have here a paper laid on my desk this morning, a leading daily paper, the Springfield (Mass.) Daily Republican, which is in harmony with the whole of this clamor.

This rebellion

Calling the resistance here a rebellion!

This rebellion shelters itself under a rule of the Senate which allows to its members unlimited debate, so that no vote can be taken so long as any Senator chooses to speak. Under the present circumstances, it is impossible to change the rule, because a motion for a change can in its turn be endlessly debated, and a vote prevented. The Senate is securely tied by its own rule, and the nation is a bound and helpless prisoner.

I think the communication is so important, and it is so clearly in harmony with all that is said, that with the permission of the Senate I will have the whole editorial inserted in my remarks.

The article is as follows:

THE WAY OUT.

Senate I will have the whole editorial inserted in my remarks. The article is as follows:

THE WAY OUT.

The Government of the nation to-day is paralyzed. The main function of Congress is denied its normal exercise. The Federal Legislature is unable to legislate. The majority of the Senate is forbidden to give expression and force to its will in the manner provided by the Constitution and followed since the foundation of the Government. The Senate is by a minority of its members forbidden to take a vote.

The immediate effect of this nullification is to stop all legislation, to grievously embarrass the business finterests of the whole country, and to threaten protracted suffering to millions of citizens. Its turther effect as a precedent is to enable an obstinate minority at any time to block the whole machinery of legislation. It strikes dumb the voice of the people through the very organization provided to declare that voice. It is making our Government contemptible in the eyes of its own people and of the world. In a word, it is anarchy under color of law.

This rebellion shelters itself under a rule of the Senate, which allows to its members unlimited debate, so that no vote can be taken so long as any Senator chooses to speak. Under the present circumstances, it is impossible to change the rule, because a motion for a change can in its turn be endiessly debated and a vote prevented. The Senate is securely tied by its own rule, and the nation is a bound and helpless prisoner.

The resource is to cut the knot. Let the majority of the Senate, making common cause in the interest which is higher than party, higher than finance—the sacrafight of constitutional self-government—let the majority of the Senate and to the Vice-President, acting as the loyal servant of the Senate and the principle commends itself to the judgment of the majority of the Senate and to the Vice-President acting as the loyal servant of the Senate and the principle commends itself to the indignate of the senate is a resolution of legislatio

without precedent, and to many seemed to partake of usurpation. But when measures which his action had helped to pass were challenged before the Supreme Court, that body refused to annul them. In effect, it declined to interfere with the course of the House and its elected Speaker in determining its course of procedure upon a somewhat nice and doubtful question. It is add in effect: The essential principles of the Constitution not being violated, the National House must settle details as to its own methods of business. Can it be supposed that the court would assume to so interpret and enforce an sneient rule of the Senate as to leave that body powerless to act? It is most unlikely that the court will be asked to do so. But the possibility of such an appeal may reassure any who fear it would be illegal for the Senate to assume its proper function by a short way.

Would there be danger of a bad precedent in thus ignoring a rule? Such danger is trivial compared to the imminent peril of a paisy of the Legislature, and the discredit of all government. Is precedent wanted for so bold a course? History gives a precedent. When John Quincy Adams was in the House, once during its organizat on and before the election of Speaker there arose disputes over certificates of membership which at last interrupted all progress; the Clerk, who was regularly the temporary presiding officer, rused to entertain motions designed to end the chaos; and legislative anarchy seemed—just as now—to impend. Mr. Adams made a reasonable and proper motion, which the Clerk refused to submit to the House. "Gentlemen," said Mr. Adams, "I propose to put this question myself!" The right and reason and courage of his action won the assent of the House, he put the motion and it was carried; the organization was completed, and the normal functions of government were resumed.

**Salus populisupremalex—the selection of the Euchapitalities must be subordinated to vital inecessities. This is such an emergency. Let the majority of the Senate rise to the occas

In this emergency let American common sense and courage not fail in the Senate of the United States.

Mr. STEWART. Mr. President, it becomes pertinent to inquire what is the emergency calling for this action. With regard to that I have a few suggestions to make. The emergency is an attempt on the part of the national banks and the creditor class to control all the departments of the Government It is the fourth attempt that has been made in the history of the

country.

The first memorable attempt was in 1811, when the charter of the National Bank was about to expire. The National Bank then created a panic, using the same methods that have been employed on this occasion.

The next was in 1833, when the President came to the con-clusion that the National Bank was an unsafe place for the deposit of the money of the Government, and the action then is known as the removal of the deposits, although no deposits were removed. The Secretary of the Treasury simply deposited the new money in other depositories, State depositories, where he thought it would be safe.

The third attempt was in 1881, when Congress proposed to reduce the rate of interest and to issue 3 per cent instead of 4 per cent bonds.

The following is what the leading journals said with regard to the efforts of the bankers to stampede Congress and prevent them reducing interest on bonds from 4 to 3 per cent. The same appliances were then used to create panic which are now employed, except the use of the public press, and they then felt the power of the press. They now have it in their service:

[Ottawa Journal and Triumph.]

[Ottawa Journal and Triumph.]

THE BANKERS' GREAT STRIKE—NO TROOPS NEEDED—THE PRESIDENT SURRENDERS—VOTERS, "WHAT ARE YOU GOING TO DO ABOUT IT?"

Not long since the New York Tribune remarked:
"The time is near when the banks will feel compelled to act strongly.
Meanwhile a very good thing has been done. The machinery is furnished by which in any emergency, the financial corporations of the East can act together at a single day's notice with such power that no act of Congress can over-come or resist their decision."

And that time arrived last week, when the banks said to Congress, their creator, "You pass a certain law with a certain section in it that we object to, and we will ruin the business of the country!" And they proceeded to partially put their threat into execution—merely to show what they could do when they tried. But a majority of Congress couldn't be bluffed, and the law was passed—but the bankers' tool, President Hayes, vetood it.

Beileving that our readers will be interested in what the great papers of the country have to say on this all-absorbing question, and which vitally affects every one, we gi/e a few extracts:

[Chicago News, 28th.]

[Chicago News, 26th.]

It is rule or ruln with the national banks. When Congress gets down on its honorable knees to the national banks everything will be lovely. Fattening on the Treasury for years the national banks have entered into a conspiracy to wreck the business of the country rather than submit to what they consider unfavorable legislation. The people will remember this against them, and the day of reckoning is not as far off as they imagine.

[New York Commercial, 25th.]

Some of the national banks of this city have played a very contemptible part in the flurry of yesterday and to-day. It is not the first time that they have acted in this way against the public credit. In one instance, which we do not care to name at present, but which will be understood by most Wall street people, the want of loyalty to the public credit has shown itself on all occasions, from the outbreak of the civil war in 1861 down to the present time.

[Chicago Tribune, 26th.]

In point of fact, it would not take much argument to satisfy the country generally that there is no particular necessity for any bank-note currency whatever, and all attempts by the banks to disturb the business of the country by combinations to produce a contraction or stringency can only have the effect of educating the public mind as to the expediency of doing without bank currency as far as possible.

[New York Advertiser, 26th.]

It is a question whether a clique of bankers is to dictate to Congress the country what is for the best interest of the country, and to maniput the money market in order to depress the stock market.

[Leavenworth Times, 2d.]

[Leavenworth Times, 2d.]

The panic in Wall street last Friday and Saturday was something of a tempest in a teapot, and has already blown over. It was—to express it plainly, and in few words—an attempt on the part of the banks to correct the Government, but, as might have been expected, it proved a most signal failure. Borrowing a homely but a very expressive figure of speech from our Southern brethren, the banks "bit off more than they could chaw." Coercing the United States is a very big job, either in war or in finance, as has been clearly demonstrated at two or three times in our national experience, and the gentlemen who control the national banks of the country have read history to very little purpose if they have failed to learn this fact. The long and short of the late financial flurry is simply this: The circulation of the national banks is secured by the deposit of bonds bearing not less than 4 per cent interest.

Congress recently made up its mind that the credit of the United States was just as good as the credit of Great Britain, and since the English public debt has been funded for a century at 3per cent our debt ought not to bear any higher rate. A bill for providing for refunding our debt in 3 per cent bonds and requiring the national banks to deposit those in place of the bonds bearing a higher rate passed the Senate, and seemed likely to pass the House. In order to defeat this, the banks undertook to create a stringency in the money market, and precipitate a financial panic by canceling their circulation and withdrawing their bonds. In view of the fact that the national bank note circulation and monusts to Eado,000,000, the withdrawal of so much bank note circulation amounts to Eado,000,000, the withdrawal of so much currency at one time could not be otherwise than disastrons to the business interests of the country, and hence the banks expected to place Congress where it would be obliged to recede from its position.

[Chicago Inter Ocean.]

[Chicago Inter Ocean.]

where it would be obliged to recede from its position.

[Chicago Inter Ocean.]

The people know that there is no real difference between a national-bank note and a treasury note, except that one is issued directly by the Government, without the intermediate of the bank, and the other directly by the Treasury. The great popular argument of conservative business men against the replacing of national-bank notes by greenbacks is founded on the conviction that it is not safe to trust the control of the circulation with po iticians in Congress, but that it is safer to rely upon banks whose interests are purely commercial. The action of the national banks in New York and elsewhere in attempting to frighten and overawe Congress and compelegislation to suit them, will have a tendency to beget doubt upon this subject and make the public fancy that there is no more to be feared from the first quarter than there is from the last. * * Solong, especially, as the great debt of the country forms the basis of our financial system, and constantly requiring attention and regulation, the Government must not be hampered or impeded by the assumption of unfriendliness on the part of the banks, but must have the power to protect itself and give practical trait of its legislation. If the Government chooses to try a 3 per cent loan, it should not be deterred by threats of withdrawing circulation. * *

The people feel that they are not dependent on banks for a circulating medium. We have learned wisdom from our misfortunes. The selfish greed of the New York banks in 1861 compelled the Government to rely upon itself for currency: and the recent action of the same class of bankers, if persisted in, may compel the Government to take such action as will declare its independence of corporate dictation. * * Neither the people nor the Government will consciously submit to the dictation or control of capital. Government are instituted among men for the benefit of the people nor the Government are instituted among men for the benefit of the peopl

gerous powers.

New York Times, 26th.1

The Times, editorially, says the events of yesterday in Wall street show plainly that the speculative spirit has gained very rapidly within the past twelve months. * * When prices fall 5, 10, and 15 per cent in a few hours or even in a few moments, and when men pay at the rate of 472 per cent per annum for the use of money, it is clear that the perations which involves such consequences are not the legitimate operations of national finance, but something which is in its essence gambling. * * * The peculiar relations of the banks to the Wall street market, and the fact that they have taken the initiative in the course, which produced what was for a time a panic, unfortunately complicate general business interests in the transactions of the stock exchange. The prompt interposition of the Treasury Department yesterday, and the feeling that still more effective steps may be taken, would undoubtedly check further disturbances if it was not that it is the interest and settled purpose of a section of operators more or less influential to continue and aggravate the trouble that has taken place.

The principle on which the Carlisle amendment, now so severely codemed, rests is that the banks should redeem their own notes, and the Government should not give them the privilege of curtalling their circulation by the million at a moment's notice. This is not an unwise principle, but the contrary. * * It can not be doubted that the banks have acted in a very hasty spirit, and have themselves shared the feeling that has resulted in symptoms of a panic yesterday. They have forgotten they were in a sense Government banks: that they held franchises of an exceptional character from Congress, and that these were linked with well-defined obligations. Even from a standpoint of their own interest it must be said they were unnecessarily defiant of public opinion, which has and must have very considerable influence on their fortunes.

[New York World, 26th.]

The World editorially says: "The trade and general business of the country has been subjected to a strain during the past week more severe than any which has been put on them since 1873. This deplorable state of saffairs was brought about by the selfish conspiracy of a certain number of national banks bent on opposing the national will in the matter of establishing a lower national rate of interest by such duly chosen representatives of the people of the United States as they have thought proper to adopt. Our Government and people who maintain it have submitted to great sacrifices to afford all reasonable support to national banks. But the banks have not kept within the reasonable limits of their demand for compensation for such financial services as they have been able to render the country.

A few of these banks have not hesitated to invite the destruction of the whole system and provoke popular anger by pursuing a course which must inevitably force on American citizens the question whether legislative and executive officers chosen to represent the people or a few bank officers are to administer the financial destines of this country. It is not probable the natural resentment of the Legislature against the attempted conspiracy will extend to the condemnation of the whole national system. But we have no doubt at the same time that when the indignation has cooled of, those conspirators against the prosperity and credit of the Republic will be subjected

to such temperate and wholesome discipline as shall be a warning to them and their kind for years to come.

[New York Sun, 22d.]

and their kind for years to come.

[New York Sun, 22d.]

It strikes us that the gentlemen in Wall street, who are trying to prevent the Senate funding bill from becoming a law, rather make a mistake. Unter the senate funding bill from becoming a law, rather make a mistake. Undeutedly they have a right to express their opinions about the bill, but when it comes to threatening that unless it is modified to meet their views they will wreck the trade of the entire country, they go a step too far. The average Congressman has no such fear of banks and bankers as to make him alter his vote to avoid their displeasure, and as to any possibility of the mischief they may do, he will soon find a way to prevent it. If the officers of the banks should attempt, as some foolish men here say they will do, to withdraw their circulation unless certain provisions in the billi are stricken out, it would be very easy to supply the deficiency with an additional issue of greenbacks, and if they try by underhand means to thwart the negotiation of the new bonds because the rate of interest is not high enough to please them, they can be deprived of the privilegge of issuing circulation altogether.

It is a dangerous thing for the tail to attempt to wag the dog, for if the dog gets angry he can switch the tail about in a very unpleasant way for the dog sets angry he can switch the tail about in a very unpleasant way for the sail The truth is, that in matters of national interest there is no set of people as stupid as the Wall street financiers. Absorbed in the business of buying and selling stocks and lending money, they only consider what immediately affects to-day's markets, without a foresight of the future or regard for what is going on elsewhere. In the present case they are evidently in blissful ignorance of the general hostility of the people of the West and Southwest to the national-bank system and the slender thread of toleration on which it hangs. It needs only a good pretext to secure the sweeping of the whole thing out of exis

The funding bill, as it passed both Houses of Congress, was, in the language of a Washington dispatch, "the most serious blow the national banks ever received from Congress since the organization of the national-banking sys-

The act of January, 1875, clothed the national banks with the power of unlimited and unrestricted contraction and expansion of the currency. It gave them absolute control over the volume of money, and consequently over the market value of labor and all kinds of property. It gave them power to indiate the currency when they could make money through the indiation of prices, and when their interests could be better served by panic, depressed prices, and general business stagnation and bankruptcy, they had power to accomplish their end through the contraction of their circulating notes.

The provisions of the new funding bill materially interfere with their nicely planned scheme, and deprive them of nearly all their power over sudden contractions and inflation. It puts a limit to their privileges, and bounds to their unwarranted powers.

Without waiting even for the concurrence of the House in the slight Senate amendments, a large and powerful bank lobby from Wall street and the clearing house association at once bore down upon the White House armed with magazines. Gatling guns, and infernal machines of dire calamities, which they threatened would surely explode in the very heart of the nation's business and industries from spontaneous ignition, in case he did not interpose his prerogative to save. They were armed with authority from the national banks represented by the American Bankers' Association to inform his excellency that in case he withheld his veto they would immediately retire their circulation. In which case a money stringency would follow which would be terribly disastrous to every business interest, producing the most runous financial crash which ever befell the country.

ruinous financial crash which ever befell the country.

The peopl's are not without resources, though every bank note be retired, for when the emergency shall arise, the greenback which put down the slave-holders' rebellion will also put down the bankers' insurrection.

In more than one sense the greenback is "war money." It has proved itself mightler than an army with banners. It was the oid reliable guard that never lost a battle or suffered defeat. It conquered slaveccracy, and can and will conquer bankocracy, plutocracy, and monopoly. It is the people's hope and trust in every time of need.

Let the bank note cowardly and traitorously retire from the conflict, and let the greenback be clothed with full sovereign powers, come to the front, and come to stay. As fast as bank notes disappear let greenbacks fill the ranks. On this point the New York Graphic thus expresses itself:

"It is understood that there is to be an amendment offered in the House to the bill providing for the issue of greenbacks to take the place of bank circulation that may be withdrawn. If this sensible precaution is taken it will instantly restore confidence and take permanently away from the banks this fearful power to withdraw in one day all their bills from circuladon, or what is worse, lock up an equal amount of gold and legal tenders and leave the street utterly without means of doing business. Such terrible power no se. of men should for one instant posses."

In vindication of its own honor and dignity, as well as in response to the demands and interest of business, Congress should not be slow to rebuke the insolence of these creatures of law and dependents on public forbearance. Should the President interpose his veto let the issue be carried to the people as expressed by their representatives.

And the New York Tribune, 28th, the organ of the banks, contains the following ominous threats and defiance to the whole Republican party surrentors.

surrender, and Hayes and Garfield, and the whole Republican party surrenders. Read:

"The country knows that it has escaped a great disaster. Everywhere there is a feeling of intense relief and thankfulness, as substantial people come to realize how terrible a revulsion the enactment of the Carlisle section would have caused. Buttits notwell to forget that the danger has been escaped only upon condition that the fatal section is defeated. If Congress or the President is led to believe that disas'er has been and can be averted by any action of the Treasury Department, so that the pending bill can now be passed without causing a great calamity, the consequences of that error may be incalculaby disastrons. Let the situation be fully understood."

And here is what one of the only three Republicans who supported the pending bill, Senator Plumb, of our own State, has to say about it:

"I am a national-bank president, so I can speak without prejudice. I tell you the crisis has come when we shall see whether the banks run the Government to the Government the Bonks. I think the Government has a right to fix the rate of interest it will pay, and it is no business of any set of men, I tmakes no difference to the people if Wall street gamblers do lose money, or railroad stocks stop rising. It would make a difference if the hoes in Western cornicleds should stop, and it is with the producers that the prosuperity of the country rests. Let the bottom fall out of it if it will. It is an artificial movement to coerce the Government."

And here is something from another well-known gentleman, the oldest

Republican member of the House, "Pig Iron Kelley," of Pennsylvania. He was also one of the four or five Representatives that supported the bill in the House—the member from the First Kansas district voted with him.

Hear him:
"Judge Kelley, of the Ways and Means Committee, was very "Judge Kelley, of the Ways and Means Committee, was very severe on the banks, declaring it was an effort on their part to do what the old Government Bank attempted to do many years ago, and which resulted in its overthrow, namely, to take the Government by the throat. The national banks had attempted this same thing, and precipitated a panie in the market when the Government proposed to make silver money according to law. The present infernal scheme to buildoze Congress, together with the country. It was clearly an attempt to force upon Congress submission to the domination of the banks. Judge Kelley believed the result would be to array the people against the banks, and intensify the prejutice already existing against them, and felt that an honest effort to carry out the provisions of the law instead of combining against it in this manner, would have given the banks more sympathy among the people."

[Topeka Capital, 4th.]

[Topeka Capital, 4th.]

[Topeka Capital, 4th.]

The country recognizes the contest as one between the national banks and the Government, and this veto gives the victory to the banks, and while the organs or Wall street may proclaim it the greatest act of President Hayes's Administration, there are many Republicans, especially throughout the West, who will accept the result as a vindication of the power of the banks over the Government. * *

"Money, when it can not find paying stocks and bonds, turns to the development of lands and manufacturing interests. Another particular gain to the whole country, and especially to the West would have arisen in the depressing influence this legislation would have had upon interest. No greater im ediment exists to-day in the West to its rapid development than the high rate of finterest."

Impediment exists to-day in the West to its rapid development than the high rate of interest."

Following is President Hayes's veto of the funding bill at the dictation of the national banks and President Gartield:

"I should not deem it my duty to interpose any constitutional objection to the passage of the present bill if it did not contain in its lifth section a provision which in my judgment seriously affects the value and tends to the destruction of the present national banking system of the country. * * B In short. I can not but regard the fifth section of the bill as a step in the direction of destruction of the present national banking system. * * B Beleving that a measure for refunding the national debt is not necessarily connected with national banking law, and that the refunding act will defeat its own object if it imperils national banking system or seriously impair its usefulness and confidence, and that section 5 of the bill before me would, it should become a law, work great harm, I herewith return the bill to the House of Representatives for that further consideration which is provided for in the Constitution.

"RUTHERFORD B. HAYES.

"RUTHERFORD B. HAYES.

EXECUTIVE MANSION, March 3, 1881."

The fourth attempt was made in 1893. In each attempt the same methods were employed which are employed now, only at the present time they are in a more aggravated form.

What is the object to be accomplished by this fourth attempt? Why has the country been thrown into this distress? It is to put the United States on a single gold standard for the purpose of enhancing the obligation of contracts; for the purpose of en-

riching the creditor and impoverishing the debtor.

Look for a moment at the situation. The United States owes \$30,000,000,000 to be paid in wheat and cotton and other farm products, and in manufactured articles to be paid from the products of the country. Can it not be seen in a moment what a vast interest there is in enhancing the value of the money, and what a difference it makes to the wheat-growers whether they shall sell their wheat for 50 cents or 60 cents or \$1.20 a bushel, or how much difference it makes to the cotton-growers whether they are compelled to sell their cotton for 7 cents or 14 cents a pound in paying this \$30,000,000,000.

If prices can be reduced still further it will take more of the wages of labor to pay debts. If you reduce the country to a gold standard there will be a perpetual shrinkage. The output of gold is now consumed in the arts: no new gold money of any consequence can be obtained; and at least one-third of the product sequence can be obtained; and at least one-third of the product is obtained from silver mines which is cut off; so that with a shrinking supply of gold and with a growing population, prices measured by gold must continue to decline, and it will make a good deal of difference to the farmer in the payment of his debts if he has to sell his wheat for 30 cents a bushel instead of \$1.20. Turn back to the money famine which existed prior to the discovery of rold and silver in the New World. Then the price of

covery of gold and silver in the New World. Then the price of wheat varied between 12 and 30 cents a bushel. It would take but a few years for us to go back to that same point if we were under a gold standard alone, and we should be in the same position the world was when the mines failed in other periods of his-

Then, I say, it is very important, and the creditor classes regard it as very important for themselves. They have made most vigorous efforts, and we have on the statute books but one law which recognizes silver as money, and that is the act known as

the Sherman law.

Bimetallism, as I have often said, is the right to use either metal. When the entire demand falls upon the cheaper metal, the metal most easily obtained, there will be a rise in the price of that metal. As the price depends upon the demand, one rises to an equilibrium with the other. That is why the two metals have been kept along at a parity through all the ages. The demand in Europe is on gold alone. Germany put down the price of silver and raised the price of gold by selling silver and buying

Now, it is certain that if we shall stop using silver and buy gold it will put down the prices of commodities, increase the load of debts, compel the planter to sell his cotton cheaper and cheaper every year, and compel the laborer to work for less wages. That is the history of the world. That is the issue. The law of 1890 is the distory of the world. That is the issue. The law of look is the only law that is left in this country which prevents us from being absolutely a financial colony of Great Britain; and Great Britain is very anxious that that law should be destroyed.

I regret that the administration of the Treasury Department

I regret that the administration of the Treasury Department has become revolutionary. I want to call attention to that. It is now proposed to follow the bad example which has been set, revolutionize the Senate, and break down the only safeguard which has protected liberty in this country. It is pertinent to inquire, then, for what purpose, and whether a violent revolution is not already in progress, which the Senate should check before it proceeds farther? We were called together to repeal the Sherman act, but that act has been abrogated. The Secretary of the Treasury holds that by making counter offers for alltary of the Treasury holds that by making counter offers for silver bullion at the price at which he can buy he can excuse himself from buying any, because if he can bid below what anybody else will sell for, he need buy no bullion at all. That he considers to be the market price.

If he can do that, there is no doubt that he need not buy any and he can thus abrogate that law, although the President in his proclamation calling Congress together gave as a reason for its repeal that it was an imperative law, a mandatory law, and must be executed until it was repealed by Congress. Notwithstanding that statement is in the President's call, and notwithstand-

ing similar language occurs three or four times in the President's message, still that law is abrogated.

Is it the purpose to abrogate the Sherman law? When was that purpose first conceived? When did the Treasury Department first undertake to revolutionize this Government and delaw that it was abrogated by the research by the resea

clare that it would not be governed by law?
It is interesting to know where and when the scheme was devised to place the will of the Department above Congress and above law. Ah, when this country ceases to be a country governed by law, that is the end of liberty; when it comes to be governed by the caprice and passions of men, when they are permitted to govern according to their views, then liberty is dethroned. All our rights and everything we hold in this country we hold under the sanction of law, which we are all compelled to obey.

I have been astonished to read what I find in the report of the Herschell commission, appointed to inquire into the coinage of silver in India, and I blush for my country that such testimony should be given by men high in authority, that a peer of Great Britain could give the testimony I am about to read with regard to our position, and particularly that such testimony as this should be approved by the action of our Secretary of the Treasury. I call the particular attention of the Senate and the country to the testimony I am about to read. It think it such to bring ury. I call the particular attention of the senate and the country to the testimony I am about to read. I think it ought to bring the the blush of shame to the face of every lover of liberty in this country. I will read from Sir Reginald Welby, a witness:

2177. SIR REGINALD WELBY. What you have been giving us up to the present are notes for which the Government are responsible?—Yes, but the national bank notes have been comparatively stationary at about the figure of 80,000,000L for two years.

In this connection I would say that Sir Reginald Welby had given a long history of our financial legislation, very similar to that given by the Senator from Iowa [Mr. ALLISON], stating the kinds of money we had issued, and how they were payable. He has shown great research into the details of our financial condi-tion and his testimony covers many pages of this report. He was asked by the chairman:

was asked by the Chairman.

2170. Chairman. Have you already given us the figures you have prepared showing during the last few months that the gold and gold certificates had diminished peri passuf—Yes, I have stated them; that they seem to have been diminishing peri passuf but these figures will appear in the tables which I shall leave with you.

2180. Are you aware of any declarations made by the Secretary of the Treasury notes would, if necessary, be paid in gold?—Of course. I have read you that passage from the Treasury, be paid in gold?—Of course. I have read you that passage from the Treasury, be paid in gold?—Of course was, but there was a very important declaration made by Mr. Foster, the Secretary of the Treasury, at the annual banquet of the New York Chamber of Commerce on the 18th November, 1891, which is referred to by Mr. Taussig in his book on the sliver question, as pledging the Secretary of the Treasury to that effect.

that effect.

But I have got the exact passage, and I propose to leave the whole of it with you, and I shall read what appears to be the critical part for this purpose. "Mr. Smith asked Mr. Foster to define his actual powers with regard to the issuing of Treasury notes for gold." It is not quite a clear expression of what the question was, but the Secretary replied: "The resumption act confers authority upon the Secretary of the Treasury to issue bonds to any extent that he may be called upon to do, and to increase, maintain, or decrease his gold reserve. The act of July 14, 1890"—that is the act of 1890 we have been speaking of—"commands me to preserve the parity of gold and aliver. It has always been the custom in this country to pay obligations in gold, and therefore, should there be any trouble about this, and if the present hundred millions of gold or the reserve fund were to be called out or entrenched upon it would be within the Secretary's power to issue bonds for gold up to 5 per cent "—5 per cent interest on the bonds—"and to replace or

increase that reserve fund." Of course this is a declaration that all the part would be payable in gold; he interprets that declaration in the act of 1890, which I read to you, as a direction to maintain the parity between gold and silver.

and silver.

2181. It could hardly be relied on as a pledge to do that, because he might consider that the parity might be maintained without it:—Mr. Taussig an American authority, accepts it as having that construction, and that practically is the construction put upon it, and that is the object with which the declaration is made. It was a deliberate statement to the chamber of com-

tically is the construction put upon it, and that is the object with which the declaration is made. It was a deliberate statement to the chamber of commerce.

2182. Mr. Courtney. What report do you quote?—I quote from the leiegram in the Times; the actual words of it telegraphed in full.

2183. I suppose Mr. Foster scarcely pledged himself to that telegram in you will see better, perhaps, when you read the whole passage; but that was the construction put upon it.

2184. CHAIRMAN. The question to which it is an answer could hardly have been telegraphed correctly?—No, it is not very clear; but still that is an historical declaration upon which that construction has been put.

2185. Of course a good deal of it would depend upon what he meant by the obligation to pay I a gold. When he speaks of the one hundred million being intrenched upon, it clooks as though he might be referring to the greenbacks?—Undoubtedly, in all the circumstances of the time, the meaning of the declaration was that all the paper would be payable in gold. If required. I happened to know there was a great deal of commotion in the United States at the time on the subject, and that construction was put upon the declaration and is put upon it. It may be interesting to mention that, when I was getting these specimens of paper which I have shown you, the gentleman at the exchange office who was selling them to me, when he gave me the bank note and when he gave me the greenback—I had been asking particularly for the gold certificates—explained to me that "these will do quite as well, sir, these are all payable in gold; it is not so expressed on the face of them, but these are all payable in gold; it is not so expressed on the face of them, but these are all the same."

2183. Mr. COURTNEY. But all these declarations of this ministerial office who is a gold. A doubt had arisen as to whether the principal was payable in continuous there was no doubt about the interest, a point ultimately settled by enactment; but for a time the credit of the bonds res

That was the administration of the Secretary of the Treasury after Mr. Foster had gone out of power.

2188. Sir REGINALD WELBY. One Secretary of the Treasury died immediately after making the declaration?—That was Windom who died. I am merely telling you how the thing stands, and Americans calmiy tell meauthorities with whom I have discussed this matter—that, law or no law, the intention is to maintain the equality with gold and to suspend the purchase of silver if necessary: that they have no hesitation about it; that that is the permanent policy of the Treasury, and account is taken of it—I mean the banks act upon it.

That statement has gone forth, and the English cabinet were assured that, law or no law, the silver-purchasing act would be suspended.

2180. CHAIRMAN. The mode which he there suggests is not the stopping of the purchases of silver or the issue of Treasury notes, but the borrowing on bonds?—I may say that, as far as my own judgment goes, the statement that he is prepared to borrow upon bonds and get gold does not bear upon the critical point. The critical point is that he should look up the paper and not issue it if it is not wanted.

The critical point was that the Secretary of the Treasury should look up the paper and not issue it if it was not wanted, that he should not issue Treasury notes, and should stop the purchase of silver bullion.

However, that is the mode in which the subject is viewed by the American public, and that is the historical declaration which has been considered one

of great importance.
2190. I think that covers all that you wish to say?—That was all that I proposed to put before you. The witness withdrew

Here comes a peer of the realm and says that he is informed by the authorities here that, law or no law, the silver purchases will be stopped, and upon that declaration and that understanding the coinage of silver was suspended in India. From the testimony and reports which have come to us, there is no doubt that the suspension in India was predicated upon the anticipated action of the United States, of which the Herschell commission seem to have had knowledge. How was the knowledge obtained? The testimony I have read discloses a portion of it. There may be more in the same line.

It so happens that Mr. Bayard, who is our ambassador to Great Britain, is a gold monometallist, and of course when these assertions were made by witnesses before the commission that the Sherman act would be suspended and silver purchases would be stopped, law or no law, it is likely Mr. Bayard would be consulted so important a matter as that, because, as I have said, the action of India was predicated upon it. It was said that in anticipation of the repeal of the Sherman act the coinage in India had been suspended because there was no alternative, that silver would fall so low that it would disturb finance. The attitude of Mr. Bayard on this question is revealed by a letter written by him in July last, which I read now from the New York World of August 4, 1893. Says Mr. Bayard:

London, England, July, 1893.

I am looking somewhat anxiously to the meeting of Congress, and hope there will be no fattering in the resolve to maintain the gold unit of value. So far from depreciating the intrinsic value of silver bullion, I believe the cessation of storage and accumulation of stock will help the market price for this commodity, as it would help any other commodity.

He believes that cutting off the market, that the suspension

of the purchase of 54,000,000 ounces of silver per annum would help the market, that the price of silver bullion would be advanced as would that of "any other commodity." Would the enting off of the market for more than one-third of the wheat or cotton crops enhance the price of wheat or cotton in the markets of the world? He says he believes it would "help the worlds are for this commodity as it would bely any other market soft he world. He says he believes it would help any other commodity;" that cutting off three-fifths of the whole output, if we have the correct statistics, will enhance the market price! That is strange philosophy, but it is the philosophy to which the gold men are driven at every turn. The laws of economics must, as well as the laws of commerce, of common sense, and of reason, be disregarded to reach the goal of the gold monopoly and reduce the people of the United States to serfdom. Bayard continues:

Bayard continues:

Whatever future steps may be taken, a present step ending the purchase of silver bullion under the Sherman act is of the plainest duty and necessity. Green spectacles put upon a donkey are reported to have induced him to eat shavings instead of grass, but it was not a sustaining diet.

The old gentleman is getting sarcastic—"green spectacles put on a donkey are reported to have induced him to eat shavings instead of grass, but it was not a sustaining diet." I think if two-fifths of all the markets for wheat and cotton are cut off, it would not be a sustaining diet for the producers of these comwould not be a sustaining diet for the producers of these commodities.

The intrinsic value of gold makes it the best standard and measure of the unit for the calculation of exchanges, and to unship it is simply to throw the whole machinery of civilized contract out of gear, to bring about contusion and disaster, and strike a blow at all obligations of morality and good faith, which are the corner stone of honest life.

He says, "The intrinsic value of gold makes it the best standard." He still bows down to that exploded idea of "intrinsic value." Mr. Bayard evidently has not read the elements of political economy, or he would know that the value did not reside in the thing, but in the estimation in which it was held. So far as intrinsic value is concerned, the value of gold would remain unchangeable even although all the rocks were gold; if value is intrinsic it would be the same, because the intrinsic qualities of gold have never changed and will probably never change until this world ceases to exist.

What a cry would go up if the pound avoirdupois were reduced to 10 ounces and contracts executed at that rate! Speculators are not needed to guide men in such paths and no sophistry should be permitted to obscure plain duty.

"What a cry would go up if the pound avoirdupois were reduced to 10 ounces and contracts executed at that rate." a cry ought to go up if the gold dollar has been increased 50 per

cent and contracts accordingly increased.

The gold men seem to be ignorant of the first principles of political economy. They are so recreant to the rights of the masses, so greedy to add to the wealth of the classes, so greedy to change this form of government, so greedy to double the obligations of contracts, so greedy to absorb all existing rights that they ignore all sound principles of finance and try to place as absolutely on the single gold standard. There is not wealth us absolutely on the single gold standard. There is not wealth enough on the gold standard to pay the interest on the obligations already in existence. Even if you are not in debt, your country is, and you have to pay taxes, but the bondholders pay no taxes; the bondholders bear no portion of the burden. The bonds of the United States are exempt from taxes and the bonds of railroads are principally held in other lands, where they can not be reached by our laws, or they are held in various States, where they can not be reached. They are hidden away. The burden falls upon those who have visible property. It falls upon the little home of the laboring man, it falls upon the farmer, it falls upon the enterprising man who has created wealth by his skill and by his investments, and the class who own this vast accumulated indebtedness bear no portion of the burden which is augmented day by day by reducing the money with which itshall be paid, and thus increasing the struggle of the debtors to obtain money with which to discharge these obligations.

I tell you, Mr. President, the contest is upon the helpless masses

of mankind, who are now in the hands of their creditors, and the \$30,000,000,000 which the people of the United States owe is an enormous burden, and there must be added to that the obligation

to pay taxes to carry on the Government, and the owners of homes must pay.

If gold alone is to be the standard, if silver is to be destroyed, let no man content himself with the idea that he can escape from the losses which will result. His property is mortgaged to may the obligations of the Government. The railroads with to pay the obligations of the Government. The railroads with \$5,000,000,000 of stock and \$5,000,000,000 more of bonds are a mortgage upon every man who moves; they are a mortgage on every man who travels; they are a mortgage on the labor of every man who produces an article of commerce. Here are the obligations of your local government, State governments, and National Government, all a mortgage upon your property. Do you not want to discharge that mortgage in the money of the

contract? Do you want that mortgage enlarged by a policy being adopted which will make it more difficult for you to get the

money with which to pay your taxes?

Do you not know when money becomes scarce, like all other articles, it becomes dear, and that when you enhance that mortgage you increase the power and control of the classes over the masses? Do you not know that this is the struggle which has been going on in Great Britain for ages? Do you not know that a consideration of what has occurred would lead any sensible man to the conclusion that there was cooperation between our officials and the officials of Great Britain to strike down free coinage in India and silver purchases in the United States? Do you not believe that Mr. Bayard, our ambassador to Great Britain, would advocate the reduction of the world to the gold standard, and that, if his advice were asked, he would advise the suspension of coinage in India? Can it be doubted that it was his pur-

pose to reduce everything to he gold standard when he siys so?

Can it be doubted that he believed that gold should be the only standard when he works to that end? Can it be doubted that this Government has cooperated with Great Britain for the last twenty years to bring about the sud result we now see, in view of the fact that it was the United States and Great Britain at the fatal conference of 1867 in Paris, which secured the assent of nineteen nations to the adoption of the gold standard? Can it be doubted that those high in office in this country, whether publicly or not, have continually cooperated with the gold monopoly to destroy silver?

Why, then, talk about an international conference? Why talk

about waiting until Great Britain consents to a bimetallic standard when high officials of this country have for twenty years cooperated with the monometallic administration of Great Britain to bring about the sad results which we now see, to relegate the people of this country to the position of a British colony financially, to make us the subjects of Great Britain so far as our finances are concerned? When you have done that, you have

I stid that there had been four great occasions when bankers and the money power generally had attempted to stampede Con-gress. The first was 1811, when the United States Bank charter was about to expire. A panic was created by that bank curtailing credits, bringing on a squeeze, as it was graphically suggested in an interview attributed to President Cleveland. They brought on a squeeze then, and when the bank got so rotten that the necessities of the occasion and the good sense of the President would endure it no longer, when he believed that the Gov-ernment money was not safe, that the bank was used for political purposes, he ordered his Secretary of the Treasury to deposit the Covernment funds elsewhere and make them safe.

Then came a struggle which will be ever memorable in the history of this country, and, as time rolls on, the record of that man who stood by the people will grow brighter and brighter. I know he had against him the greatest intellects of that age, and probably of any age in American history; that he had against him the great Clay, the immortal Webster, and Calhoun, a trio which were brought together to defend and protect this bank, but the people stood by Andrew Jackson and revere his memory to-day. I can not refrain on this occasion from calling attention to-day. I can not refrain on this occasion from calling attention to that great struggle. I read from Benton's Thirty Years' View, volume 1, page 373:

REMOVAL OF THE DEPOSITS FROM THE BANK OF THE UNITED STATES

The fact of this removal was communicated to Congress in the annual message of the President; the reasons for it, and the mode of doing it, were reserved for a separate communication; and especially a report from the Secretary of the Treasury, to whom belonged the absolute right of the removal, without assignment of any reasons except to Congress after the act

Secretary of the Treasury, to whom belonged the absolute right of the removal, without assignment of any reasons except to Congress after the act was done.

The order for the removal, as it was called—for it was only an order to the collectors of revenue to cease making their deposits in that bank, leaving the amount actually in it, to be drawn out at intervals, and in different sums according to the course of the Government disbursements—was issued the 22d of September, and signed by Roger B. Taney, esq., the new Secretary of the Treasury, appointed in place of Mr. William J. Duane, who, refusing to make the removal upon the request of the President, was himself removed.

This measure (the ceasing to deposit the public moneys with the Bank of the United States) was the President's own measure, conceived by him, carried out by him, defended by him, and its fate dependent upon him. He had coadjutors in every part of the business, but the measure was his own: for this heroic civil measure, like a heroic military resolve, had to be the off-spring of one great mind—esli acting and poised—seeing its way through all difficulties and dangers; and discerning ultimate triumph over all obstacles in the determination to conquer them or to perish.

Councils are good for safety, not for heroism; good for escapes from perils, and for retreats, but for action, and especially high and daring action, but one mind is wanted. The removal of the deposits was an act of that kind. High and daring, and requiring as much nerve as any enterprise of arms in which the President had ever been engaged. His military exploits had been of his own conception; his great civil acts were to be the same; more impeded than promoted by councils. And thus it was in this case.

The majority of his Cabinet was against him. His Secretary of the Treasury refused to execute his will. A few only—a fraction of the Cabinet and some friends—concurred heartily in the act. Mr. Taney, Attorney-General; Mr. Kendali, Mr. Francis P. Blair, editor of the Globe; and

Observation had only confirmed his opinion, communicated to the previous Congress, of the misconduct of the institution and the insecurity of the public moneys in it: and the almost unanimous vote of the House of Representatives to the contrary made no impression upon his strong conviction. Defining a legislative examination into its affairs, he determined upon an executive one through inquiries put to the Government directors and the researches into the state of the books, which the Secretary of the Treasury had a right to make.

Four of those directors, namely, Messrs, Henry D. Gilpin, John T. Sulfvan, Peter Wager, and Hugh McEldery, made two reports to the President, according to the duty assigned them, in which they showed great misconduct in its management and a great perversion of its funds to undue and political purposes. Some extracts from these reports will show the nature of this report, the names of persons to whom money was paid being omitted, as the only object in making the extracts is to show the conduct of the bank, and not to disturb or affect any individuals."

Then comes a list of expenditures, amounting to \$80,000 for

Then comes a list of expenditures, amounting to \$80,000 for political purposes, which I shall not read.

Pointical purposes, which I shall not read.

These various items, amounting to about \$80,000, all explain themselves by their names and dates—every name of an item referring to a political purpose, and every date corresponding with the impending questions of the recharter and the Presidential election; and all charged to the expense account of the bank—a head of account limited, by the nature of the institution, so far as printing was concerned, to the printing necessary for the conducting of its own business; yet in the whole sum making the total of \$80,000, there is not an item of that kind included. To expose or correct these abuses the Government directors submitted the following resolution to the board.

This appeared upon the books of the bank. The \$80,000 spent purely for political purposes, squeezes, bribery, and the advantage taken of the public loans made to influence Congress are not included in these items. Those extensions of time and the facilities granted by this bank to bring pressure upon Congress and upon the President are not among the items enumerated. They appeared upon the books of the bank, in plain violation of its charter. Of course the president had a right to become alarmed. A majority of the Government directors had been excluded from the meetings. There was a cabal inside, which was made by the president of the bank. He could take anybody in he pleased; he had that discretion under the resolution, but the Government directors were excluded from participation in these discussions as to the policy of the bank. The Government directors then presented this resolution:

presented this resolution:

Whereas it appears by the expense account of the bank for the years 1831 and 1832, that upwards of \$80,000 were expended and charged under the head of stationery and printing during that period; that a large proportion of this sum was paid to proprietors of newspapers and periodical journais, and for the printing, distribution, and postage of immense numbers of pamphlets and newspapers; and that about \$20,000 were expended under the resolutions of 30th November, 1830, and 11th March, 1831, without any account of the manner in which, or the persons to whom, they were disbursed; and Whereas it is expedient and proper that the particulars of this expenditure, so large and unusual, which can now be ascertained only by the examination of numerous bills and receipts, should be so stated as to be readily submitted to, and examined by, the board of directors and the stockholders: Therefore.

*Resolved**, That the cashier furnish to the board, at as early a day as possible, a full and particular statement of all these expenditures, designating the sums of money paid to each person, the quantity and names of the documents furnished by him; and his charges for the distribution and postage of the same, together with as full a statement as may be of the expenditures under the resolutions of 30th of November, 1830, and 11th March, 1831. That he ascertain whether expenditures of the same character have been made at any of the offices, and if so, procure similar statements thereof, with the authority on which they were made; that the said resolutions be rescinded, and no further expenditures made under the same.

That resolution was rejected by the board, and, in place of it, another was adopted, declaring perfect confidence in the president of the bank, who was carrying on the business. No inquiry could be had.

President Jackson goes on and shows vast expenditures which were unwarranted and irregular, in his opinion. The bank when it came to be wound up made a very peculiar showing. I wish to call attention to the way the thing looked when the bank was wound up, when over a million of dollars could not be accounted for, and the names of the parties to whom it was given were not made known:

It is known that measures have been taken to rescue the property of this shattered institution from impending peril and to recover as much as possible of those enormous bounties which it was conceded had been paid by its late managers to trading politicians and mercenary publishers for corrupt services rendered to it during its charter-seeking and electioneering cambridges.

services rendered to it during its charter-seeking and electioneering campaigns.

3. The amount of the suit instituted by the Bank of the United States against Mr. N. Biddle is \$1,018,000, paid out during his administration, for which no vouchers can be found.

4. The United States Bank is a perfect wreck and is seemingly the prey of the officers and their friends, who are making away with its choicest assets by selling them to each other and taking pay in the depreciated paper of the South.

5. Besides its own stock of \$35,000,000, which is sunk, the bank carries down with it a great many other institutions and companies, involving a loss of about \$21,000,000 more, making a loss of \$36,000,000, besides injuries to indi-

I want to call attention to proceedings similar to those which are occurring to-day:

From the moment of the removal of the deposits, it was seen that the plan of the bank of the United States was to force their return, and with it a repewal of its charter, by operating on the business of the country and the clarms of the people. For this purpose, loans and accommodations were to cease at the mother bank and all its branches, and in all the local banks over which the national bank had control—

That is precisely what was done last spring; loans ceased every. where. It was the same old method, the same squeeze by which the Denver banks were broken. It is the old trick, the old enemy, we are meeting now.

And at the same time that discounts were stopped, curtailments were made; and all business men called on for the payment of all they owed, at the same time that all the usual sources of supply were stopped. This pressure was made to fall upon the business community, especially upon large establishments employing a great many operatives; so as to throw as many laboring people as possible out of employment.

We have the same old thing repeated again, and as many laboring people as possible have been thrown out of employment. They said then that the only relief to be had is to demonetize silver. They said then that the only relief that could be had was to let that national bank go on. It is the same thing, it is to accomplish the same kind of wicked purpose; what is being done to day was done then.

At the same time politicians engaged in making panic had what amounts they pleased, an instance of a loan of \$100,000 to a single one of these agitators being detected—

Hundreds of thousands of dollars were paid to men engaged in agitation. They were paid what money the bank pleased, and there is an instance of \$100,000 being paid to a single agitator, who was detected-

and a loan of \$1,100,000 to a broker, employed in making distress, and in relieving it in favored cases at a usury of $2\frac{1}{2}$ per cent per month.

Here we have a broker who made over a million dollars in New York by relieving this "distress" by loaning currency at a premium. The same business goes on now, the same old thing.

In this manner the business community was oppressed, and in all parts of the Union at the same time, the organization of the national bank, with branches in every State and its control over local banks, being sufficient to enable it to have its policy carried into effect in all places and at the same

We witness the same thing to-day. We have some 3,500 national banks in existence in this country to-day, and the old Bank of the United States had branches in all the States. Now the national banks are in every State conducting this same business.

The first step in this policy was to get up distress meetings-

The same thing has been done here. We have had distress meetings of the chambers of commerce and all sorts of distress statements that they could get up in the attempt to show distress among the business men—a thing easily done.

And then to have these meetings properly officered and conducted. Men who had voted for Jackson, but now renounced him were procured for president, vice-president, secretaries, and orators; distress orations were delivered.

As they are to-day-

and after sufficient exercise in that way, a memorial and a set of resolves, prepared for the occasion, were presented and adopted.

The same old plan.

After adoption, the old way of sending by the mail was discarded and a deptation selected to proceed to Washington and make delivery of their lugubrious document.

Here they came to Washington themselves with their distresings statements.

ings statements.

These memorials generally came in duplicate, to be presented in both Houses at once, by a Senator from the State and the Representative from the district. These, on presenting the petition, delivered a distress harangue on its contents, often supported by two or three adjunct speakers, although there was a rule to forbid anything being said on such occasions, except to make a brief statement of the contents. Now they were read in violation of the rule and spoken upon in violation of the rule and printed never to be read again, and referred to a committee, never more to be seen by it; and bound up in volumes to encumber the shelves of the public documents.

Every morning for three months the presentation of these memorials, with speeches to enforce them, was the occupation of each House, all the memorials bearing the impress of the same mint, and the orations generally cast after the same pattern. These harangues generally gave, in the first place, some topographical or historical notice of the county or town from which it came—sometimes with a hint of its revolutionary services—then a description of the felicity which it enjoyed while the bank had the deposits; then the ruin which came upon it, at their loss, winding up usually with a great quantity of indignation against the man whose illegal and cruel conduct had occasioned such destruction upon their business.

The meetings were sometimes held by young men; sometimes by old men; sometimes by the laboring, sometimes by the mercantile class; sometimes miscellaneous, and irrespective of party; and usually sprinkled over with a smart number of former Jackson men, who had abjured him on account of his conduct to the bank. Some passages will be given from a few of these speeches.

Then Mr. Benton gives some of the speeches, and these speeches are much more terrific than anything we have heard here about the alarming condition of the country. Mr. Benton made a reply to these speeches, a portion of which I shall read. He comments in this way:

Mer. Benton replied to these distress petitions, and distress harangues, by showing that they were nothing but a reproduction, with a change of names and dates, of the same kind of speeches and petitions which were heard in the year 1811, when the charter of the first national bank was expiring, and when General Jackson was not President, when Mr. Taney was not Secretary of the Treasury, when no deposits had been removed, and when there was no quarrel between the bank and the Government, and he read copiously from the Congress debates of that day to justify what he sadi; and declared the two scenes, so far as the distress was concerned, to be identical.

All the cases so far as distress was concerned are identical. The distress is created by the action of the banks causing a scare, and refusing to perform their ordinary functions. That is the way distress was created then, and the way distress is created

After reading from these petitions and speeches, he proceeded to say:

"All the machinery of alarm and distress was in as full activity at that time as at present, and with the same identical effects—town meetings, memorials, resolutions, deputations to Congress, alarming speeches in Congress. The price of all property was shown to be depressed. Hemp sunk in Philadelphia from \$50 to \$50 per ton; flour sunk from \$11 a barrel to \$7.75; and the read of money rose to one and a half per month on the best paper, confidence destroyed; manufactories stopped; workmen dismissed, and the ruln of the country confidently predicted.

"This was the scene then; and for what object? Purely and simply to obtain a recharter of the bank—purely and simply to force a recharter from the alarm and distress of the country; for there was no r moval of deposits then to be complained of, and to be made the scapegoat of a studied and premeditated attempt to operate upon Congress through the alarms of the people and the destruction of their property. There was not even a curtailment of discounts then. The whole scene was fictitious; but it was a case in which fiction does the mischief of truth. A false alarm in the money market produces all the effects of real danger; and thus, as much distress was proved to exist, and really did exist—then as now; without a single cause to be alleged then which is alleged now. But the power and organization of the bank made the alarm then; its power and organization make it now; and fictitious on both occasions; and men were rulned then, as now, by the power of imaginary danger, which in the moneyed would has all the rulnous effects of real danger.

No deposits were removed then and the reason was as assigned by Mr.

both occasions; and men were runed then, as now, by the power of imaginary anger, which in the moneyed would has all the rulnous effects of real danger.

No deposits were removed then and the reason was as assigned by Mr. Gallatin to Congress, that the Government had borrowed more than the amount of the deposits from the bank; and this loan would enable her to protect her interest in every contingency. The open object of the bank then was a recharter. The knights entered the lists with their visors off—no was not distinguise then for the renewal of a charter under the tilting and jousting of a masquerade scume for recovery of deposits.

This was a complete reply, to which no one could make any answer; and the two distresses all proved the same thing, that a powerful national bank could make distress when it pleased; and would always please to doit when it had an object to gain by it—either in forcing a recharter or in reaping a harvest of profit by making a contraction of debts after having made an expansion of credits.

It will be difficult for people in after times to realize the degree of excitement, of agitation, and commotion which was produced by this organized attempt to make panic and distress. The great cities especially were tisseene of commotion but little short of frenzy—public meetings of thousands, the most inflammatory harangues, cannon firing, great feasts—and the members of Congress who spoke against the President received when they traveled with public honors like conquering generals returning from victorious battlefields; met by masses, saluted with acclamations, escorted by processions, and their lodgings surrounded by thousands calling for a view of their persons. The gaining of a municipal election in the city of New York put the climax upon this enthusiasm; and some instances taken from the every-day occurrences of the time may give some faint idea of this extravagant exaltation.

The condition of the bank was such when it finally wound up and went into bankruptcy that over a million dollars of its assets could not be accounted for, and it dared not account for them and give the names of the parties who drew the money

But in all the excitement, in all the harangues which were indulged in then, there was nothing approximating what is occurring now. We not only have the testimony before the Herschell commission that the officers of our Government would buy no more silver, law or no law; we not only have here the action of the Treasury Department defying the law, but we have a member of that same party, a subordinate of the Secretary of the Treasury, making a speech in Chicago yesterday, the most remarkable which has been made by any official in any land under any circumstances. der any circumstances.

There was a gathering of bankers in Chicago yesterday, which was addressed by several gentlemen, among others Mr. Eckels, the Comptroller of the Currency, and if his address does not indicate the temper of the times more graphically than anything I have seen in any one address, I am at a loss to know what can illustrate it. Mr. Eckels said—I read from the Washington Post of this morning, October 19:

It may be that bankers are selfish: but not more so. I venture, than men in other walks of life. Surely not more so than the silver interests, which to-day inveigh the most loudly against them, and yet with an inconsist ency so marked that "he who runs may read" are, with selfish indifference to the public good, not only blocking the wheels of legislation at Washington, but, unmindful of the voice of the people and of the press, are making the fundamental principle of our Government, the right of the majority to control, "a hissing and by word" that their own selfish purposes may find fruition in legislative enactment that will compel the Government to be the special patron of their special product.

That rewards is made by a Redownlowing He court the miner.

That remark is made by a Federal official. He says the minor ity of the Senate, the silver men, are unmindful of the voice of the people.

Now, Mr. President, I did not suppose that any official of the Government would ever use such language towards the legislative department. In the first place, what right had he to critical of the control of the contr cise the proceedings here? It is becoming too popular on the part of the executive department to lecture Congress, a department that has abrogated a law that was declared to be mandatory, a department that has ceased to purchase silver, law or no law. Is such language as this to come from the executive department? Mr. Eckels alludes to the selfishness and the wicked-

ness of the minority, and attributes to us an unworthy motive, attempting to make the Government a patron to purchase a commodity produced by us. I deny the whole charge. The charge is false; the charge is infamous: there is no ground for the

No Senator has asked the Government to buy silver. We have protested against the purchase of silver from the beginning. We have demanded the right guaranteed by the Constitution to take our silver to the mint and have it coined. We charge that the gold men have taken from us that right, and that they gave us no hearing, but did it by a conspiracy with the gold monometallists of Great Britain and the creditor class. They struck it down when we knew not of it.

We developed an empire; we found mines; we made it possible for this Government to be rich and great; we made it possible for this people to mine and coin their own money; we made it possible for them to be independent of debt; we made it possible for America to be the financial center of the world. We found mines of gold and silver, and laid a foundation for an em-We invested our all on the supposed good faith of our Government. We have been betrayed. Our mines are closed; our people are starving. Why were we betrayed? For the purpose of enabling the gold kings to enslave the producing classes of this country. Why are they to be enslaved? For the purpose of reducing the prices of commodities, so that the producing must him on a transition prices for the purpose. ducers must live on strivation prices; for the purpose of enhancing the value of bonds; for the purpose of changing our form of civilization.

We have protested against American slavery; we have protested against British rule here, and for this we are called self-ish. But this officer of the Government does not allude to an-He does not allude to the men in the Senate who have bonds; he does not allude to the men in the Senate who have bank stock, who propose to vote for a bill that donates to them \$20,000,000 without their doing a thing. No allusion is made to that. I claim that every industry in which there is competition ought to be represented in the Senate. The cotton industry ought to be represented here; the wheat interest ought to be represented here; the manufacturing interest ought to be represented here; the mining interest ought to be represented here. But I deny that the Senate should be a manufacturing shop of money, or that any interested party should be engaged in the manufacture of money here. This is a legislative department, and no man has a right to sit here and vote money into his own pocket. That is the distinction I make.

epel with indignation and scorn the insinuation that any man outside engaged in legitimate business has not a right to be represented here, but I deny the right of any man holding bank

what is the proposition here? To destroy silver, to issue bonds, and buy gold. For what purpose? For the purpose of allowing national banks more bank circulation; to allow them to get a further subsidy from the Government; to allow them to be in a position where they can produce a panic at will; to allow them to do as they did in 1811, to create a panic at will and command legislation; to allow them as they did in 1833, to create distress everywhere; to give them an opportunity to rob the country. That is what it is for.

The present crisis is the greatest that has ever been brought upon the American people. There was never such a crisis before. This is a new order of things. In former times the bonded fore. This is a new order of things. In former times the bonded system did not exist. Now, the country is bonded, the bonds plyable in gold or silver, and the bondholders propose to make the bonds payable in gold alone. It has gone to the utmost extent of indebtedness. It was to be paid in gold and silver by the people. The people had done it, they made the contract, they must stand by it; but the cruelty of changing those contracts and making gold the only means of payment is beyond comprehension.

Now I suppose this young gentleman did not think he was doing anything illegitimate. He was undoubtedly a candidate for future honors. He saw before him the brilliant success of predecessors all along down the line where they had been taken into the arms of New York banking establishments and made rich. It may be that he thought he would ingratiate himself with those bunkers by abusing Congress. He may have an aspira-tion to become a bank president, and this kind of proceeding will undoubtedly facilitate his aspiration. This must be attributed to the language of a candidate for special favors when he goes out of office. So many graduates from the Treasury Department have obtained rich berths in New York that this young man, a young lawyer, saw the brilliant career that had been secured by others similarly situated, and the prize was too dazzling; he must turn in and abuse Congress too. He must abuse the silver miner who was starving for bread; he must extol the bankers who are robbing the world; he must speak tickling things to them and they of course would tickle him in the future as they had tickled many of his associates and predecessors.

Now, this language grows out of the condition of things; this language grows out of the contempt of high officials for the laws of Congress; this language is inspired by the greed and arrogance of the gold ring of Great Britain that tramples upon the rights of all. Perhaps I have said too harsh things of him; but I only speak of him as the representative of the controlling passion of the hour that demands us to abrogate the rules and vote and discuss afterwards.

The United States Bank ended in disgrace, but we have got a hydra-headed institution worse than that. We have one that is not supported by deposits alone, and I will have occasion to speak of those deposits sometime. It not only has the deposits of the Government, which are ten, yes a hundredfold greater than the deposits in the old Unit d States Bank, but hundreds and millions have been deposited in these concerns. They were enabled between 1876 and 1881 to make millions in purchasing United States bonds, the purchase price remaining deposited in the banks in many instances. There never were such abuses in the history of the world as the favoritism to particular banks,

and on another occasion I am going to show it.

The deposits in many individual banks were greater than the entire deposit in all the banks in 1833. No complaint has been made of these deposits; the banks have had the use of them. That is not all. The banks are allowed to use the money and That is not all. The banks are allowed to use the money and draw interest at the same time. Ninety per cent of the bonds deposited with the Government are paid to the banks. They deposits 300,000 in bonds and get back 90 per cent of it to do business, and then draw interest on the hundred thousand. For many years when this institution first started it drew from the Government a subsidy, a gratuity of \$15,000,000 a year besides the advantages of the deposits. No one can point out what ad-

the advantages of the deposits. No one can point out what advantage a national-bank note has over a greenback. The greenbacks were retired; they were funded into bonds.

The greenbacks draw no interest; they were funded into bonds and the bonds filed in the Treasury, and 90 per cent given back to do business on, and the Government charged with interest on the whole; and the Government was unjustly charged with \$15,-000,000 per annum for many years. This they propose to do again. The combination between the national banks and the gold ring of London and New York are the enemies with whom we have to of London and New York are the enemies with whom we have to contend. This is proposed when we are making this struggle for the people, when we are standing here and protesting that this issue was not submitted to a vote of the people, that both political parties agreed that they were for bimetallism and both repudiated the idea that they would adopt the single standard of gold. They went before the country on that; and now at the dictation of the London syndicate we are called together here to re-peal the act, and then say that the business demands it, that the people demand it.

The people have not demanded it; it has not been submitted to them; and the gold men dare not submit it. They dare not take the verdict of the people.

take the verdict of the people.

With all the appliances of all the power given by their foreign creditors who are squeezing their debtors in this country, with all the appliances of the national banks and other institutions, who are squeezing their debtors, with all the appliances of public credit, with all the appliances of the Administration, with all the contempt of officials for law—with all these we meet in this revolutionary scheme to override the will of the people.

We are met here and demanded to surrender; and to accomplish their purpose they would wise out the landmarks remove.

the landmarks that have stood here as bulwarks of liberty through the century. They would remove the bulwarks of liberty through the extension of slavery into California and into the Northwest. They would remove the bulwarks of liberty that prevented the Executive from seizing the local elections and making this a monarchy. They would remove all the bulwarks of liberty and ride roughshod over the people and subject them to slavery in the name of constitutional liberty.

Why, rules were made to check the madness of the majority under just such circumstances as these? If there was any patri-otism in the Senate, if the fire of liberty breathed here, it seems to me that a majority of the Senate would be indignant at the trampling of the law by the Executive; they would be indignant that Congress should be called here to repeal a law that the Executive had already trampled upon; and they would blush that it should be given in evidence before the high tribunal in England land, that the officers of this Government would cease to purchase silver, law or no law. They would blush. I say, that England in demonstraing silver in India had taken official action upon the assurance of our officials that the law of 1890 was to be repealed. They would blush, I say, for their country; and if the right to debate is cut off here, if it is stricken down in the house of its friends, if revolution is accomplished here, the time

will come, and that speedily, when the people will have no voice in the making of their laws. They are now too poor to attend conventions

The combined bondholding interests of the country can nomi-The combined bondholding interests of the country can nominate your Presidents and elect them, and when they can stamped Congress, both Houses of Congress—one House is gonewe have been told that that was the will of the people! I deny it. It was well understood that when the lower House was elected there was a two-thirds majority in favor of honest money, a two-thirds majority against British rule, a two-thirds majority against the country of the country and laws of the country against the country of the country against the country of the country against the c the trampling upon the Constitution and laws of the country. two-thirds majority in favor of fair play, a two-thirds majority in fayor of the masses against the classes.

How did it become a two-thirds majority the other way? In

this Hall on the last vote taken there was a large majority for free coinage. The vote last February on a measure to repeal the Sherman law was defeated by 19 majority. How this change? That was after the people had spoken. Then the Senate had repeated for the voice of the people. That was after the election of Mr. Cleveland. The Senate remained true to its colors, true to the people until the howl of distress was raised, until the appliance of 1811 and 1823 was break that the senate remained true to its colors. ances of 1811 and 1833 were brought to bear to coerce and stampede Congress. It is claimed that a majority are the other way. I do not believe it. I do not believe there is any such majority. I believe that those men who have stood for the people for the last twenty years and have made a name for the people for the last twenty years and have made a name for themselves can not, when the time comes, afford to join the enemies of the people, the enemies of mankind, and reduce the masses to slavery to enrich the few. I do not believe they can do it. They may think they can. It will be a bold man, knowing as they know, having said as many good things as they have said, who can now turn his back upon the people.

I protest against the insulting claim that the right of discus-

I procest against the insulting claim that the right of discussion has been abused on this occasion. The discussion on the part of the defenders of the people has been earnest. No time has been spent in idle talk, as we believe; and now when the discussion is under way and we are laying it before the country they become alarmed. They say they must cut off the right of debate, we must stop this giving notice, or their evil ways will be known. No man fears the truth so much as a rascal; no man fears the discussion as much as a rascal; no man fears the truth so much as a rascal; no man fear

known. No man fears the truth so much as a rascal; no man fears discussion so much as he who is going to do wrong. Behind every bush is a police officer in the estimation of the transgressor. The gold men fear protracted discussion.

It is said the country is suffering on account of the Sherman act. I deny it. No man has been able to show any evil resulting from the existence of the Sherman act, and now that the act has been trampled upon it is insulting to us to command that we shall stay here to repeal it. Let those who are disobeying the law take the responsibility. Let them dare to do as the witnesses before the Herschell commission said they would do, refuse to purchase, law or no law. Let the American people underfuse to purchase, law or no law. Let the American people understand that the issue is here whether the Departments shall obey

fuse to purchase, law or no law. Let the American people understand that the issue is here whether the Departments shall obey the law; whether we live under a government of law or a government of the will of a dictator. Let them go before the country. Will Congress defile its hands by sanctioning a violation of the law? That is what I ask.

The law has been trampled upon by the Executive. Let that remain. Let the American people stand squarely to the issue. Have we a government of law or a government of the uncontrolled will of an executive officer? Do not put up with this disobedience of law, when they say they will purchase no silver, law or no law. Let them face the issue which they have made between the law and the people. They have put themselves against the law. Let them stand there and do not let the Senate relieve them from the position in which they are placed by violating the usages of this body, by denying to the minority the right to discuss this momentous question. It must not and it can not be done. Why, the appeal to the Vice-President to disgrace himself, to make himself infamous through all the ages, is most outrageous. He will not do it. He is an American. He will not lay his hand upon the Constitution and the laws of his country. The rules were made for occasions like this, to protect the minority, and they will protect the minority.

Mr. DUBOIS. Mr. President, I hardly think I would occupy the time of the Senate on this question were it not for the fact that through no fault of my own, through no seeking of my own at any rate. I have been mentioned personally in this de-

that through no fault of my own, through no seeking of my own at any rate, I have been mentioned personally in this debate several times, and therefore I think it is incumbent upon me to make a brief statement on the question of changing the

It is not a good time, in my judgment, to exercise arbitrary power in the Senate. I think a more unfortunate occasion could not be seized upon by those who are anxious to pass the pending bill. I myself have been in the Senate but a short time, yet it will be noticed that I have been here as long as the gentlemen who propose these radical rules in this body. I am following in the footsteps of many illustrious Senators. They are not. There is abundant precedent for the position which I have taken. There is none for theirs.

There is none for theirs.

Senator Conkling, in 1879, moved to go into executive session, then refused to vote, and when a quorum failed to respond called attention to the fact, all the time remaining in his seat. On that occasion all the Republicans sat silent in their seats all night, thus breaking a quorum. Many similar instances have already been cited in this debate.

The Senator from Rhode Lebel 1975.

The Senator from Rhode Island [Mr. ALDRICH] announced the The Senator from Knode Island Mr. ALDRICH announced the other day that he undertook to bring in a proposition to change the rules during the force-bill fight. He also announced that if he could have his way he would close this debate at once, and within two days after that statement he said that there was not a majority in this Chamber in favor of the force bill and therea majority it this chamber in layor of the total theoretic fore it did not pass. Had he had his way then, you would have overturned the will of the majority of this Chamber and of the people of this country, and perhaps brought on a revolution. A stronger argument could not be made by any one for the liberal

stronger argument could not be made by any one for the liberal discussion which is allowed in this Chamber under the rules. The Senator from Ohio [Mr. Sherman], for whom I have the most profound respect, I may even say affection, was careful not to take the position of these younger Senators; and no Senator who has occupied a position on this floor with credit and ability for years takes their position.

The Senator from Ohio did not go further than to say that it would be received a position of the proposition of the pr

The Senator from Ohio did not go further than to say that it would be necessary perhaps at some future time, not during this debate, to change the rules of the Senate. I differ with the distinguished Senator in that. I do not think it is necessary now, nor will it ever be necessary to change the rules of the Senate. There never has been a time from the foundation of the Government until now when the will of the people has not been registered by the Senate when that will has been clearly ascertained. Never has there been such a time, and in the future the will of the people will be registered by the Senate.

You can not frighten any one by saying that when it comes to other legislation obstructive methods can be used. You can not frighten any one by saying that tariff legislation will be prevented. After numerous debates and conventions, that question was finally submitted to the American people. The platforms of the two leading parties were in clearly defined opposition.

was many submitted to the American people. The platforms of the two leading parties were in clearly defined opposition. One of them demanded a tariff for revenue only, whilst the other demanded a tariff for protection, and the people put the party in power which contended for a tariff for revenue only. There

in power which contended for a tariff for revenue only. There is not a Senator on this floor who would dare to obstruct the will of the people on this question as expressed at the polls.

There is no stronger protectionist on this floor than I am myself. I think the effect of tariff for revenue only in my part of the country would be almost as disastrous as the passage of the pending bill.

I am a Penulticum and no matter what my collecture on this

I am a Republican, and no matter what my colleagues on this side may do, they can not drive me from the ranks of the Republican party. They may destroy me in my own State, they may drive away the Republicans in that State from their party, but my convictions are strong and lasting, and I shall continue to be a Republican. But I would not obstruct for one moment the passage of a tariff bill, or any other bill on which the people have expressed themselves at the polls. I hold the interests of my State above party allegiance, and when, as in the present contention, the interests of my people are attacked by my party I shall remain true to the interests of my people even if it carries me to expression my party.

me to opposing my party.

Mr. HILL. Will the Senator allow me a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. DUBOIS. Certainly.

Mr. HILL. Does the Senator know of any method under the existing rules whereby the majority can pass the pending or any other bill provided twenty Senators are determined that

they shall not pass it?

Mr. DUBOIS. I was coming to that in an orderly way. I will come to it now. I say that any bill which the people of this country desire passed, on which they have voted, will be passed

by the Senate. Mr. HILL. How, I ask the Senator?

Mr. DUBOIS. By a vote. Mr. BILL. When?

Mr. DUBOIS. By a vote.
Mr. HILL. When?
Mr. DUBOIS. Does the Senator mean at what time, the 1st of next July or the 1st of September, or some supposititious bill that he is speaking about?
Mr. HILL. No; I am taking any bill that the majority of the Senate may desire to pass. Does the Senator know of any way or method under existing rules whereby it can be done if twenty Senators insist that it shall not be done? If so, I should like to have him point it out. I suggested yesterday that I thought I

knew of a remedy. It is by an amendment of the rules. enator knows of any other remedy I should like to hear it

Senator knows of any other remedy I should like to hear it.

Mr. DUBOIS. By the same methods which have applied from the foundation of the Government. No doubt if the Senator from New York had been in this Chamber he would have insisted on the passage of the force bill. I say that on account of the sneers and taunts he hurls at distinguished Senators on his side of the Chamber who were in the rebel army, and from the attacks which he makes on their election methods in the the attacks which he makes on their election methods in the South. But the majority of the people of this country did not want the force bill passed. There was no sentiment in this country for the force bill.

Mr. HILL. Will the Senator allow me? That is the very reason why it did not pass. If the majority had wanted to pass it, undoubtedly it would have accomplished its will.

Mr. DUBOIS. The same condition of affairs exists here. While I will not contend, as I said the other day, that the people of this country have declared in favor of tree cainage. I do contend that

country have declared in favor of free coinage, I do contend that overy national party and every State party in its platform de-manded a recognition of silver and a continuation of the issuance of money. The verdict of the people has been rendered and registered. Yet we are asked to come here and pass a bill which stops the issuance of money and refuses the continuous coinage of silver, contrary to their wishes. There is not and there never has been a majority of Senators on this floor in favor of unconditional repeal. The majority are in favor of some kind of a compromise

Mr. HILL. Will the Senator allow me? Why not then pro-

Mr. HILL. Will the Senator allow me? Why not then proceed immediately to vote and then get your victory?
Mr. DUBOIS. The Senator from New York is altogether too impatient. I think that his methods have not been the methods of the Senate. I say to the Senator from New York that if the Senate had pursued its ordinary method, if It had gone along in a dignified manner and debated this question within Senatorial hours from 12 to 5 o'clock, an arrangement would have been made and the will of the majority in the Senate would have been carried out without resorting to any undignified methods on been carried out without resorting to any undignified methods on this floor. That is the way it always has been done, and it is the way it would have been done in this case.

way it would have been done in this case.

Does any one attempt to say now that he is not glad the force bill did not pass? I see sitting in front of me the distinguished Senator from West Virginia [Mr. FAULKNER], who spoke for twelve hours against that bill, and I have it from the highest authority that he could have spoken 'welve hours more. The distinguished Senator from Muryland [Mr. Gorman] led the fight against the bill. During his honorable career in the Senate, and the long career which I hope he will have in the future, I dare say he will point with more pride to the contention which he then made as he thought for the liberty of the people of one he then made as he thought for the liberty of the people of one section of this country than to any other past of his record. Yet, could the majority have done as the Senator from New York now wants to do, and as the Senator from Rhode Island proposed to do, they would have thwarted the will of the people, and all admit four years afterwards that the minority were right.

admit four years afterwards that the minority were right.

Mr. ALDRICH. Oh, no.
Mr. HAWLEY. Not at all.
Mr. DUBOIS. Does the Senator from Connecticut say the bill ought to have passed?
Mr. HAWLEY. I do.
Mr. DUBOIS. I beg the Senator's pardon; I did not suppose that anyone is of that opinion now.
Mr. HAWLEY. Plenty are.
Mr. DUBOIS. I can say that at that time all the members of the Democratic party in the United States were opposed to it, and a great number of Republicans throughout the United States. I say all hall and acclaim to the Republicans on this side of the Chamber who stood up against their Administration, against Chamber who stood up against their Administration, against their President, and finally prevented that wrong; and I say all hail and acclaim to the Democrats on the other side of the Chamber who are now standing out against their Administration in order to preserve the will of the people as expressed at the polls.

I will read in this connection a short paragraph which caught my eye. It is the eulogy delivered by Charles Sumner on the occasion of the funeral ceremony over the distinguished Senator from Vermont, Jacob Collamer. Charles Sumner said:

from Vermont, Jacob Collamer. Charles Sumner shu:

Say not that I err, because here, at his funeral, seeking to do him honor, I
exhibit him bravely standing face to face with executive power, wielded by
a President who was instigated by Jefferson Davis, and then again, bravely
standing face to face with executive power, wielded by the gentle hand of
Abraham Lincoln. In the first case it was to save an outraged people: in
the other case it was to vindicate the powers of the people of the United
States in Congress assembled to provide guaranties and safeguards against
that wickedness and perjury which had deluged his beloved country with
blood.

blood.

Say not that I err, because now, at his funeral, anxious that his best actions should not be forgotten, I commemorate this championship. He is dead, but the good he has done cannot die. And hereafter faithful Senators, struggling with executive power, will catch a new inspiration from his example.

A bishop of the church tells us, "All is not lost while there is a man left to reprove error and bear testimony to the truth; and the man who does it with becoming spirit may stop a Prince or Senate in full career, and recover the day." But where this spirit has been shown—where an honored associate has earned this title to fame—I insist that it shall be made known. The battles or regiments are inscribed on their colors. I now inscribe on the colors of Jacob Collamer the civic battles which he fought. Swords of honor are placed on the coffins of lamented generals. I now place on the coffin of a lamented Senator the simple truthful record of his acts.

At best it is but a combination, a thing of shreds and patches, which is attempting to force this bill through. There is no substance in it; there is no life in it. The two distinguished Senators from Massachusetts who were the chief champions of the force bill are now in the Senate. One of them at that time was in the other House and the bill is sometimes named after him. I submit that my Democratic friends on the other side who stand with us now are as liable to be right as we were right then, and that my honorable friends on the other side of the Chamber who stand with the distinguished Senators from Massachusetts are as liable to be wrong now as those Senators were at that time.

Reference has been made to myself. Language has been used in regard to me because I did not vote, which I hardly think is decorous or fitting for the Senate Chamber. I assume Senators forget that never before in the history of the Senate did the Senate insist on a Senator recording his vote when he stood in their presence and declared, as I declared, and as I declare now, that I think the interests of this country would best be subserved by withholding my vote; that I know the interests of my constituents would best be subserved, and that my judgment and my conscience would not allow me to vote. It is the first time in the history of the Senate when that declaration was made on this floor by a Senator that the majority undertook to force him to vote. Would you force me to violate my conscience and my duty to my constituents? Can you do it? Is there any power residing in this body to compel me to vote?

It this body to compel me to vote?

I think there is no Senator here who appreciates more highly than myself a seat in the Senate. It gives an opportunity for usefulness to me which I could gain in no other way. I have no other ambition. I am not interested in silver mines. The money that I have is with the Secretary of the Senate. I never had \$5,000 in my life and never expect to have. My ambition does not run in that direction. My contention is not for mine owners nor is it for bankers. It is my pleasure and delight to sit in the Senate. Yet, if my expulsion from this body would prevent the Yet, if my expulsion from this body would prevent the passage of the pending bill I would not hesitate a moment. You could not make me surrender my judgment and my conscience to the keeping of the rest of the Senators here even if the penalty for refusing were my expulsion. I call attention to the fact that never before was it attempted to coerce the conscience of a Sena-

It is altogether likely that when the rules of the Senate were passed those wise men had in view future actions, and passions, and ambitions of individuals. Is it not fair to conclude that when the present rules of the Senate were drafted the rule allowing unlimited debate was made for a definite purpose? At that time, may it not have been foreseen that with the great patronage the President would have in the future some ambitious President might get control of the majority of Coagress, and that attempts might be made to passlaws which would strongly tend, if not absolutely keep the then controlling party in power, or that they might attempt to pass laws, as in the present case, which would bankrupt the people before a change could be effected? And that to prevent violent resistance to such attempts tending to, if not producing, civil war, the makers of the rule intended it as a mode of peaceful resistance to be used to carry the matter over until the people could be heard from at the next general elec-tion, especially so, as in the present case, when the law intended to be passed was in open contradiction to the will of the people as expressed at the last election?

You have an election every two years, and can anyone say that a law which has been on our statute books for two or three years, which seemed to work well most of the time, will bring permanent disaster to the country if continued until the people can be heard from again? The House of Representatives is elected every two years, and the rule of the Senate allows the Senate to keep the question open until the country can express its sentiment upon it.

Suppose that the President of the United States should send Suppose that the President of the United States should send word to the Senate that he desires a bill passed in the interest of silver, how long do you suppose it would take the Senate to pass that measure? Suppose he would send word to the Senate that whatever the Senate and House of Representatives saw fit to do in their legislative capacity in regard to silver would receive his sanction, how long would it take a financial bill to pass the House and the Senate 'hen?

That is the condition which confront are. You not call i height

That is the condition which confronts us. You not only insist on passing this bill, but you insist that we shall keep a quorum here all the time. The silver men made your quorum this morn-

ing—the extreme silver men. You could not have obtained it until noon had it not been for them. As has been pointed out, there has not been an hour when you could have kept a quorum in this body for the passage of the repeal bill without the silver men. There is no sentiment here among the majority in favor of the unconditional repeal of the act. Keep your own quorum in the Chamber. You have no right to ask the silver men to come here Chamber. Tou have no right to task the silver high to come here at 10 o'clock in the morning and stay until 6 o'clock at night unless you yourselves stay here; and so far as I am concerned I shall resort to every expedient in my power which is legitimate to see that you keep a quorum here and that you aid us in this physical struggle and suffer with us. If it is inconvenient for you it is likewise inconvenient for us

There are some things which have been quite as undignified as those done by the friends of silver on this floor. I think the rights and the dignity of the Senate would not be hurt any, to say the least, if a little more attention were given to pairs. When Senators leave the Chamber paired and other Senators are left here unpaired the pairs are transferred at the will of individuals, and not even the consent of their colleagues on this floor has been asked when Senators' pairs are transferred.

Mr. FAULKNER. If the Senator will permit me, I think that is unjust to Senators who merely transfer a pair. I have been in charge of pairs for five or six consequences are consequenced.

charge of pairs for five or six years, since my service in the Senate, and I have never heard the right of any Senator questioned to transfer a pair where he protects the vote of the Senator with whom he is paired by the transfer. That is a universal right, always exercised without question on this floor, the simple question being whether the vote of the Senator with whom he is paired is protected by the transfer.

Mr. DUBOIS. When a Senator pairs he expects his rights to

be protected. He is sometimes very careful to pair with a Sinator whom he supposes will preserve that pair for him. Now, it may happen in an indiscriminate transfer, especially when you transfer the pair of a Senator to another Senator who has left unpaired, thereby not signifying plainly what position he would take on the pending measure, that you may pair him with a Senator who will repudiate it at some other time. It may be to his interest and the interest of his constitutions. to his interest and the interest of his constituents to say that he was not so violent on one side or the other. Within my own experience I have known a member of Congress to be defeated for reslection simply because of a pair which was unguardedly made and which he never could explain satisfactorily to his people. I think when pairs are made they are made for the protection of Senators, and they ought not to be transferred so indiscriminately as has been the case during this debate. I should not, and, therefore, will not, say that pairs have been deliberately broken and disregarded.

It is a little amusing to see the changed attitude which Senators and newspapers assume with occasion. The side of the question which they are on makes a wonderful difference with them. More for the edification of the Senate than anything else, I desire to read two or three short editorials from New York papers written when the force bill was pending.

The New York World said at that time: Every device for delay must be used in the Senate; no legal act of any onceivable kind done to prevent the passage of the bill will be other than raiseworthy.

At the same time the New York Herald said:

The minority are quite right to cause delay by every means within their reach. The minority demands that the customs traditions, and usages which have governed the Senate for the last one hundred years shall not be ampered with; a cloture resolution is revolutionary and should not be tol-

The New York Times, speaking of the proposed change of the rules to bring the question to a vote, said

Nothing so subversive of inherent principles of legislation under representative government has ever been attempted in the United States. We are far within the truth when we say that never in the proudest and most insolent period of the dominon of the slave power in Congress was anything so plainly inconsistent with the first principles of our Government done or attempted. The men who are planning and leading the assault on some of the most valuable safeguards of free institutions are also those who have in times past fought with the utmost courage and fidelity against the abuses of Executive influence. utive influe

Mr. HILL. Will the Senator allow me to ask what is the date of the articles he has read:

Mr. DUBOIS. I am not able to answer the Senator. It was during the force-bill fight.

Mr. HILL. But the point I wish to make is that it was after the fall election of 1890. Was it not? Mr. DUBOIS. I am not sure as to that, but they are di-

Mr. Dobots. I am not sure as to that, but they are dreetly in point as to the present contention here.

Mr. HILL. I am very certain that it was, and I simply desire to add in conclusion that the force-bill issue was one of the great issues of the campaign of 1890, and those editorials were written

Mr. DUBOIS. I beg pardon, the bill was pending in the Senate when these editorials were written, and a proposition was

under discussion to change the rules during the discussion of

that measure. It is perfectly in point.

Mr. President, I do not mean that any Senator on this floor should misunderstand my position. I have the highest personal regard for every member of this body, and I think, with few exceptions, there is no Senator here who imagines for a moment that I desire to do anything which would be personally offensive to him. But feeling as I do, and knowing the effect of the passage of this bill on my own State, as I have said, believing I know the effect of it on the country, I can never consent to the passage of the bill, and you know as well now as you knew a month ago that you can not pass it.

In order to make our contention clear I will briefly state the position of myown State, which is applicable also to other States. Idaho at the World's Fair Exposition took the first prize for fruits of almost every description-green fruit, preserved fruit,

fruits in solution.

We took the prize over the great States of California, Oregon, and Washington. We took the prize for our forestry exhibits. We have resources there which will build up one of the finest States in this Union. We have more good agricultural land twice over than there is land in the State of New Jersey. Yet our foundation rests on the mining of gold and silver. We are so far from the markets of the world that we can not ship our produce there; and since this agitation and the closing of our mines every railroad running into our State has gone into the hands of receivers.

Those roads carry out our mineral wealth; they bring back the Those roads carry out our mineral wealth; they oring each the supplies to our people. When you pass the pending bill you not only strike down silver mining, but you strike down gold mining as well. You gold men, perhaps, do not realize it, but when you stop the purchase and coinage of silver, when you close the silver mines, you destroy the gold mines of this country also. From 33 to 40 per cent of all the gold mined in the United States comes are conjunction with silver and it comes in such small quantities. in conjunction with silver, and it comes in such small quantities that it can not be mined for the gold product alone. You must

also mine the silver in order to get the gold.

So, when you pass this bill, speaking for my own State, you destroy the fabric of our prosperity. It is not fair, it is not manly, and it is not according to the spirit of the American people. Those men were given the right under the Constitution to dig out these precious metals. At the last election every Senator on this floor was pledged to protect silver. There is not a Senator here who had any authority from his people to absolutely destroy this precious metal. I do not say that he was pledged to free coinage, but none of them dare contend that he has express authority from the people of his State or from his national party to pass this proposed law, which stops the purchase and coinage silver and the issuance of money.

I do not know that I care to say anything more in regard to this matter. If the Senator from Louisiana [Mr. WHITE], the other day in his personal attack, is satisfied with the position which he occupies I am. I can not afford in the Senate of the United States to use the language of the bar room, nor will I. I am glad to say that every Senator who has spoken has repudiated the utterances of the Senator from Louisiana, and stands alone in the unique position which he occupies of desiring to hurl any Senator from this Chamber who would not violate his conscience and his duty to his constituents as he saw it.

Mr. HILL. Will the Senator allow me a moment? What did the Senator from Louisiana say that has been repudlated by this body? I did not know it. The Senator from Louisiana is absent from the Chamber.

Mr. DUBOIS. He thought the Senator from Idaho should be hurled from this Chamber because he would not vote. Do you subscribe to that doctrine?

Mr. HILL. I have not heard that precise question presented. I think that all the Senator from Louisiana suggested to the Senate was that the Senate had the power under the Constitution, and he argued I think also from the rules, to compel a Senator to vote. In other words, I think he argued that remaining in his seat when his name was called when he should have voted was disorderly conduct and disrespectful to the Senate. I think that was all he suggested to the Senate; and I am not aware that that doctrine has been repudiated by any Senator here. I am not aware of it.

Mr. DUBOIS. I have not heard of any Senator, the Senator from New York will allow me to say, not even himself, who has gone beyond the point of suggesting that the Senator should be

Mr. PALMER. Mr. President, when I was much younger than I am now I was requested to prepare the rules for a debat-ing society. One of the rules was that any member should, upon rising, address the chair, and when recognized should confine himself to the subject under discussion. I came into the Senate this morning and listened to the Senator from Nevada [Mr.

STEWART], whose speeches I always attend and listen to with a great deal of interest, and I supposed that in my absence some measure involving the free coinage of silver, or something else, had been brought before the Senate. I inquired of friends and learned the question before the Senate. The Senator from Colorado [Mr. TELLER] yesterday, when I was present, submitted the following motion:

That the name of H. M. Teller, a Senator from Colorado, be added to the last roll call recorded in the Journal yesterday, made for the purpose of ascertaining whether a quorum of the Senate was present or not.

That is the real question before the Senate, and I am astonished that it has occupied so much time. The Senator from Colorado has been in this body perhaps longer than almost any other Senator, and he has the esteem of every member of this body. His knowledge of parliamentary law is unsurpassed. He presents a personal request to the Senate, that his name shall be "added to the last roll call recorded in the Journal yesterday, made for the purpose of ascertaining whether a quorum was present or not." Here is a mere personal request from a Senator who knows the facts and circumstances. He knows that he was present; he knows that his name was not added to the roll call. He appears and asks that that courtesy be extended to him; and yet the Senate has occupied nearly two days, not in debating that particular question, but without allowing this

wery reasonable request.

We understand that without something like unanimous consent no action can be taken in this body. Now, Mr. President, I ask unanimous consent that the application made by the Senator from Colorado for himself may be allowed. I do it for the reason that I think it is due to him. I am one of the junior members, for my service in this body is not very long, but I have understood that this is presminently a courtrous body, and that when Senators make personal requests, which are not un-reasonable or improper, they are acceded to upon the ground of that lawful courtesy which we owe to each other. Now, I submit whether this long debate is not discourteous to

the Senator from Colorado, who has presented this very simple request, a request that does not appear to be at all unreason ble, and which relates to himself alone. He does not ask that anything shall be done with respect to any other Senator. It is a pure, simple, earnest, honest request for a personal favor that I think ought to be allowed.

Mr. President, I ask the unanimous consent of the Senate that this order may be made.

Mr. BUTLER. I object, Mr. President.

Mr. ALLEN and Mr. DUBOIS. I object.

The PRESIDING OFFICER. The Senator from Illinois asks

unanimous consent. The Chair thinks the request should be submitted to the Senate; but there are objections.

Mr. PALMER. If there are objections I confess my astonishment. I have been told of the high supreme courtesy of this body. The other evening I had the misfortune in some sense, ignorantly I confess, to violate one of the rules of the body, and the Senate was courteous enough to excuse that great Now, when I plead that the Senator from Colorado shall have the right to place himself in the attitude he thinks he ought to occupy, and that application is made in respectful language, and made upon facts that are within the knowledge of the Senator himself, gentlemen on this floor, from whom I did not expect an objection, insist that the Senate shall not accede to the wishes the Senator from Colorado.

Mr. President, the idol is broken. My visions of the absolute, perfect, sublime courtesy of this body are dispelled. I find that here we are sometimes forgetful of that noble generosity which

always should characterize a body like this.

I asked unanimous consent, and now that unanimous consent has been refused me I know it is impossible to pass this order. I had supposed the Senate had some regard for the rights of a I understand that we have reached a point where I can not get unanimous consent for this purpose, and I despair. Nothing can be done without unanimous consent. We can not even be civil and courteous and obliging to each other without unanimous consent.

unanimous consent.

Mr. President, I abandon the motion in despair.

Mr. CALL. Mr. President, in view of the propositions that were made in the Senate on yesterday, in relation to a change of the rules of this body, I desire to submit a few observations in reply to what was then said by the Senators from New York [Mr. HILL] and from Texas [Mr. MILLs]. I do so from the standpoint of a person opposed to the passage of the bill repealing the purchasing clause of the act of 1890, and at the same time I think there is no reason for unfavorable criticism of the Senators here of either political party who entertain different opinions, and who think that greater time should be allowed for its consideration. I believe that a vote can be had when this debate has been exhausted, and that it can much better be this debate has been exhausted, and that it can much better be

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had, and is much more probable, by following the orderly course of procedure that has at all times heretofore characterized the Senate. In that way I believe it should proceed, in accordance with its customs and its rules.

I justify and defend the President and the Secretary of the Treasury, and the Senators who entertain other opinions in the action they have taken. There is nothing in their action to lessen in any degree the confidence and respect which the people of the United States have for them and for their greatability and zealous patriotism.

I have been ready at all times and I am now ready to vote on the question of the passage of the bill and on all of the proposed amendments.

But upon the point that this body has the power to change its rules, pending the discussion of a particular bill, by a vote of the majority, I desire to submit a few remarks.

The power of the Senate to change its rules is absolute, Mr. President. The power to do a thing authorizes its being done without regard to expediency, without regard to propriety, without regard to the rights of individuals or to the general policies which should characterize all parliamentary proceedings. No one doubts that a majority of this body has the power to do whatever it pleases to do within the scope of its jurisdiction. The Senate may determine the rules of its proceedings, unquestionably. The Senate may enact legislation of the most vicious character, but it may not rightfully do it.

acter, but it may not rightfully do it.

The Senate by a majority of a quorum, 25 votes out of 88, might on receipt of the force bill two years ago from the House, have proceeded to its consideration, laid all amendments on the table, have refused to allow debate, and have enacted it into law. The Senate and the House may enact laws which inflict the punishment of death on the most trivial offenses. The question is not one of power, but one of expediency and right—a question whether the rules and method of proceeding, which have been established for the prevention of an abuse of the power of the majority, shall be rudely disregarded and annulled. majority, shall be rudely disregarded and annulled.

The question is whether or not in the course of parliamentary proceeding which has become tradition in all deliberative bodies rules can be changed by a majority contrary to self-imposed re-

This is not a new question. The remarks made by the Senator from Texas yesterday are not new. The proposition that the majority have the power under the Constitution to change its rules, and that the majority of a quorum is the operative legislative power, has been repeatedly asserted and always recognized. But that is not the proposition to be considered when you propose to change the rules by the action of a majority acting in violation and entire disregard of the limitations and

strictions that the body has imposed upon itself by rule. That is the question which is presented here.

I wish now, Mr. President, to refer to one notable case which came up in the other House in the year 1882. At that time Mr. Reed, a member from Maine, called up for consideration a proposition to amend the rules reported from the Committee on Rules.

read from the CONGRESSIONAL RECORD of the 29th of May,

The Speaker. The Chair will state the question. The gentleman from Maine calls up for consideration the report made by him on Saturday last from the Committee on Rules.

Mr. Randall. And against that I raise the question of consideration.

[Mr. Kenna. And pending that I move that the House do now adjourn.

Mr. Blackburn. And I move to amend that motion so that when the House adjourn to-day it be to meet on Wednesday next, to-morrow being Decoration Day.

The SPEAKER. The gentleman does not mean to amend the motion to ad-

Mr. BLACKBURN. No: I offer it as a substitute for the motion to adjourn. Mr. Spraker. It need not be in the form of a substitute: it is a prior m

tion.

Mr. BLACKBUEN. I submit it as an independent motion.

The SPEAKER. The gentleman from Kentucky [Mr. BLACKBUEN] moves that when the House adjourns to-day it be to meet on Wednesday next; and states as a reason that he desires to adjourn over Decoration Day.

Mr. RANDALL. And upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

And so on. In the discussion of the proposition I will quote first from what Mr. REED says:

first from what Mr. REED says:

Mr. REED. Mr. Speaker, the propositions which I shall have to make I shall endeavor to state succinctly as I can, confining myself strictly to the question of parliamentary law, making no observations outside of it, except what seems to me necessary in order to a full understanding of the case. The House of Representatives acts under the Constitution of the United States. It has certain powers expressly conferred upon it as a separate body, powers which it can exercise without either the let or hindrance of any other body, powers which it is obliged to retain, powers which it can never trade away. Those powers are ever present with it, and it is bound to act in obselience and in furtherance of those powers.

The first one which I will call attention to is in section 5 of the Constitution:

The first one which I will call attention to is in section 5 of the Constitu-tion:
"Each House shall be the judge of the election, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do husiness."

Under that provision of the Constitution we have been endeavoring for a period of eight or ten days to judge of the right of one of our members to his seat. Under the forms of the rules of the House that endeavor on the part of the House, although a majority constituting a quorum necessary to do business has been here and ready to act, has been entirely frustrated.

It will be seen, now, that here is the proposition that was made in the observations of the Senator from New York yesterday that it is the rightful duty and power of the Senato or of the House to change its rules irrespective of the existing rules and of self-imposed limitations. Mr. REED further says:

of self-imposed limitations. Mr. REED further says:

I do not propose to spend any time on the question of whether these metions are dilatory motions. Every man with brains in his head knows that is the purpose of them, knows that is the object and intention of them, and can not be blinded by any suggestions. We have no right to go into questions of motives. As I said before on another question, to impute improper motives to members is unsuitable, but to proclaim their obvious purpose is the right of any man with organs of perception and brains capable of recoming the impressions made upon those organs. I shall therefore spend no time—I shall take it for granted that this House comprehends what no school boy could fail to comprehend, that the series of motions made to-day were made for the express purpose of delay and of preventing a change of rules. I manificant the proposition that wherever it is imposed upon Congress to accomplish a certain work, whether by the Constitution or by a law, it is the duty of the Speaker, who represents the House, and in his official capacity is the embodiment of the House, to carry out that rule of law or of the Constitution. It then becomes his duty to see that no factious opposition prevents the House from doing its duty. He must brush away all unlawful combinations to misuse the rules and must hold the House strictly to its work. And I am fortified in my proposition in regard to law by a very distinguished authority acting upon a distinguished scene, and occupying a position in which, if he is wise, he will be willing and glad to pass into history.

That was the ruling of Mr. Speaker Randall upon a question eration, the law by which the two Houses of Congress were required to count a vote in a particular way. Mr. Rendall in his reply stated that in that case he decided these dilatory motions to be out of order, because this special action of the two Houses of Congress in relation to the law which constituted the Electoral Commission was binding upon him for that purpose and to that extent, instead of the rules of the House.

But I desire that this important proposition, which is urged here with great force as the ground of some future and contem-plated action, shall be presented to the consideration of the country in the light in which it occured in a former proceeding of the two Houses at different important times. In that debate, Mr. President, a very distinguished man, of whom I have the highest opinion, occupying now an eminent position, of which I consider him entirely worthy, and whose conduct in that respect I justify, the present Secretary of the Treasury, Mr. Carlisle, participated, and with his usual ability and clear analysis of every question discussed the proposition whether or not it was under any circumstances to be permitted, in a free country and in a free and deliberative body, pending the consideration of any bill or important question, that there should be a change in

the rules by the action of a majority, disregarding the limita-tions imposed by the body upon itself.

This was the question presented here yesterday, viz: That each House of Congress has the power by a majority to adopt rules to suppress all debate, to forbid all amendment, to rush with military force and despotism any measure through. Everybody will admit, as a mere question of power, that the Senate may do this, but the question remains whether or not, under the parliamentary law of England and the history of our own country, under any circumstances, it is to be tolerated that the action of a majority shall change the rules, notwithstanding the limitations that have been imposed upon the majority in respect of a change of the rules.

This has been at all times a subject of the greatest importance, and on the preservation and maintenance of the principles of parliamentary law established in the experience of the English pariamentary law established in the experience of the English people depends the liberties and rights of the people. At all times the privileged classes have sought to give absolute power to a majority of a quorum—a minority of the people and a minority of the whole number of the people's representatives. That was the proposition of the Senator from Texas on yesterday, viz, to give power to a majority of a quorum and a minority of the whole body.

After debate Mr. Carlisle said:

The gentleman from Maine [Mr. REED], who makes the point of order, began the discussion by calling the attention of the Chair to two of the provisions of the Constitution. The first was that provision which declares that:
"Each House shall be the judge of the elections, returns, and qualifications of its own members."
The second was that provision of the Constitution which declares that each House may determine the rules for the regulation or government of its proceedings.

House may determine the rules for the regulation or government of its proceedings.

The Constitution declares in the clause which has been read by the gentleman from Maine that—

"Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a

The gentleman from Maine argues that it necessarily results from this treating it as an original delegation of power to the House, that the House

shall have at all times, under all circumstances, not only the right to establish its rules in the first instance, but the right at any moment and by any judges it may consider proper, to change its rules after they have been esponsion of the stablish its rules can not be taken away from it. It always exists and it always must exist.

But the question with which we are confronted this morning is not as to the continued existence of this power on the part of the House, but as to the continued existence of this power on the part of the House, but as to the continued existence of this power on the part of the House, but as to the rolling of the House itself, in the execution of this right and in the discharge of this duty, to prescribe the mode and manner in which it will change its of the discharge of the House, we have already established rules: we have passed beyond the point which was presented on that memorable historic occasion alluded to by the which was presented on that memorable historic occasion alluded to by the geni man from Iowa [Mr. Kasson] when John Quincy Adams announced that the House has utterly without rules. It was in a disorganized and chaotic condition. Its presiding officer even had not been chosen; it had no officers of any kind to execute its will, and no means of declaring what its will was. Under those circumstances to was the right and the duty of the House, or of those gentlemen who would compose the House when organized, to proceed in the first instance to provide the machinery by and through which they could give an expression of their will.

But, as already stated, we have passed beyond that point. This House at its present session has ordanice and established rules, and in my judgment we are bound by them in all our proceedings upon this floor.

The proposition of the genileman from Maine [Mr. Rred] is that having established rules for our own government which by their terms apply in all cases and govern the House and the speaker under all circumstances, we are all liberty to disr

the consideration of that measure; and so you may go on and on from the beginning to the end, until your rules are frittered away and there is nothing to govern the proceedings of this House but the arbitrary will of one man or the arbitrary will of the majority. (Appiause on the Democratic side.)

And there is where we stand this morning, and the country may as well understand it. The proposition made by the gentleman from Maine, that we can disregard these rules upon this occasion, has been expressly met by a continuous proposition made by the gentleman from Maine, that we can disregard these rules upon this occasion, has been expressly met by a continuous proposition of the proposition of the gentleman who has been quoted by the gentleman from Maine. I allude to Gen. Garfield.

In the Forty-dith Congress a gentleman up n this side of the House undertook to offer a resolution providing for a change in our rules; and in his argument he took substantially the position now taken by the gentleman from Maine this morning, that the right of the House to change its rules was an inhere t and constitutional right and continued at all times. What did Gen. Garfield say in response?

In response to my friend from Texas would carry the power of the House in this respect further than the Constitution justifies. It [the Constitution] empowers each House to make rules, and one of the rules which this House has made prescribes how the rules shall be amended."

IAPPlause on the Democratic side.]

There is a complete and comprehens Maine this morning. Gen. Garfield was as long a member of this House, perhaps longer, than the gentleman alluded to who had the honor to preside over its deliberations for several years. He was a member of the Committee on Rules during a great portion of the period of his service. He was acknowledged everywhere as an eminent parliamentarian; and in this single terse, concise sentence he sums up and states the whole argument on this question.

Now the gentleman from Lowa [Mr. Kasson] rose in his place

mentary usage, two motions to adjourn can not be made unless business has intervened. It has been ruled in this House for the last twenty years that after a motion to adjourn, a motion to adjourn to a specific day is new bustness. Therefore a member can move to adjourn, get the yeas and nays on that motion, and then superimpose on that a motion that when the House adjourns it adjourn to a certain day, and that latter motion being considered business; and thus the two motions may be repeated ad in infailum, or so long as one-fifth of the House are willing to demand the yeas and nays on these two dilatory motions."

There was an express admission—
Mr. Burrows of Michigan. Will the gentleman from Kentucky read the remainder of Mr. Garfield's remarks?

Mr. Carlisle I will.

"Now, the experience of the last week has shown that a body of one-fifth of the House can say to the House that there is a class of public measures which not only shall not be voted on, but which shall not even be taken up for consideration—neither for debate, for amendment, nor for passage."

The gentleman will be kind enough to indicate when I have read enough. Mr. Burrows of Michigan. Yes, sir.

Mr. Carlisle. No, sir; I will read it.

Mr. Carlisle. No, sir; I will read it.

Mr. Springer. It is very good reading.

Mr. Carlisle (reading):

"And we have seen this illustrated in the attempt of the House to consider—not to pass, but to consider, to amend, to debate the bill relating to civil rights of American citizens. The majority on this floor believe the House ought to consider that bill. They believe they ought to have brought to this House, "You may take up an appropriation bill and pass it: you may do such things as we shall select and point out to you; but you shall not even consider any bill that we, the minority, do not consent to.' This demand is intolerable, is revolutionary, and can not be submitted to without dishonor."

[Applause on the Republican side, the Speaker rapping to order.]

Mr. Burrows of Michigan. That is sufficient. [Ap

Mr. Burrows of Michigan. That is sufficient. [Applause on the Repub-

Mr. Carlisles (reading):

But the work of the last four days in this House has demonstrated that coules enable a small minority absolutely to block the progress of legislation less enable a small minority absolutely to block the progress of legislation and the second of the second

Speaker's gavel.

Mr. Speaker, allusion has been made to the provocation for the introduction of this report. I shall certainly not go beyond the limits of legitimate discussion upon this point of order to meet any allegation that may have

of de mi thing ne has do

been made on the other side; and I do not think I am doing so in saying that I agree with the gentleman from Iowa that in the consideration of contested-election cases we act in at least a quasi judicial capacity. We have under our care and subject to our determination not only the rights of the constituencies whose representatives are seeking seats upon this floor, but the very existence of this House itself and, to some extent at least, the private individual rights of the contesting parties. We occupy towards them substantially the same relation which a court of justice occupies towards litigants at its bar. If, looking at the record they have brought before us, we believe it is of such a character that they ought not to be forced to go to trial upon it, it is as much our duty to say so as it is the duty of a court of justice under similar circumstances.

And I venture to say, in view of the allegations which are made and the affidavits that have been presented, that there is not an enlightened court of justice in Christendom that would not suppress the testimony in the case alluded to and afford the party an opportunity to retake it. [Applause on the Democratic side.] It is against a failure or refusal to do this simple act of justice that we have resorted to our undoubted parliamentary rights in this matter.

is matter.

As was well said by the gentleman from Pennsylvania [Mr. Randall], this assestands alone. It has no connection with any other election case. It is eligit treated here by members on this side of the House as a case standing

I had no purpose when this discussion commenced this morning to say a word, and I ought to apologize to the House, and more especially to the Speaker, to whom my remarks have been addressed, for having spoken so the control of the [Applause.]

It is obvious that you can not have rules at all, as stated by him, if the majority is not restrained by the limitation imposed upon the amendment of rules, because that majority may upon any occasion, upon the amendment of rules, dispense with all limitations and all rules, and there will be no rule left. That is state of affairs that has never occurred in any deliberative body in a free country, to be subject at the moment to the sovereign will of the majority. I venture to assert that that condition has never existed in any legislative body. It is a proposition that instantaneous and immediate action may be had without debate, without amendment, without consideration. Such action as that on the part of a majority means the entire suppression of all deliberative proceedings.

The Senator from Mississippi [Mr. George] desires me to read what Mr. Randall said at that time, and I will do so briefly. Mr. Randall said:

I do not believe there is any one, a member of this House, who will dissent from the opinion which I express, that the rules of a legislative body have for their principal purpose the orderly proceeding of business, and next the protection of the rights of the minority. In support of that position I desire to have the Clerk read what I send to the desk as the enunciation of a man who for nearly a third of a century, I think, was the speaker of the House of Commons in England, Mr. Onslow.

Thereupon the Clerk read a statement to the effect that the rules were absolutely necessary for the protection of the minority and for free debate and amendment.

and for free debate and amendment.

Mr. Randall. It is remarkable how closely all American legislative bodies have adhered to the principle there stated in their parliamentary government. Every presiding officer of almost every legislative body in the United States has always deemed, in the administration and execution of rules, that he stood as a protector of the minority in such administration.

The power which is given to us to form rules is derived from the second clause of section 5 of Article I of the Constitution, in these words: "Each House may determine the rules of its proceedings." Under that authority this House at this session has made rules for its government; and in those very rules provision is made for the motions which we have herezofore submitted and had the House vote upon.

Moreover, those very rules prescribe the manner in which they shall be changed, just as the Constitution itself prescribed the manner in which that instrument shall be changed. And when the gentleman from Maine [Mr. Reed] seeks to exercise the power which he has attempted as derived from the Constitution he must of necessity go behind that instrument itself.

The gentleman to my mind has been exceedingly unfortunate in the cases to which he has alluded as warranting this procedure on his part. First, he has alluded to decisions which I made as the Speaker of this House in the electoral count of 1877. They were decisions which I then thought right, and by which I am now willing to stand or fall. Those decisions sustain the position taken by this side of the House in this, that it required a law to interrupt the proceedings of the House when they were in accord with the rules of the House if they interfered with the due execution of such law. There is no law now in reference to this case which interferes in the least with the provisions of our rules.

I will remark here that that was the Electoral Commission

I will remark here that that was the Electoral Commission law, a special and peculiar case for the government of the two

Mr. RANDALL. Allowed under the law. The law bound me. To me the law was higher than the rules when the law came in conflict with the rules. The House concurred in that position by an overwhelming vote. Our present rules provide the manner in which we may even temporarily pass from under their operation, and that is by a suspension of the rules, and also provide the manner of making changes when deemed desirable. That brings me to the alleged decision, or rather to the dictum, of the gentleman from Maine, who then was Speaker, Mr. Blaine, on which the gentleman from Maine (Mr. Rexd) seems to rely.

While Mr. Blaine then asserted that he had "repeatedly ruled that pending a proposition to change the rules dilatory motions could not be entertained, yet I have never seen, nor has the gentleman from Maine cited to us, any insuance in which Mr. Blaine, except perhaps by unanimous consent, ever enforced such a construction or made such a decision, and I have made diligent search therefor: He certainly did not on that occasion assert such a power as in the House when the civil-rights bill was under consideration; it was mere dictum of his, and was never either pressed by him nor did the House then and there take advantage of any such dictum, for I find that repeated efforts were then made by gentlemen, some of whom are now members of the House, to change the rules by motions to suspend the rules—a method prescribed in the rules themselves.

It was participated in That debate is quite an extended one. by a number of very eminent men—Mr. Kasson, Mr. Kenna, who was our late distinguished and lamented colleague, Mr. Reed, Mr. Robertson, Mr. Carlisle, and our colleague, the Senator from Kentucky [Mr. BLACKBURN]:

Mr. Carlisle. I suppose, Mr. Speaker, no gentleman on the other side of the House will undertake to say that Gen. Garfield was a revolutionist; and I presume also that no gentleman on that side will undertake to say, in the face of the official records of this body, that Gen. Garfield did not, after the utterances which have been read here to-day, often engage in just such proceedings as this side of the House has been engaged in for some days past.

Now we go on:

Mr. BLACKBURN. * * * There are some propositions upon which I take it from this debate, we are all agreed; first, as to the inherent power of this House as a deliberative body to make or to change its own rules, and that we are bound by those rules. We also believe that it is as much within its power to-day to change and alter its rules as it was in its power in the first instance to make new rules, or to establish the rules of the preceding House, when it came together as a deliberative body.

we are counted by another wiles, or to establish the rules of the preceding House, when it came together as a deliberative body.

That, however is not the issue between us.

Some gautiemen are her as estimated that the tendence of the preceding House, when the House has the right to again excertise half proven the secretary that the House has the right to again excertise that proven consider the limitation which it has itself imposed in reference to are considered that the House has the right to again excertise that proven change, after, or annul its rules, we insist nevertheless that it must don change, after, or annul its rules, we insist nevertheless that it must don change, after, or annul its rules, we insist nevertheless that it must don the consideration. Admitting that to be true, what does it proved the terms and the rules of the consideration. Admitting that to be true, what does it proved the rules of th

Now, Mr. Speaker, I do not believe that either side of this House lacks the men that are willing to consider carefully and fairly the far-reaching results men that are willing to consider carefully and fairly the far-reaching results that must attach to the effort. A do not believe that the present occupant of that Speaker will we will abstate or refuse to measure carefully, to weigh of that Speaker will we will abstate or refuse to measure carefully, to weigh of that Speaker will an aturally follow. Is it that you are so anxious to determine this one contested-election case that you will not only jeopardize, but mine this one contested-election case that you will not only jeopardize, but mentary comploy? Do you complain that the opposition we have offered necessary to employ? Do you complain that the opposition we have offered necessary to employ? Do you complain that the opposition we have offered necessary to employ? Do you complain that the opposition we have offered necessary to employ? Do you complain that the opposition we have offered necessary to employ? Do you complain that the opposition we have offered necessary to employ? Do you complain that the opposition we have offered necessary to employ? Do you complain that you will tear down the plaints of the temple itself in order to crush it out? Why, pather we have been right or wrong in the contest that we have a contested election case on the docket of your committee, there is not a sometime of the bar of this House that we are not ready and willing to take up him to the bar of this House that we are not ready and willing to take up him to the bar of this House that we not ready and willing to take up him to onsider. There are those points in reference to this case that have been stated and restated, and that I need not repeat, which constitute it in the ludgment of this side of the House an exceptional case.

We stand ready for the consideration and transaction of any other contested election cases, you will bring us, for any appropriation bill, for

the majority side, refused to adopt it. In the course of that debate the gentleman from Maine [Mr. Reed] said:

"Mr. Chairman, if it was my purpose to reply to the gentleman who has just taken his seat [Mr. Phister], it seems to me that it would be a suitable and proper reply to say to him that the constitutional idea of a quorum is not the presence of a majority of the members of the House, but a majority of the members present and participating in the business of the House. It is not the visible presence of members, but their judgments and their votes that the Constitution calls for.

"I prefer, however, in the short time which I have, to discuss this question upon a different basis. This privilege, which the minority of this House at the last session availed itself of, is a privilege which every minority has availed itself of since the foundation of this Government. By pure accident, looking over an index of the Records this morning, I found the account of a resolution, which was drawn up by a distinguished member of this House from Massachusetts, Mr. Butler, to cause the arrest of a distinguished member from Pennsylvania [Mr. Randall] for not voting. I believe, however, nothing ever came of that resolution.

"Now, what is the practical upshot of the present practice? It is that the members of the minority of this House upon great occasions demand that every bill which is passed shall receive the absolute vote of a majority of the members elected. They do this in the face and eyes of the country. If they demand upon any frivolous occasion that there shall be such an extraordinary vote as that, they do it subject to the censure of the people of this land. This practice has hitherto kept this House in proper condition upon this subject, so that there has been no improper impeding of the public business.

It is a valuable privilege for the country that the minority shall have the

business.

It is a valuable privilege for the country that the minority shall have the right by this extraordinary mode of proceeding to call the attention of the country to measures which a party in a moment of madness and of party feeling is endeavoring to enforce upon the citizens of this land. And it works equally well with regard to all parties, for all parties have their times when they need to be checked, so that they may receive the opinions of the people who are their constituents and who are interested in the results of their legislation.

who are their constituents and who are interested in the results of their legislation."

Applause on the Democratic side.]

Mr. Reed. I am glad for once to have the approval of the Democratic side of this House. What has been read is sound sense to-day, and that is why I wonder at your approval of it. [Langhter on the Republican side.]

Mr. BLACKBURN. Gentleman who confront me upon that side of the House know as well as I can tell them that a shorter period of time than has been consumed here in the effort to get up this case would have sufficed for the fullest investigation and fairest adjustment of the issue that is pending.

Now in conclusion I have but to repeat that I sincerely appeal to the presiding officer of this House, whose judgment is invoked, I honestly and earnestly appeal to those who sit around me on both sides of this Chamber, to weigh well the action that is to be taken in this effort to inaugurate a movement that practically repeals every provision of rules that this House has for its government. It is proposed to turn the American Congress, or this branch of it, without any limitation, without any restraint, over to be guided by a partisan majority.

And more, whenever a piece of jobbery looking to the plunder and pillage of the Federal Treasury, by means of lobbyists or what not, is able to command a bare majority vote of this House, away go your rules in order that the public Treasury may be opened to their raidings. It leaves no limitation; it is the entering wedge for the aboution of parliamentary government, not in contested elections only, but in every species of legislation with which we stand charged as a duty here.

I do not doubt that there are those, as honestly and warmly supporting

the other side of this contested-election case as I or any here are opposing it, that would sooner see that election case never touched again, sooner see the parties to that contest on the one side or the other suffer a deprivation of their rights, far sooner see the people of that one district in South Carolina left without a Representative here, than to see the power of the American Congress and the destinies of this Government turned over to an irresponsible, maddened, and unicensed majority. [Applause on the Democratic side and laughter on the Republican side.]

That debate went on, and finally, amongst others, the question was discussed by a very distinguished and eminent and brilliant man, whose untimely death we, who were his associates in these two Houses of Congress, have long and will always regret—Hon. S. S. Cox, of New York. He said:

two Houses of Congress, have long and will always regret—Hon. S. S. Cox, of New York. He said:

Each House may determine the rules of its proceedings.

There is nothing said in that clause that is exceptional. It has no limitation upon either House of Congress. We may make rules, not for certain purposes, but for all purposes. It is not said that each House may determine the rules of its proceedings, except as to the admission of a member or the methods regulating our approaching judgment upon the qualifications of a member. There is no restriction or limitation upon that grant of power. It is unqualified; as much so as the other clauses of the fifth section of the first article, which allow each House to judge of the elections, returns, and qualifications of its own members. Every rule made by us, consistent with the tenor of the Constitution, is, if not a part of the Constitution, a subordination as sacred as the Constitution itself.

We have made our rules. Among them are rules which regulate these proceedings. They provide the mode of amending the rules themselves. Alt hese rules remain. They remain, since there is no exception, for every proceeding in this House, and a fortiori for the most important proceeding. Can there be any proceeding more important than the admission of a member? Is it not more necessary, Mr. Speaker, that we should have steadfast rules for such a purpose? Is it not most important that we have a law unto ourselves, a law of this House, fixed and irrevocable except by the prescribed rules or modes?

It is more necessary, sir, for rules to be observed in such a case than in any other except perhaps one. And what is that other one? That is in relation to the apportionment of members every decade according to population. This apportionment is the foundation of our system of representative government. But we know, alasi too well, Mr. Speaker, that when this House was engaged in the last Congress in endeavoring to apportion members according to the census returns, and when there was an eme

trict, and to save the people some eleven million dollars of expense. It was not this side of the House, but the other, which intervened to prevent by dilatory motions.

That other side was led by the gentleman from Maine [Mr. REED] and the gentleman from New Jersey [Mr. Robeson], who protests his virtuous indignation on this occasion. It was their frivolous delays which prevented the enactment of a law for apportionment. They are responsible for the consequences of such delay—the most serious that can happen to a republican constitutional system. They prevented such a law, sir.

Mr. Hooker, Defeated.

Mr. Cox of New York. Hour after hour, day after day, all night that bill was delayed on dilatory motions for adjournment and what not, until the session was nearly run out, and we had no chance except on the last day of the session, when on my own motion, consenting to all they asked, we got at last a vote on the proposition for 319 members. The cost and trouble, the unfairness of representation, the election of Congressmen-at-large, and other misadventures, are due to the Republicans, who set us this example which we have followed on a less consequential object.

But you gentlemen on the other side are not peculiar in your relation to filibustering on the apportionment bill. I might in the last Congress have made the point that that bill was constitutional and was of the highest sanction, above all rules; or we might have changed by a majority vote, as you now attempt, the rules and stopped your expensive and unrepublican filibustering. We did not do it. We pursued our rules, and you pursued your disorderly conduct. You left us without this indispensable legislation; you remitted it to the present session: you had your own will: you, the minority, defeated us; you pursued this very course with which you now reproach us, not merely on the apportionment bill, but in the Forty-sixth Congress on the tariff bill again and again on motions to refer it to a friendly committee; you did it on the funding bill and on the

I do not believe very much in this business of filibustering. When the apportionment bill, to which I had given much study, was treated to this inhospitable reception, regardless of the wish of the majority. I resolved that I would never follow your bad example. I have been, however, the past week drawn into its vortex almost against my will. But I have been in good company and for a very good purpose. You pursued it in very bad company for a very bad purpose. [Laughter.] Gentlemen say that they will make this proposed new rule or change existing rules under the superior vigor of the Constitution. "Suprema lea" cries out our Ajax from New Jersey. [Laughter.] The Constitution, he says, is the supreme law, and a rule unto us for legislative purposes of this nature. Why, sir, if the Constitution be such a rule of duty and a law unto the House, what need for any other rule? Why undertake to make rules of proceeding? Why "determine" any rule? Oh, says the distinguished gentleman from such as dilatory motions; and we propose to change the rule so as to have a mode of procedure a.d. not of obstruction. If that be the purpose, then all rules for delay, such as adjournment or debate or recommittal or anything except arbitrariness, should be abrogated.

There is one appropriation bill which has not yet been reported. It is the naval appropriation bill. [Laughter.] The custom has been heretofore to have that bill reported early in the session. Six months of this session have gone and we have not yet seen any naval appropriation bill.

Now, are we to roll this dilatory stone out of the way for this case only? Or is it in order that if there be fillbustering on that naval bill or other bills as to a new Navy, the majority at any time may by this convenient change of the rules brush the "obstruction" out of the way? Ten millions of dollars perhaps may be involved in that bill, or twenty millions, or there may be other bills involving hundreds of millions yet to be brought in. If you can do it unto the least of these, you can do it unto every bill hereafter. [Laughter.]

So, now, Mr. Speaker, we contend that in making rules here we must fol-w "the mode prescribed." This mode is the existing rules. For making

or unmaking rules, which are a law or a constitution of our House, the rules existing must be observed. Any other mode is a flagrant breach of the law of this flouse, and as law-abiding members we denounce it.

All the amendments of the Constitution from the beginning, including those guaranties and immunities of civil liberty—liberty of conscience, free speech fair trial, bail, delegated powers, judicial rights, the electoral clage, citizenship, disabilities, apportionment—all the amendments until you come down to the great and boasted amendments in regard to human liberty, suffrage, and civil rights were passed in pursuance of the 'mode prescribed.' They were submitted through the two-thirds vote of Congress to the States for ratification.

He is a revolutionist who would seek to change our Constitution except in the prescribed mode. He is no less a revolutionist who, to seat a member, would override existing rules here, not repealed or changed; and he is worse than a revolutionist who, to seat a member, would overrure our rules to seat a member in a case involving fraud and corrupted by forgery.

Now, Mr. Speaker, when you rule, if you dare rule, as perhaps you may rule in this partisan excitement, if you rule that you can, irrespective of the 'mode prescribed,' and regardless of the rules which are now the law of this House, force this summary proceeding through by arbitrary ruling, you will defeat, you will abrogate every cannot of interpretation belonging to the amending and making of law, organic or other law.

As I said before, I am not one who favors fillbustering. It may be a good remedy in great emergencies. The Republicans have so deemed it, judging by their action herecofore. But when the honorable member from Virainia [Mr. TCOKRE] offered an amendment to the new rules providing that fill bustering should cease, torn up by the roots, who met to confuse him in debate? The first member who attacked that proposition was Gen. HAWLEY, a shining light in the Republican party. He was followed by Gen. Garfield, a man of confessed parliamentary ability; the gentleman from Mains [Mr. REED], who has shown us here to-day his ability in stradding upon this question. [Laughter.] And Mr. Conger of Michigan, then your best parliamentarian, who led your fillbustering scouting parties. The gentleman from Virginia was so thoroughly overwhelmed by the argumentation and denunciation coming from these able debaters of your party, urging minority rights, that on the subsequent Tuesday he withdrew his proposition. It seems to me that gentlemen on the other side, when they undertake to say that we are revolutionary—that we are guilty of "parliamentary revolution," to use the language of the gentleman from Kansas—ought first to look at their own record. That record convicts them. The gentleman from Kansas, when he talked about "parliamentary revolution," ought to have thought of his own conduct on the apportument bill.

Ail I have to say to gentlemen is that when they charge this side of the House with "parliamentary revolution," they are, in view of their own recent action and sentiment, nothing more nor less than whited sepulchres, inside full of dead men's bones, outside fair and seeming before the people. I prove, therefore, what I say.

The gentleman from Iowa [Mr. Kasson] referred to the fact that we are a great representative body. So we are. He declaimed eloquently that the majority here should rule. He asserted that no other body like ours in the history of the world would ever allow a minority to dictate terms. Ah, did he forget that in the English Parliament of six hundred and fifty-odd members, forty only, by motions to adjourn and other "obstructions," had kept that great Government of the British Empire almost in the very throes of agony for weeks and months as the only way to remedy great and century-old wrongs borne by a portion of the United Kingdom without refress?

These wrongs, now and by recent events confessed to be great, unredressed grievances, are in process of relief by the courage and persistence of a small minority. Does he not know that the great premier of England threatened to throttle that minority by a cloture? But even he, sir, had not the courage or strength to bring that cloture to a division, and minority right remains to-day, as it has been in the British parliamentary constitutions for hundreds of years, as a fundamental part of those rules which were made in the interest of the minority for the protection of parliamentary privilege and civil-liberty through all the ages. [Great applause.]

Mr. President, I am and have been, with many others opposed to the passage of this bill, ready to vote at any moment. There has been no filibustering in the sense in which it occurred in the House of Representatives at the time to which I have been re-There have been no motions, such as were made 1879, for adjournment and adjournment to a day certain and adjournment to a particular hour and for executive business, consuming whole nights. Senators here have claimed the right of discussion—it may be prolonged discussion—they have claimed the right to exhaust themselves and exhaust the subject; they have proclaimed that, in their belief, the passage of this bill would produce widespread ruin and disaster, perhaps revolution; that it would increase and intensify the want and suffering of the

They have a right to these opinions; they have a right to present them to the American people; and whilst I should have been glad to have seen this debate terminated, and am willing at any time so far as I am concerned to see it done, yet I think it is highly inexpedient, unwise, and destructive of this body and the respect which it should have with the people of this country to close debate over the heads of these Senators by a change of the

Mr. President, the history of this country is full of instances where, through such action as this, great public detriment may have occurred for the time, but where the result was highly advantageous to the people, and subsequent events vindicated such action

So, for one, I wish to say that the observations which have been made here, inviting and vindicating a change of these rules, without regard to the limitations imposed by this body, for the purpose of passing the pending bill or any other bill, are, in my opinion, the most fatal and destructive things to this body which

I believe that the American people look with pride upon the exhibition which this body has made. I believe that more than a million majority of the people would sustain them, whatever may be their opinion upon the question of policy, whether they may be their opinion upon the question of policy, whether they are in favor of repeal or against repeal, whether in favor of free coinage—I believe the spectacle presented by this body of insisting upon the fullest and freest expression of opinion and judgment, and prolonged consideration of a great public question, commands their admiration and research then the arguments of the distinguish. If it does not, then the arguments of the distinguished men who have gone before us are all wrong, and the argument of the distinguished Secretary of the Treasury was all wrong. I have repeatedly said, opposing, as I do, the repeal of the Sher. I have repeatedly said, opposing, as I do, the repeat of the Sherman law, that I justify and vindicate him as an executive officer for following his own judgment under the conditions and circumstances which have existed in this country for some months past.

I wish further to say, that the speediest way to bring about a one further to say, that the spectaest way to bring about a vote on this bill is orderly procedure here. If public opinion is concentrating and consolidating throughout this country, it will be felt in this Chamber, and all Senators will bend to it.

Mr. BUTLER. Mr. President, in what I am about to say in

regard to the pending motion, I trust I shall not be betrayed into misrepresenting the position of the Senator from Texas [Mr. MILLS] or that of the Senator from New York [Mr. HILL]. It im not mistaken in their position, I feel bound to say that the propositions which they have submitted for the consideration of the Senate, as I understand them, appear to me to be little less than monstrous, and I must express my surprise that Senators of their experience, ability, and patriotism should, in a body like the United States Senate, or in the United States Senate, delib-erately propose to violate not only every tradition of this body, but every law which has been adopted for its government from its foundation to the present time.

I want to say here and now, sir, in connection with the propositions of those two Senators that if they should be adopted by the Senate, it would reduce this body to a plane with a town meeting trying to elect a town constable; if their propositions should be adopted by the Senate, we shall have bedlam in this body, if not anarchy, instead of orderly procedure and dignified depositions.

deportment. In order that I may not be misunderstood, I will state what I understand to be their position; and I am sorry the Senator from Texas is not in his seat. I understand the position of those Senators to be that at any moment, at any hour, on any day the majority in this body may change its rules without regard to the mode provided in the rules for the government of the body; that mode provided in the rules for the government of the body; that by the exercise of brute force a majority of this body to-day can, of its own motion, without regard to the rules, introduce an amendment to the rules and pass it in utter disregard of this code of rules which I hold in my hand. The effect of that would be, as I understand, that a majority to-day may modify or change the rules to suit itself; and if that majority fades by this hour to-morrow, that majority may reverse and revoke that rule and make another. That I understand to be the proposition of the two Senators, the one from Texas and the other from New York I repeat, Mr. President, to my mind it is little less than monstrous, and fills me with surprise and amazement.

I hold in my hand the code of the standing rules of the Sen ate, 40 in number, followed by the rules of procedure and prac tice in the Senate when sitting on the trial of impeachments; followed by rules for the regulation of the Senate wing of the United States Capitol. They are followed by the standing orders of the Senate, not embraced in the rules, and such parts of acts as affect the business of the Senate, and so on.

The fortieth rule provides as follows:

SUSPENSION AND AMENDMENT OF THE RULES.

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause I, Rule XII.

Sir, I had always supposed, until this new dispensation of the Senators from New York and of Texas, that this body was as much governed and controlled by that code of rules as any court on this continent is governed by the code of rules which it makes for its own government. I had supposed that this code of rules was as binding upon me as the Constitution of the United States and the laws made in pursuance thereof are binding upon every citizen of this converter, but we are told by the Senator row New citizen of this country; but we are told by the Senator rom New York and the Senator from Texas that we are not bound by these rules; that a majority of this body, in the exercise of its sweet will or caprice, may trample on or amend the rules of this body to suit that caprice or sweet will. If that be so, why perform the farce, the absurd farce, of keeping these rules on our desks for our guidance? Why not make a bonfire of them, and relieve this Chamber of the impediments which they make to our pro-

Why not turn over to these two distinguished leaders of this new dispensation, as the leaders of their so-called majority, the transaction of all the business of this Senate, if their doctrine be the correct one?

The Senator from Texas told us yesterday evening that the Senate had the inherent right and power to amend the rules. Who has denied that, sir? I have heard no denial of such a proposition. Of course, this, like every other parliamentary body, has control over its rules, and it has exercised that control over and over again in amendments suggested and adopted in an and over again in amendments suggested and adopted in an orderly, decent, and lawful way, as prescribed by the fortieth rule of this code of rules—one day's notice, a reference to the Committee on Rules, a report from that committee, debate on the report, and the adoption or rejection of it. That is the manner and the method, I had always supposed, in a deliberative parliamentary body to amend the rules of its conduct and action. Now, we are told, because certain Senators find themselves in a majority in this body, overanxious to have one bill passed, that we shall throw to the winds and scatter from our sight the rules which have been sanctified by time and approved by the

that we shall throw to the winds and scatter from our sight the rules which have been sanctified by time and approved by the greatest constitutional lawyers this country has ever produced, and that that majority shall run roughshod over the minority and pass their measure in utter disregard of the rights of that minor-That I understand to be the proposition of those two Sen. If I have misrepresented them, I shall be delighted if they will correct me.

Some change has come over the spirit of the dream of my distinguished friend from Texas. I do not know that my friend from New York ever had a dream. [Laughter.] The Senator from Texas has made a record on this subject. He has been in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the public prints in regard to the rights of minorities and manufacture in the rights of minorities a public prints in regard to the rights of inhorities and ha-jorities; he appears in the public records of this Congress fre-quently on that subject; and, whilst consistency has been said to be a jowel, and I think correctly so said, I should not hold that konorable Senator down to the utterances of a lifetime in order that he might comply with that quality of consistency, because all men change their minds, especially great men like the Senator from Texas and the Senator from New York; they are allowed to change their minds; but, Mr. President, when that change does take place, some better reason should be as-signed for it, I respectfully submit, than that now assigned by those two Senators.

I find in the North American Review of December, 1889, about four years ago, an article prepared for that periodical by the honorable Senator from Texas. After paying his respects to the Republican party in the first paragraph, he says:

The rules of the House are intended, primarily, to facilitate the dispatch of business; but they are also intended, like other laws, to protect the weak against the strong. In the first paragraph of his parliamentary manual, Mr. Jefferson quotes with approval the language of Speaker Onslow, whom he characterizes as "the ablest among the Speakers of the House of Commons." Mr. Onslow said that the rules of proceeding, "as instituted by our ancestors, operated as a check and control on the actions of the majority," and that they were "in many instances a shelter and protection to the minority against the attempts of power."

He then gives what Mr. Jefferson said, which has, I believe, been quoted here this morning. Then the writer goes on and

Before these checks against irregularities and abuses are removed, it should be shown that the nature of power has changed, and that it is not now actuated by a spirit of wantonness. When that high standard of moral perfection is reached by Republican Congressment, their Democratic opponents will throw no hindrance in the way of their progress.

May I be permitted, Mr. President, to paraphrase that sentence, to say that when the high standard of moral perfection is reached by the so-called majority of this body on this bill, their

opponents will throw no hindrance in the way of their progress?

The same argument now made against the rules of the House could be made with equal force against the Constitution of the United States and the constitutions of all the States that compose the Union. All of these rules are but rules for the government of political societies; and in all of them there are obstructions thrown across the path the majority may wish to go. The founders of our Government had been taught in the school of experience that the multitude clothed with unlimited power was as dangerous as the single despot; that arbitrary power was the same whether it resided in one or many.

And in the very teeth of that assertion, so true, so wisely and profoundly true, the Senator from Texas proposes, aided by the Senator from New York, to come into this body and vest arbitrary power with the majority of this body to change the rules at their own caprice and will

Therefore, to prevent those who were chosen to be lawmakers from becoming lawbreakers, they prescribed in all the constitutions boundaries beyond which they should not go. All these were useless precautions if majorities were not sometimes maddened by the just of power and forgetful of the rights of the weaker party. In all these constitutions we see where the people, jealous for the preservation of their natural rights, have prohibited the government from interfering with the freedom of religion, freedom of speech, and freedom of the press, etc.

Further on the Senator says:

The demand for the removal of the limitations in the rules means that the party in power are fatally bent on mischief; that they have some desperate

enterprise on foot that their prophetic souls tell them is beyond the boundary of rightful jurisdiction, and that incarrying it out they will meet with stub-

"The party in power are fatally bent on mischief; they have some desperate enterprise on foot that their prophetic souls tell

Has the majority in this body some desperate enterprise on foot that their prophetic souls tell them is beyond the boundary of rightful jurisdiction."

Has the majority in this body some desperate enterprise on foot that they want to pass through this body which excuses that Senator for violating the sound dectrine he has there laid down, without notice, so far as I have been able to determine, to rise in his seat and introduce an amendment to the rules, invoke the Presiding Officer of this body to violate his oath, and pass it nolens volens because he has the brute power to do it? That seems to be about the situation, Mr. President.

But that is not all the Senator says in this excellent article.

He proceeds:

The excesses which they will attempt will be such at are dictated by a conviction of party necessity. The measures for which the way must be cleared are such as will, in their judgment, secure party ascendency. If it can be done, the rules will be so framed that all opposition will be silenced when they are ready to vacate a Democratic seat and give it to a Republican contestant, regardless of the vote of the constituency. And there will be no "scandalous scenes" when they are trying to pass bills to create returning boards to give certificates of election to defeated Republican candidates for electors and members of Congress. It is to prepare the way for the advent of this higher civilization that the rules have been indicted and arraigned before the bar of public opinion.

Then he gives a history of some of the proceedings of that body in unseating several members of Congress, two from my own State:

While these resolutions unseating the Democratic Representatives were before the House, the minority indulged in parliamentary tactics to defeat them, and the country can decide whether the scandal attached to the majority, who were engaged in an effort to rob the constituencies of three districts of the right of representation, or the minority, who were engaged in defending them. .

Democrats ought not to be too severely criticised by their opponents for employing filibustering tactics, for the lesson was learned from the Republicans.

Then the distinguished writer gives a history of the Kansas-Nebraska bill against which the Republicans filibustered, and of the consideration and passage of the civil-rights bill. He says:

In 1857 there was another notable struggle by the minority to prevent the theft of the Presidency. An act of Congress was passed to change the existing rule for counting the electoral vote. A complission was created to lift the contest out of the murky atmosphere of politics, and into a higher and purer atmosphere of patriotism. But it was found that politics, and not patriotism, controlled the decisions of the commission, and that it was organized to avoid the obstructions that would otherwise have embarrassed the way to the Executive chair.

The Republicans again have a majority in the House, but not large enough to insure the success of their schemes. They have again extraordinary measures to be carried through, and the rules must again be subjected to their manipulations. They have gotten up seventeen contests for Democratic seats.

Then he says:

There was a thorough revision of the rules of the House in 1879. The committee charged with the duty of overhauling the rules reported numerous amendments, all of which had the unanimous agreement of the whole. The gag, of course, was left out, as it had been taken out by the Democratic House in the previous Congress, and not being in accord with the canons of Democratic faith, it was never restored in any of the Houses when they were in the majority.

The gag was left out in the revision of the rules in the other House on that occasion, but the Senator proposes in this body to apply the gag by not permitting the minority to open their mouths when he and his friends desire to change the rules in order to pass this or any other me sure.

Then he concludes this most excellent article, sound in every respect, according to my judgment, as follows:

The measure they propo

That is the Republican House of Representatives-

is bold and revolutionary, and it remains to be seen whether they will succeed in passing it, and, if it is passed, what the popular verdict will be when it comes to be enforced.

That is a part of the record made by the honorable Senator on this question. That was in 1889. On a more recent occasion in the House of Representatives, on February 10, 1890, the honorable Senator delivered a very spirited, able, sound argument against the very measure which he is now proposing that the Senate shall adopt. Among other things, he said:

Senate shail adopt. Among other things, he said:

Mr. Mills. Mr. Speaker, the code of rules which the majority of the committee have reported to the House for its adoption is a new departure in parliamentary law. It is a proposition to reverse the legislative engine and to run back on the track upon which we have been running forward for a whole century. It is a code based upon a newly discovered idea, that in this country minorities have no rights, and that majorities are all powerful, that they speak by inspiration, that their utterances are infallible and their actions impeccable. It is the resurrection of the old, exploded idea of centuries ago that the king is the divinely appointed agent of the Almighty, and of course "the king can do no wrong."

Then ofter quoting from the Declaration of Indexes here the law of the law of the course in the law of the course in the law of the law of

Then, after quoting from the Declaration of Independence, he

How are these rights to be secured? Certainly not by subjecting them all to the caprice and whim of a majority. Oh. no; our fathers never means

to do anything of that sort. Why, sir, they knew that power when vested either in a million of people or in one man, without any limit upon its exercise, is a tyrant. Hence our Government is a government of checks and balances. It is a government of limitations, delegations, and prohibitions.

Then, further on, the distinguished Senator said:

Yes, Mr. Speaker, majorities within their limits as defined by the Constitution are supreme. That ought to be satisfactory. But there are some powers that our fathers thought it dangerous for majorities to have, and they said that majorities should not have them. They put majorities under the ban of suspicion. They surrounded them with limitations. They directed the vigilant and watchful eye of the citizen on all their movements.

Again, he said:

Here, sir, is one place where the minority is superior to the majority. majority can create a navy, but it can not create a military commission to try any citizen in time of peace. A majority can close our ports, but it can not close our mouths. Free speech is one of the rights which is safely secured within the bolts and bars of the Constitution; it is far beyond the reach of the strong arm of the majority. .

They said in many things majorities should be supreme, and in many others that minorities should be supreme.

Then, again, the Senator said:

But. Mr. Speaker, it is not only in our national Constitution we see these limitations thrown around majorities. It is so in every State constitution in the Union. What is it for? It is to protect the minority; that is what it is for. It is a check to the madness of the majority or its caprice, or its wantonness, to use the word employed by Mr. Jefferson. It is to take away from it that power which all history shows it has so grossly abused.

Further on the distinguished Senator said:

Further on the distinguished Senator said:

The rules prescribed under the power conferred by the Constitution of the United States are for the protection of the minority, and they have done it from the foundation of the Government. That is one of the objects of making rules. It is not alone to facilitate business. Of course rules are intended to secure the orderly procedure of the business of this body, but at the same time they are intended to cause the House to halt, to pause, to reflect, and in some instance, where it may become necessary, to go back and inquire of the sober second thought of the people again. It is on the sober second thought of the people one Government rests. The people themselves may become mad. They may become wanton with power, and the very security of our free institutions rests on the fact that the sober second thought, in the language of one of our illustrious forefathers, will bring them back to a sense of their duty to their fellow-citizens and themselves, and thus preserve the blessings of free government for themselves and their posterity.

Mr. Speaker, what we have done on this side of the House was simply to call the attention of the people of the United States to the fact that the majority in this House had broken the bounds assigned to it by the Constitution of the United States, and that it was ravening like a wolf in the fold at night, that it was coming into the House in defiance of the constitutional mandate to make rules for the government of its procedure—rules for the protection of the minority as well as rules for the expression of the will of the majority in the prosecution of the business before the House.

So, I might continue to read, all in the line of the sentiments thus so forcibly and eloquently expressed. In three years from that time, to-day, in this body, the Senator from Texas and the Senator from New York propose to override the limitations and restrictions which the Constitution places upon the majorities, and to railroad through this body a motion to change the rules as they say, to enable the Senate to transact business. It will never be done with my consent. I recognize the rights of majorities to express their verdict in a constitutional manner; no man more readily does than myself.

The Senator from New York propounded a question to the Senator from Idaho [Mr. DUBOIS] awhile ago, and asked him when we could get to a vote with 20 Senators obstructing and opposing it. I will tell the Senator when we can get to a vote; I will tell that Senator now when we can get to a vote. If this majority, from which he proposes to take the bridle of restraint, will do as the founders of this Government did when it was organized and formed, formed for future generations, compromise the differences between the majority and the minority of this body, then a vote can be had.

Will the Senator allow me?

Mr. BUTLER. Certainly.

Mr. HILL. Possibly the majority might be a little obstinate; sometimes majorities are, as well as minorities; and they might not desire compromise. What then?

Mr. BUTLER. Then, Mr. President, it is the highest evidence to my mind that the bill ought not to pass, if that is the case, particularly when the Senator has announced that he proposes, if he can get assistance in this body, to remove the restraint from that majority and pass the bili over the rules, Constitution, laws, rights, and every other consideration which has controlled the deliberations of this body. I say if that majority is actuated by such motives and from such a consideration as that, the bill ought not to pass until, as was suggested by the Senator from Texas in his speech in the other House, we have had the opportunity of appealing to the judgment and verdict of the American people upon the subject. That is my position.

Mr. HILL. Will the Senator allow me?

Mr. HILL. Will the Senator allow me?
Mr. BUTLER. Certainly.
Mr. HILL. The question of the amendment of the rules is one thing: the question which the Senator was going to answer, as I understood him, was the question I had propounded to the

Senator from Idaho [Mr. DUBOIS]; which was, if the majority of this Senate desire to pass the pending bill, which they think is a wise bill, demanded by the best interests of the country, I ked the Senator to point out how the majority is to pass bill under the existing rules, provided the minority do not want them to pass it? I should like to hear a frank, plain, explicit answer to that question, and not a general reference to the Constitution, rules, and matters of that kind.

Mr. BUTLER. I will give the Senator from New York a di-Mr. BUTLER. I will give the Senator from New York a direct answer, and thought I had done so. When the majority finds itself in that condition in this body, with a strong, determined, sincere, anxious minority, the way to pass a bill is to make some concession to that minority. If that is not done, the

bill ought not to pass.

Mr. HILL. Then, I understand, if the Senator will indulge me a little further, that it is not the majority which passes bills in this body, and the bills passed do not reflect the sentiments of the majority, but they reflect the sentiments of the minority?
Mr. BUTLER. Oh, no.

Mr. HILL. And therefore the plain doctrine, enunciated by Mr. HILL. And therefore the plain doctrine, enunciated by the Senator now for the first time, is that the majority can not pass bills they want to pass, but that they must always compromise with the minority. I do not believe in any such doctrine. Mr. BUTLER. Oh, no, Mr. President, the Senator from New York has made a side issue, and he begs the question when he says that the majority here never pass a bill through this body without the consent of the minority.

Mr. HILL. If the Senator will indulge me a moment I shall

If the Senator will indulge me a moment, I shall Mr. HILL. not interrupt him further, I think. I understood him to say-I am not so far off, I think, that I did not correctly understand him—that if the majority desired to pass a bill under those circumstances and refused to compromise, then he said that the bill ought not to pass.

Mr. BUTLER. And I repeat it, Mr. President.
Mr. HILL. And there I take issue with the Senator.
Mr. BUTLER. I repeat it, and I have no apologies to make for it; and I repeat to the Senator what I said the other day, that seven-tenths, I think nine-tenths, of the measures which become laws in this country are the results of compromise. Does the Senator pretend to say that because the rights of the minority are recognized in a measure, it does not express the judgment of the majority? Is that the position I understand the Senator from New York to take?

Does the Senator want an answer?

Mr. HILL. Does the Senator want at answer?
Mr. BUTLER. Yes.
Mr. HILL. I should not interrupt the Senator otherwise.
Mr. BUTLER. I have not the slightest objection to interruption, for I want to state my position, and I wish to hear the

Mr. HILL. My position is—and I submit that it is the correct position under our form of government—that the minority have the right to express their views, have a right to endeavor to impress their views upon the majority, but if the majority in their ignorance, in their wisdom, in their obstinacy, or in their foolishness desire to reject the views of the minority, they have a right to do it. I say that I can not find anything in the Content of the University of the University of the Content of the University o stitution of the United States which says that a minority of the United States Senate can pass a bill. [Applause in the galleries.

Mr. BUTLER. Nor I, Mr. President.

Mr. HULL. If there is such a provision let it be pointed out.
Mr. BUTLER. I have made no such statement. I have not I have not stated that a minority could pass a bill; I have stated, what I repeat, that a minority is clothed by the Constitution and the rules made in pursuance of it, with the right to prevent the passage of obnoxious measures; and when the majority has expressed itself in a constitutional way in accordance with the rules, then, I submit, it has the power and the right to pass measures. ures; and not till then.

Mr. PALMER. May I ask the Senator from South Carolina

a question? Mr. BUTLER. Yes, sir.

PALMER. Let me ask the Senator does he believe the majority have a right to vote on a measure?
Mr. BUTLER. It depends on how the majority behave them-

selves whether they have a right to do it or not. [Laughter.]
Mr. PALMER. When it does?

Mr. PALMER. When it does?
Mr. BUTLER. Then I think they have a right to vote.

Mr. PALMER. Do I understand the Senator that the majority must accede to the demands of the minority before they can

Mr. BUTLER. Yes, they can vote. We have been voting here all the time. Mr. PALMER.

On the main question?

We have been voting here for the last two Mr. BUTLER. months on some question.

Mr. PALMER. Oh. yes; but on the main question. Can I, as a Senator from Illinois, be allowed to vote for repeal?

Mr. BUTLER. The Senator must answer that question for himself. I do not control the Senator's vote. I say to the Senator when you want to receive the page of the receive when you want to receive the page of the receive when you want to receive the page of the receive when you want to receive the page of the receive when you want to receive the page of the receive the page of the receive the receiver the tor that he has a right to vote whenever we reach a vote under the rules
Mr. PALMER. Whenever I get an opportunity?

Mr. BUTLER.
Mr. PALMER.
When can I have the opportunity?
Mr. BUTLER.
When debate is exhausted.

Mr. BUTLER.

I may not be with the majority, but does the Mr. PALMER. Senator mean to say that I can have a right to vote only when

the minority conclude to concede it to me?

Mr. BUTLER. Whenever the debate is concluded and the minority think they have had ample time to debate the question, I take it for granted the Senator from Illinois will have the right to vote. I have no control over his vote. I only control my

Mr. PALMER. Until the minority conclude that I may vote,

I can not.

Mr. BUTLER. Precisely; you can not vote, because the rule

gives the right of debate.

Mr. PALMER. That is the Senator's interpretation of the rule, that until the minority conclude that the majority may vote, they can not vote?

Mr. BUTLER. When debate under the rule is exhausted, of

course you have a right to vote.

Mr. PALMER. I understand the Senator to say that the interpretation of the rule of the Senate is, that until the minority onsent the majority can not vote?

Mr. BUTLER. Now let meask the Senator a question. Does

he not admit that the rule as now existing in our code of rules gives the minority unlimited power of debate?

Mr. PALMER. No.
Mr. BUTLER. If the Senator denies that the rules under which we are acting do not give the minority unlimited power

of debate, then, of course, the controversy between the Senator and myself is ended.

Mr. PALMER. May I be allowed to make a statement? I believe that in all discussion before this body the minority have the right in good faith to exercise the right of free debate, but when minorities maintain the right to debate for the sake of ex-

hausting time I deny that right.

Mr. BUTLER. Nobody has done that.

Mr. PALMER. It has been claimed here.

Mr. BUTLER. Nobody has done that.

Nobody has done that. There has been what may be called obstruc-Mr. PALMER. tive debate.

Mr. BUTLER. That is a matter of opinion. Who is to determine whether I am obstructing now or not?
Mr. PALMER. May I answer the question?
Mr. BUTLER. Certainly.

Mr. PALMER. First, the Senator himself; secondly, the majority of this body. [Applause in the galleries.]
Mr. BUTLER. I did not hear the Senator's answer.

Mr. PALMER. I said, first, the Senator himself, under his

Mr. HARRIS. Mr. President, I rise to a question of order. The VICE-PRESIDENT. The Senator from Tennessee will state his point of order.

Mr. HARRIS. It is in gross violation of the rules of the body

for the galleries to make any expression of approval or disapproval of what is occurring on this floor.

The VICE-PRESIDENT. Does the Senator from Tennessee enter a motion to have the galleries cleared?

Mr. HARRIS. I will demand it, if the offense is again re-

peated; but not now.

The VICE-PRESIDENT. The Chair takes this occasion to state to the occupants of the galleries that if the offense again occurs, upon the motion of the Senator from Tennessee, the galleries will be cleared. The Chair has more than once called the attention of the occupants of the galleries to the fact that any manifestation of approval or disapproval is a violation of the

Mr. HARRIS. I desire to add that it does not require a mo-tion, but it is one of the duties of the Chair, independent of a motion, to warn the galleries, and to order them cleared with-

motion, to warn the galleries, and to order them cleared without motion if the offense is repeated.

The VICE-PRESIDENT. Upon the suggestion of the Senator from Tennessee, the Chair announces that upon a repetition of this offense the Chair will order the galleries to be cleared.

Mr. BUTLER. Mr. President, I am perfectly well aware that under the rules of this body, which the Senator from New York and the Senator from Texas are so ready to trample on, to cast aside and discard, and convert this Senate into a town meeting—
I am perfectly well aware that it is one of the provisions of that

code of rules that no applause shall be allowed in the galleries; and if I have been the means, while nobody applauds me, if the friends of the Senator from New York have gathered here for the purpose of expressing their approbation of his methods I should be very glad, Mr. President, to invite that Senator out upon some street corner, where he and I can have it out before

Mr. MANDERSON. Mr. President, I rise to a point of order. The VICE-PRESIDENT. The Senator from Nebruska will

Mr. MANDERSON. I ask for the enforcement of the rule.
The Senator who is called to order must sit down, and he can not proceed without leave of the Senate.

Does the Senator call me to order? Mr. BUTLER.

Mr. MANDERSON. Ido. Mr. BUTLER. Very well Very well

The VICE-PRESIDENT. The Senator from South Carolina

Mr. MANDERSON. I ask that the words as spoken be read

by the Reporter.

The VICE-PRESIDENT. The words will be read.

The Reporter read as follows:

Mr. BUTLER. Mr. President, I am perfectly well aware that under the rules of this body, which the Senator from New York and the Senator from Texas are soready to trample on, to castaside and discard, and convert this Senate into a town meeting—I am perfectly well aware that it is one of the provisions of that code of rules that no applause shall be allowed in thegal heries; and if I have been the means, while nobody applauds me, if the friends of the Senator from New York have gathered here for the purpose of expressing their approbation of his methods, I should be very glad, Mr. President, to invite that Senator out upon some street corner, where he and I can have it out before the masses.

Mr. MANDERSON. Mr. President, I have simply this to say. I realize, in the heat of discussion, that much is said which should not be said. This debate for the last few days has been characterized by a degree of personalities unbecoming to the Senators who have used the personalities and not befitting this Chamber. I think all that is necessary is that, in a cool moment, the Senator from South Carolina shall hear a repetition of the words used by him, and he will see, upon a moment's reflection, that they

by him, and he will see, upon a moment's reflection, that they are hardly fit for this presence.

Mr. BUTLER. Mr. President, I must confess—

Mr. HARRIS. Mr. President, I move that the Senator from South Carolina be allowed to proceed in order.

Mr. MANDERSON. I second the motion.

The VICE-PRESIDENT. The question is on the motion of

the Senator from Tennessee.

The motion was agreed to.
The VICE-PRESIDENT. The Senator from South Carolina

will proceed in order.

Mr. BUTLER. This is like a thunderclap. I do not know

exactly how to proceed if I am to be hauled up on a short turn, as I was a while ago by the Senator from Nebraska. I was as unconscious as a man ever was in his life of violating any rule of order of the Senate. What I said to the Senator from New York was said playfully. I take it for granted that he so understood it.

Mr. HILL. I certainly understood that the Senator was speak-

Mr. HILL. I certainly understood that the Senator was speaking, as he sometimes does, in a Pickwickian, sense.

Mr. BUTLER. That is a better expression. But it seems to have struck everybody around me, and the Senator from Nebraska rises with the utmost solemnity and dignity and coolness and hauls me over the coals. Of course, I am very much obliged to that Senator when he thinks I am going wrong that he should experies the position of a set of obliged to that Senator when he thinks I am going wrong that he should exercise the position of a sort of censor morem over me; but I must confess I was taken entirely by surprise to have it supposed that I had ever violated any rules of the Senate. It has never been my habit, it is not now, to make personal allusions unless some Senator sees fit to attack me. Nothing was further from my purpose than to say anything that was unkind or unpleasant to the Senator from New York.

As he expresses it, it was said in a Pickwickian sense. The Senate seems to be getting into a very serious mood after having

Senate seems to be getting into a very serious mood after having been in a very hilarious one in the gallery; and I simply wanted to keep up that feeling, if possible. As my friend from Arkansas Mr. BERRY] suggests to me, I meant to speak on the corner, not to fight. I had no idea of inviting the Senator from New York out on the corner for the purpose of doing anything else except indulging in a little legitimate stump-speaking; that was all; and as the galleries were applauding, I thought I would give them a wider range, where they could hear the Senator better.

But, Mr. President, I think this is one of the results of the proposition of the Senator from New York himself and of the

Senator from Texas.

Mr. HILL. What proposition?

Mr. BUTLER. This performance here in the Senate. I think it is one of the natural and necessary results of the prop-I am perfectly well aware that it is one of the provisions of that osition of the Senator from Texas and the Senator from New

York that the majority shall change the rules of this body without regard to the mode or method by which they shall be changed. It seems to me that way. Clothe the majority with power, unrestrained, unlimited, unbridled power, and you will have a town meeting or a mass meeting here at any time you

Mr. PUGH. Or a despotism.
Mr. BUTLER. Or a despotism, because the history of mankind proves that power is always aggressive and never latisfied, except it is accumulating more and more.

Now, I should like to ask the Senator from New York a ques tion, and I should like to ask the venerable Senator from Illinois a question—one at a time. How do they propose to get around the difficulty which they say is confronting us to-day? I should like to have an answer from the Senator from New York first.

Mr. HILL. Let us first ascertain what the difficulty is.

Mr. BUTLER. The difficulty, I understand, complained of by the Senator from New York is because we can not get a vote. That I understand is the complaint made by the Senator from New York and the Senator from Illinois. Now, I should like the Senator to tell me how he proposes to get around that difficulty and get to a vote. culty and get to a vote.

Mr. HILL. In the first place, to answer the Senator from South Carolina, we must ascertain what the difficulty is.
Mr. BUTLER. Well, I leave that to the Senator.

Mr. HILL. The difficulty, I understand, is that by reason of the imperfection, the weakness, the omission, and, as I think, the unconstitutionality of existing rules, with the minority act-ing as now, and as they assert they propose to act, it is utterly impossible for the majority to carry out the constitutional provision which requires them to legislate, and that, therefore, these rules are just as defective, just as unconstitutional in practical substance and effect as though they had in their very terms provided that the rules should never be changed without the consent of the minority.

That is the difficulty that confronts us, and I am free to say unless the minority retreat from their position, unless the minority consent that we may vote, if they continue in the attitude they have now assumed and threaten to continue, we can not pass the pending bill or any other bill that the people demand.

That is the difficulty. Now the remedy. I argued the other day, sir, that it was always the right under the Constitution for the Senate (and when I speak of the Senate I speak of the majority of the Senate, of course) to make rules. The right is conferred by the terms of the Constitution. In that same Constitution, which gives the majority the right to make rules, is con-

the right and the responsibility of legislation. We have the power to make the rules; we are required to legislate. In order to carry out those two purposes I go further and say, the power to make the rules implies the power to change them; and whenever the majority of this body discover that it is utterly impossible for them to legislate without a change of the rules, they have the constitutional right to so change the rules as to enable them to legislate. The difficulty? There is no difficulty, sir, in carrying out this constitutional provision.

Mr. BUTLER. If the Senator will allow me right there, be-

cause he and I are together up to that point—
Mr. HILL. I am very glad to hear it.
Mr. BUTLER. Nobody has denied, I have not, the right of
the Senate to change its rules. Nobody has denied that. It has been done over and over again in this body and the other. The point I would like the Senator-

Mr. HILL. I understand the Senator thinks the majority have a right to change the rules without the consent of the minority

Mr. BUTLER. That is what I am coming to.
Mr. HILL. That is the point. The Senator is very near

right to that point.

Mr. BUTLER. I admit the right of the majority to change the rules. Nobody denies the right.

Mr. HILL. It seems to me that is the remedy for the whole

difficulty.

Mr. BUTLER. Nobody denies the right of the Senate to change its rules; but the point where the Senator and I part company is as to the manuer of changing those rules. I under-stood the Senator to say that the majority could get up and by simple resolution at any moment change the rules.

derstand that to be his position?

Mr. HILL. The precise hour, form, and manner of offering the resolution will be determined when the majority conclude to

amend the rules. The Senator need not be impatient.

Mr. BUTLER. Oh, Mr. President, that is not the question.

The Senator has not answered the question. I asked him if in proceeding to amend those rules he would be guided by the prothe code of rules under which we are governed? is the point I should like him to answer.

Mr. HILL. I insist upon it that any restriction in those rules whereby the majority are deprived of the power of making an amendment is not binding upon the Senate, because other the rules might bind the Senate so that it would be impossible to change them. In other words, my position is simply this: that whether the rules say directly that the majority shall control the amendment of the rules or whether by other provisions they permit the minority to prevent an amendment, it amounts to the same thing and has the same effect.

Mr. BUTLER. Then I understand the position of the Senator

is about this: that the rules bind the minority but do not bind

or control the majority. Is that the position?
Mr. HILL. That is not the position.

Mr. BUTLER. I should be glad to have the matter explained,

Mr. HILL. As I stated yesterday, and I repeat it for the information of the Senator, upon all ordinary methods of procedure they are binding upon both. In reference to the power of amendment, we can not tie ourselves up so that the majority

have not the power to amend the rules.

Mr. BUTLER. But, if the Senator will pardon me, we have tied ourselves up by a code of rules to which the Senator subscribed when he took the oath as a Senator of the United States. Now, I understand the Senator to say that he is not bound by that code of rules except in so far as it may meet his approba-

Mr. HILL. If we have, as the Senator says, tied ourselves up so that we can not change them, then I propose to untie the rules so that we may be permitted to change them.

Mr. BUTLER. How, Mr. President?
Mr. HILL. By simply presenting at the proper time and hour and place and occasion, to be determined by the majority, an amendment to our rules, and then proceeding as regulated by the majority to vote upon it. There is no practical difficulty if the majority of the Senate desire to change the rules.

Mr. BUTLER. Then I understand the Senator, in proceeding to change those rules, would disregard Rule XL?

Mr. HILL. What is Rule XL?

Mr. BUTLER. Rule XL reads:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unant-mous consent of the Senate, except as otherwise provided in clause 1, Rule

Do I understand the Senator from New York to say that in proceeding to amend the rules he would ignore the provision of

Mr. HILL. That rule is very easily complied with; and I should prefer, and have already given notice of, an amendment under the strict terms of that rule.

Then I understand the Senator to say that he Mr. BUTLER. would not consent to amend the rules except as provided in the code of rules itself.

Mr. HILL. I have not said that. I said I have thus far proceeded under the strict letter of the rules. What position the majority should take upon this question, if a majority desire to change the rules, will depend in my judgment very much upon the attitude of the minority.

Mr. BUTLER. Then I understand the Senator to say that he will not be bound by the code of rules in proceedings to amend them; but, as I understand him, he would amend the rules according to the will of the majority at any hour of the day, as many hours as we sit here, at any day of the week, in any week of the year, by the will of the majority.

Mr. HILL. I have said that the power to amend the rules is a constitutional right, and it overrides any particular rule here which in any manner restricts or limits it. But the majority have a right to proceed under the rules, if they see fit or desire to do so, and unquestionably the majority would proceed, as we have proceeded thus far, strictly under the very rule mentioned by the Senator.

Mr. BUTLER. I am not asking what the majority would do;

Mr. Bol Lich. I am not asking what the higherly would do?

Mr. HILL. I hope, sir, that I am one of the majority. I assume only to speak for myself. I hope that before this debate is through a majority will be found by my side ready to insist upon the constitutional right to amend the rules, whereby we can carry out the provision of the Constitution which vests in the majority, and not in the minority, the power of legislation.

Mr. BUTLER. To that proceeding there would be no objection-not the slightest.

Mr. HILL. Then we agree.
Mr. BUTLER. I have finally got the Senator down to the point, which was rather difficult to do I confess. If he will pro-

ceed in that way, if he will proceed in the manner provided in the rules themselves, he will find that the minority will meet him on those rules, frankly, freely, honestly. Nobody here, I repeat, has denied the right of the majority of this body to change its rules. A man who would deny it would fly in the face of history. They have been changed and modified over and over again, and perhaps will be as long as this is a deliberative body. The other House of Congress are amending their rules from

The other House of Congress are amending their rules from time to time, but they do it in an orderly, constitutional, regular, lawful way, and no parliamentary body that I have heard under a popular government has ever clothed a naked, unbridled majority with the right to amend its rules or transact any other

Mr. HILL. In order that we may understand each other further, and possibly better, does the Senator claim the right of unlimited debate on every amendment of the rules: I claim no right except that which is given

Mr. BUTLER. me by the Constitution and rules themselves.

Mr. HILL. That statement is pretty general.
Mr. BUTLER. If the rules give me the right to unlimited debate, and my conscience and my judgment and my duty to my constituents justify me in conducting that unlimited debate, I shall proceed to exercise that right.

Mr. HILL. Can not the Senator answer it in any other way? He prefers not to answer in any other way. I was simply going to suggest how can the majority amend the rules, although given power under the Constitution to amend the rules, if the minority are to enjoy the right of unlimited debate upon the very question involved?

Mr. BUTLER. Mr. President, we would rely upon the persussive powers and eloquence of the Senator from New York.
Mr. HILL. I fear that would not be sufficient to induce the

minority to amend the rules.

Mr. BUTLER. We would rely upon that to convince us. Mr. STEWART. We expect to convince him before we get

Mr. BUTLER. I am not so sure about that. The Senator from Nevada says we expect to convince the Senator from New

York before we get through.

Mr. STEWART. He has taken our side of the question in

half of his speeches.

half of his speeches.

Mr. BUTLER. I am very glad to hear that. I think we are making progress with the Senator from New York.

Mr. STEWART. Certainly, he is on the fence.

Mr. BUTLER. I think he is a little over on our side, and when the persuasive eloquence of my friend from Nevada shall have a little further sway, I think the Senator from New York will drop entirely on our side of the fence.

Mr. STEWART. I think so, too.

Mr. BUTLER. I think perhaps if the New York election was over he would come over to our side. I do not know about that.

over he would come over to our side. I do not know about that, but I am inclined to think that would have some influence and I am not saying that reproachfully at all.

Mr. HILL. I can not hear the Senator.
Mr. BUTLER. I will not repeat it; it is a little badinage.
Now, Mr. President, returning to the Senator from Texas [Mr. MILLS], who, I am sorry to say, is not here, he treated us

yesterday evening to a most graphic—
Mr. HOAR. Before the Senator proceeds to that new point,
Ishould like to ask him a practical question to get at his views,

if there be no objection.

The VICE-PRESIDENT. Does the Senator from South Caro-

linia yield to the Senator from Massachusetts? Mr. BUTLER. Of course, Mr. President.

The rule at present provides that for the morning hour, which is two hours, only certain topics shall be taken up, except by unanimous consent; which very easily may, if any-body chooses to debate them, always fill up the morning hour.

Now, suppose an outgoing political majority just before the 4th of March should extend that rule to the entire day, and should leave behind them a certain calendar, as they would have the right to do, by having a rule that the Senate is always the same body; and they provide that only the subject prescribed in that calendar should be taken up in the entire day except by unanimous consent. They give place on the 4th of March, under the new elections of the third of this body, to a majority of another political faith. Under such a rule, constitutionally adopted, that majority can never proceed to take up or consider the great measures which the people expected to be accomplished when they changed the political power in the country.

Now then, they set themselves to amend that rule, and under

the rule two Senators may divide the twenty-four hours between them. One of them may move for an adjournment and have the Presiding Officer count the Senate on it, and then alternate a motion for a recess, and spend twelve hours in that way. The other may take his place and spend the other twelve hours.

That method of proceeding being in perfect accord with the rules of this body would prevent forever, at the will of two men alone, the body from changing by reason of the new majority which has come in.

Now, does the Senator hold that there is no power in this body to prevent that thing? You can not prevent it by changing the rules according to the rules, because you can never get a vote to do it, and therefore no political change of opinion and of power can take place in the Senate until every State has changed its

Senator. I ask the Senator if his logic does not bring him to that position, and if he accepts that position.

Mr. BUTLER. No, Mr. President, I think not. Of course the Senator from Massachusetts or any other Senator can propound what appears to me (and I say it without any disrespect

to him) a very absurd proposition. Mr. HOAR. It is not.

Mr. BUTLER. That is the way it strikes me. Of course we can always suppose an extreme case, and the one proposed by the Senator is an extreme case. The general rule of law is, I believe, that all public officials are going to discharge their duty according to law. The presumption is in favor of this body changing its rules in accordance with the principles of common sense and common justice, and in the discharge of the public business. The Senator might get up and ask me a great many

wery extreme questions which would have no relevancy.
Will the Senator allow me to ask him a question? Does the
Senator from Massachusetts hold that this body can change its
rules except in accordance with the code of rules itself?

Mr. HOAR. I do.
Mr. BUTLER. You do?
Mr. HOAR. I do.
Mr. BUTLER. In what manner?
Mr. HOAR. I will state it if the Sepator wants me to do it. Before stating it, however, I should like to add only one sentence to what I have just said. Although I have put an extreme case, it is no more extreme than that which confronts this body at the present moment, when a Senator who half a minute ago was in his seat said to a majority of the Senate, "You know you can, not pass this bill," not meaning—no human being who heard him understood him to mean—that he knew the minority would persuade and change the majority. We all understood him to mean that we know there is no constitutional way in which the majority, desiring to pass the bill, could do it.

Now, then, I answer the Senator's question. I will answer it with

great pleasure. I say that if there were a motion made to change these rules, which tie up and prevent the American people from changing the political policies of this country at the will of the minority, and that motion were presented to the Presiding Officer after the debate, or after motions to adjourn and take a recess, or the call of a quorum, or whatever motion, usually called filibustering, had gone so far in the opinion of the constitutional Presiding Officer of this body, who is chosen by the American people and not by the Senate, and has his duty prescribed for him by the Constitution fundamentally in the beginning-I say when it had reached the point which implied to his mind that the further discussion was intended to prevent action, it would be in his power and would be his duty to say to the Senate, "Shall I put this question without further debate or dilatory motion?" and thereupon to direct the yeas and nays to be called, permitting nothing to interfere, and if a majority of the Senate say "aye" it would be his duty to put that question.

perinting nothing to the prescribe rules, it is true, but there is a rule beside that we prescribe, and that was prescribed by us, by our masters, the American people, when they enacted their Constitution. That is a rule above, below, around, within every rule that the Senate has adopted; and the great officer who sits in that chair would, in my judgment, be bound, as the Speaker did in the other House, to obey its supreme behest.

Mr. BUTLER. In other words, Mr. President, that is a reaffirmation of the higher-law doctrine, as I understand it.

Mr. HOAR. Constitutional. It is a higher law thus to some people than the law they practice on.

Mr. BUTLER. The Senator from Massachusetts had better Mr. BUTLER. The Senator from Massachusetts had better keep his temper, because I have been very amiable while he has interrupted me, and there is no need for him to fly—
Mr. HOAR. If my friend will permit me, having preserved, if I give up my own temper I shall not take his in exchange

Mr. BUTLER. Let the Senator preserve his own temper now, and we will proceed amiably about this matter. The VICE-PRESIDENT. The Sanate will be in order.

Mr. BUTLER. I say in my judgment the statement made by the Senator from Massachusetts is a reaffirmation of the higher-law doctrine. That is my judgment. Of course, I take it, the Senator, with his views, will give me the right to have my own opinions without subjecting myself to his animadversions.

The Senator from Massachusetts says that in a certain contin-The Senator from Massachusetts says that in a certain contingency which he has stated it would be the duty of the Presiding Officer of this body, upon a motion, to cut off debate, and that he alone shall be the judge as to when the minority have sufficiently discussed the question pending.

Mr. HOAR. I desire to apologize to the Senator from South Carolina for the fact that I shall be obliged to absent myself are the Senator for a little while and the I can be senatored.

from the Senate for a little while and that I can not remain and hear what undoubtedly will be a very eloquent answer.

Mr. BUTLER. I am very sorry that the Senator is going away. Of course he is entirely excusable, as he has explained to me; and the entente cordiale has been entirely restored between

As I understand the proposition of the Senator from Massachusetts, it is that when a majority of this body determines that a rule ought to be changed, some member of the majority may make a motion that debate shall be concluded, and thereupon it

is the duty of the Presiding Officer to declare the debate ended.

Now, Mr. President, where would that place a minority? A

majority of one of the great parties of this country is in control of the Senate. The Presiding Officer of this body is in political accord with that majority, and the minority are turned the tender mercies of the majority and that partisan Presiding Officer. Is that the position in which the Senator from Massachusetts and those who think with him, would place the minority?

I scarcely think so, Mr. President.
In the Government of Great Britain that has never been done.
They adopted cloture in the House of Commons after a long and bitter contest by the minority; but the Speaker of the House of Commons is a nonpartisan. He is put there to protect the minority in their right of debate, and he will decline to close a debate when in his opinion the majority are acting in a wanton

Mr. PALMER. Will the Senator from South Carolina allow me to ask him a question to ascertain a fact? Does there reside

me to ask him a question to ascertain a fact? Does there reside a power anywhere in this body under the rules to declare when debate has closed and the Senate shall proceed to vote?

Mr. BUTLER. I do not think there does; and as much respect as I have for the patriotism of my party friend who presides over this Chamber to-day, as fair and impartial and as patriotic as I believe him to be, I would resistany effort to make him the depository of the power to say when debate shall terminate in this body. I would resist it with my party in the majority, because I believe it would be subversive of the very foundation principles upon which this Government is built and framed.

It is a very different thing in the British House of Commons, where the Speaker of the House is a nonpartisan. He is put there to protect the minority, the idea being that the majority is able to take care of itself, which is true. But what earthly chance would a minority have with the majority of one party and the Presiding Officer of the same party to carry through party measures?

Mr. LINDSAY. I ask the Senator from South Carolina, with his permission, whether he thinks the method of selecting the presiding officer of the British House of Commons is superior to the method by which the Presiding Officer of this body is se-

Mr. BUTLER. I am not discussing that point. It has not the slighest reference to what I am saying. That would open a door of discussion which I do not propose to go into with the Senator from Kentucky. I am stating a fact, and when he denies the fact, I will then talk to him about it. The speaker of the British House of Commons is a nonpartisan. It is so understand that the is not there for the appropriate that the second that he is not there for the appropriate that the second that he is not there for the appropriate that the second that he is not there for the appropriate that the second that he is not there for the appropriate that the second that the second that there is not the second that the second that there is not the second that there is not the second that there is not the second that the sec stood; and it is understood that he is put there for the purpose of protecting the minority. What protection would a minority have in this body with a presiding officer and the majority of one party? Sir, I would never consent to it. Mr. ALDRICH. Will the Senator from South Carolina allow

me to ask him a question?

Mr. BUTLER. Yes, sir; two, if necessary.
Mr. ALDRICH. Pending a proposition to amend the rules of this body, who is to decide when the conclusion of the debate is to be reached?

Mr. BUTLER. The Senate decides for itself.

Mr. ALDRICH. Who are the Senate?

Mr. BUTLER. It is this body, sitting around here. The Senator is a part of it, and he has a right to his opinion as well as I have to mine as to how long he should talk.

Mr. ALDRICH. But how am I to express my opinion if the minority of the Senate, or those who differ with me, conclude to continue discussion indefinitely?

The Senator from Rhode Island is not afflicted with such an amount of modesty that he can not get in whenever he chooses. He is not overwhelmed with modesty.

Mr. ALDRICH. I beg pardon; it is not a question of modesty.

Mr. BUTLER. It is, because the Senator can get the floor at almost any time he chooses.

almost any time he chooses.

Mr. ALDRICH. I can get the floor for the purpose of talking, but not for the purpose of voting, I am sorry to say.

Mr. BUTLER. Then somebody else wants to talk. [Laughter.] After the Senator has uttered his eloquent phrases and electrified this body and the galleries with his powers of eloquence he ought to give some other Senator an opportunity to express himself in a feeble way, I should think.

Mr. ALDRICH. Does the Senator think that is a fair answer

to my question?

Mr. BUTLER. 1 think I have answered it. The Senator asked me who is to judge when a motion is under discussion to amend the rules, when the debate shall end; I say the Senate itself.

Mr. ALDRICH. And that, if the Senator will pardon me, is just what I say, and I say the Senate itself is a majority of the

Senate.

Mr. BUTLER. Well, then, let the majority determine it, but do not let the Presiding Officer do it. That is the point I make. I know very little about the rules of either body, I am very frank to say; but I understand that under their present system in the committee on Rules determine when debate other House the Committee on Rules determine when debate shall end and when a vote shall be taken. Is not that the case?

Mr. ALDRICH. No; the Committee on Rules bring in a proposition. The House itself must adopt it.

Mr. BUTLER. The Committee on Rules does practically determine it. If the majority sustain the Committee on Rules, then the vote is taken?

Mr. ALDRICH. Yes; that is the case. Mr. BUTLER. That is the rule, I understand. Now, there is some sense and some reason in that procedure; but the idea of depositing that power in any one man appears to me to be monstrous, particularly in view of the conditions which I have stated

Mr. ALDRICH. I have not undertaken to be the representative here of the Senator from Massachusetts [Mr. HOAR] in his absence, but I did not understand him to take the position that the Presiding Officer could determine the question, but that the Presiding Officer should submit the question to the Senate and let a majority of the Senate decide whether debate had proceeded a sufficient length of time.

Mr. BUTLER. I understood the Senator from Massachusetts to state the Presiding Officer should put the question and not recognize anybody for a dilatory motion.

Mr. ALDRICH. Oh, no; I think the Senator is mistaken

about that

Mr. BUTLER. It was entirely upon that hypothesis I made my statement

Mr. ALDRICH. I understood the Senator from Massachusetts to say that the Presiding Officer should submit to the Senate the question whether debate had proceeded at sufficient length, and upon a decision of the majority of the Senate that debate should close, then he should put the question without further dilatory

motion.

Mr. BUTLER. The RECORD will speak for itself. I understood the Senator from Massachusetts to make that statement. Now, Mr. President, the Senator from Texas [Mr. MILLS] yes-Now, Mr. President, the Senator from Texas [Mr. MILLS] yesterday stated, and it has been stated by the Senator from Illinois [Mr. PALMER] to-day, and I believe by the Senator from New York [Mr. HILL], that the Senate is paralyzed; that the Government is paralyzed. The Senator from Texas stated that the Senate could not pass an appropriation bill. Why could not the Senate pass an appropriation bill? Has the Senator made an attempt to get one through this body? Has any Senator attempted it? Has any other measure than the one which is pending been suggested for the consideration of this body, except the motion to amend the Journal made by the Senator from Colorado, which we are now discussing?

we are now discussing?

How, then, is the Government paralyzed; because the majority can not have its way? Oh; no, Mr. President, this Government is not paralyzed.

I will not include the Senator from New York, because he has

modified his proposition; but, if the proposition of the Senator from Texas should prevail, I tell him the Constitution of this

Union will be paralyzed.

This Government did have a partial stroke of paralysis about thirty years ago, but in the course of four years it accumulated to itself more power than any government on the face of the earth, and it has more power to-day. If it had not had that gi-gantle power, such valiant warriors as the Senator from Texas and myself, perhaps, would not have been compelled to lay down our swords, but we did. It was the power the Government had accumulated around itself in four years, more gigantic and por-tentous then any ever held by any government when the face of tentous than any ever held by any government upon the face of the earth, and it is the strongest Government to-day on earth.

How, then, can it be said that the Government is paralyzed because one little measure can not get through the Senate as rapidly and as hurriedly as its impatient advocates demand of the minority? All this talk about the paralysis of the Government is to me, Mr. President—and I say it without disrespect absurd and ridiculous. This particular measure may be para-lyzed for the nonce, and it ought to be. If we proceed in accord-ance with what has been suggested here to-day, there will be a paralysis of the Constitution of this Union from which it will never recover.

But the Government is going on all the same. It is collecting its revenues; it is meeting its obligations; it is supporting its military and naval establishments; it is sustaining all the executive departments of the Government; and Congress yet lives, not-withstanding bill No. 1 from the House of Representatives is still on our table. I think we ought to hold our hands up to high Heaven and implore the great Giver of all good that we may survive notwithstanding House bill No. 1 has not yet passed.

The Senator from Texas said that he would grasp the hand of

the Senator from Ohio on this measure. In his next breath he said that he was in favor of bimetallism or silver, but he rushes into the arms of the arch enemy of silver, and I do not say that disrespectfully or intending to be personal. He rushes into the arms of the arch enemy of silver, and oh, Mr. President, what a scene that would present to the American people, a scene fit for the gods and men to behold! The Senator from Texas and the Senator from Ohio embracing each other in a warm, cordial, voluptuous embrace! I would feel like exclaiming as the disconsolate Hamlet did when the ghost of his murdered father presented itself to him:

Angels and ministers of grace defend us!

What a picture it would make for the artist-the Senator from Texas and the Senator from Ohio embracing each other over the silver question! If that would not be an instance where extremes meet I do not know where we could find an illus-

And if we live long enough we shall behold another scene perhaps that would furnish a spectacle never before presented to the American people or to any people. When the election laws are reached, if the Government gets over its paralysis, and when a tariff bill for revenue only is reached, if it survives that paralysis, how the Senator from Texas will rush into the arms of the Senator from Ohio and embrace him again and again, and shake hands across the financial chasm!

Then he taunts those of us who vote with the venerable and distinguished Senator from Kansas with following the Populists; that "the Senator from Kansas, Mr. PEFFER," is the exponent of all the isms, of wild ideas; that he is a wild-eyed man, leading us astray; and the Senator from Texas says, de gustibus non est disputandum! That is true, Mr. President. He says, "politics makes strange bedfellows." There is no doubtabout that. But the strangest of all the political bedfellows this country has ever known will be the Senator from Ohio and the Senator from Texas.

I say to the Senator from Texas that so long as the Senator from Kansas stands for the great tolling millions of this country against the money power I am his friend, and will stand by him. If I had to choose a file leader in the great political contest confronting us I would take the man for my leader who stands to his guns for the rights of the masses of this country against about ten or twelve men in the city of New York who can bring ruin and distress and destruction upon the country in ht. So, sir, I am not abashed at the taunt.
Mr. President, the age of wonders and surprises will not

end with seeing me in the arms of the Senator from Kansas, and end with seeing me in the arms of the Senator from Kansas, and the Senator from Texas in the arms of the Senator from Ohio. We shall, I hope, live to see a long, fond, cordial, gushing embrace between the Senator from New York and the President of the United States. [Laughter.] That would be a picture for the artist. How long and lingering and loving it would be! A bucket of boiling hot water, Mr. President, could not separate

So the age of surprises has not passed, and I do not believe it will pass as long as this Congress is in session. We are going to have a great many such surprises. It would not surprise me to see my venerable friend from Nevada rush up to the White Houseand embrace the President. [Laughter.] Soatlast, whilst we have heard very direful predictions and prognostics about what is going to become of the country, that it is paralyzed, the Senate is paralyzed, the Government is paralyzed, I think as long as these love scenes continue there is no danger of a revolution or of the Government stopping. I regard them as very honeful store of the fever and the first of the fever of the first of the fever of the first of t hopeful signs of the future.

If the Senator from Texas will come as near getting over the fence on this rule question as the Senator from New York has done, I shall sleep much more profoundly and soundly than I other purposes."

have done since last Monday. I have no doubt he will, upon what he calls that sober second thought of the people. I have no doubt that he will not persist in a line which would destroy, as I believe it would destroy, the usefulness of this body, which would destroy its great underlying conservative principle, which has so long and so successfully and so ably sustained the burden imposed upon it by the Constitution and laws. Mr. President,

* * frather bear those evils we have, Than fly to others that we know not of.

If, after the excitement of this debate has subsided, a majority of this body shall deem it wise to modify its rules in a reasonable and conservative way, I do not know that I shall object; but the idea of attempting it now, with the heat of division and opposition burning in the minds of us all, would bring disuster, and, in my judgment, mortification and ultimately humiliation upon this Government. I would, therefore, counsel to be patient those who are manifesting so much impatience, demanding of me, as the Senator from Illinois [Mr. PALMER] has done over and over again, that I, one of eighty-five members of this body, shall say when a vote shall be taken, as though a man so insignificant as I should undertake to determine when a vote shall be taken.

I know that my venerable friend, I trust he will pardon me for

calling him "my venerable friend," is the 1-st man in the United States who would take one single step toward disturbing that underlying conservative principle which has preserved our institutions so long. I know he is impatient for this debate to end, but not more so than I; and I think I have suggested a method by which it can be ended with entire regard for the rights, the feelings, the interests of every Senator upon this floor; and it can be done, Mr. President, without leaving a sting, as I said the other night, to be carried away from this Chamber to rankle in the bosom of any Senator.

It can be done with entire regard for the best interests of all the people, those who reside in the financial centers as well as those who inhabit the plains of the West and the broad fields of the South, where all can have recognition and protection ac-cording to their deserts, and according to the opinions of their representatives. It is with that, sir, and with nothing less than that shall I be satisfied; to nothing less will I consent.

There are millions and millions of people in this country, and I am one of them, who sincerely believe that the currency is too much contracted, or, if not too much contracted, is so distributed. uted as to bring hardship, ruin, loss, and unhappiness upon millions of the American people; and it is always wise statesmanship, Mr. President, it is to-day, and has always been since popular government was born upon the earth, to make reasonable concessions to a large body of people who sincerely believe in a

particular line of policy.

Such concessions can be made without sacrifice of principle or without injury to anybody; and when some of our friends can relieve themselves of the conviction that they are politically infallible and concede that there are some other people who have political convictions and ideas as well as themselves-whenever we reach that point, my word for it, this question will be settled, and settled fairly and honorably.

Mr. TELLER. With the consent of the Senate, I ask that I

may be allowed to withdraw the amendment I offered for the correction of the Journal of the proceedings of Monday last.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none. If there be no further objection, the Journal will stand approved as

The Chair hears no objection, and the Journal is approved.

PURCHASE OF SILVER BULLION.

Mr. VOORHEES. I move-though I do not know that a motion is necessary-to proceed to the consideration of the unfinished husiness.

The VICE-PRESIDENT. Petitions and memorials are in order; but the Chair will entertain the motion of the Senator from Indiana.

Mr. VOORHEES I move that the Senate proceed to the consideration of House bill No. 1.

Mr. KYLE. I should like to ask if the morning business is

The VICE-PRESIDENT. The Chair entertains the motion of the Senator from Indiana to dispense with morning business and proceed to the consideration of House bill No. 1. The question is on that motion.

The motion was agreed to.
The VICE-PRESIDENT. The Secretary will report the bill

The SECRETARY. A bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for

Mr. MARTIN. Before the regular business is proceeded with, I should like to ask unanimous consent to introduce a bill.

Mr. VOORHEES. I will yield to morning business.

Mr. VOORHEES. I will The VICE-PRESIDENT. Is there objection? The Chair bears none.

BILLS INTRODUCED.

Mr. MARTIN introduced a bill (S. 1095) for the relief of John A. Rollings and James Gilfillan; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS introduced a bill (S. 1096) making a judgment a lien on all real estate or interest therein of the debtor in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MANDERSON introduced a bill (S. 1097) to admit to the mails as second-class matter periodical publications issued by or under the auspices of regularly incorporated benevolent and fraternal societies and orders and institutions of learning, and

for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 1098) granting an increase of pension to Winfield S. Smith; which was read twice by its title, and

referred to the Committee on Pensions.

He also introduced a bill (S. 1099) to refer the claims of George A. Eggleton and others to the Court of Claims; which was read twice by its title, and referred to the Committee on Military Affairs

He also introduced a bill (S. 1100) to grant an honorable dis-charge to William Morris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill S. 1101) to remove the charge of desertion from the military record of Daniel Merritt; which was

read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LODGE (by request) introduced a bill (S. 1102) to regulate interstate commerce, and for other purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce

Mr. CULLOM introduced a bill (S.1103) for the relief of Thomas J. Spencer; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT OF THE RULES.

Mr. MANDERSON. With the consent of the Senator from Indiana in charge of the repealing bill, I desire to give notice of an amendment to the rules and ask unanimous consent that it may be read

The VICE-PRESIDENT. The proposed amendment will be read, in the absence of objection. The Secretary read as follows:

Amend Rule XII by inserting an additional clause, as follows:

"When upon a vote by yeas and mays it shall appear to the Chair upon recapitulation and before the announcement of the result that a quorum has not voted, he shall call upon Senators present who have not voted, by name, to vote, and shall direct the Secretary to add to the list of the Senators voting the names of the Senators present not voting, including those announcing pairs, or who may or may not be excused from voting, and to enter the same in the Journal; and fithe whole number constitute a quorum, and it shall appear that a majority of a quorum (or two-thirds) has voted on either side, the question shall be deemed to have been determined and the result shall be announced the same as if a quorum had voted."

The VICE-PRESIDENT. The proposed amendment will be ordered to be printed in the absence of objection.

W. L. HARDY AND OTHERS.

Mr. GEORGE submitted the following resolution: which was referred to the Committee on Foreign Relations, and ordered to be printed:

Resolved. That the Secretary of State be, and he is hereby, directed to communicate to the Senate the present status of the claim of W. L. Hardy, John L. Carter, and William T. Holland against the Government of Spain for damages occasioned by their illegal arrest on board the brig Georgiana, of the coast of Yucatan, by a Spanish warship in May, 1850, and their subsequent imprisonment; what obstacles exist to the enforcement of said claim, and what action, if any, is needed to be taken by Congress in reference to the settlement of the same.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed the bill (H. R. 3963) to amend sections 828, 833, 847, and 1014 of the Revised Statutes of the United States, relating to clerks' fees, semiannual returns of fees by district attorneys, marshals, and clerks, commissioners' fees, and to offenders against the United States; in which it requested the concurrence of the Sen-

HOUSE BILL REFERRED.

The bill (H. R. 3963) to amend sections 828, 833, 847, and 1014 of the Revised Statutes of the United States, relating to clerks'

fees, semiannual returns of fees by district attorneys, marshals, and clerks, commissioners' fees, and to offenders against the United States, was read twice by its title, and referred to the Committee on the Judiciary.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the amendment re-

ported by the Committee on Finance.

Mr. QUAY. I desire at this time to submit an amendment which I intend to propose to the pending bill, which I ask may he read

The VICE-PRESIDENT. The proposed amendment will be read.

The SECRETARY. It is proposed to amend the amendment reported by the Committee on Finance in line 26, after the word debte," by inserting the following:

This act shall take effect on the 1st day of January, 1896.

Mr. QUAY. I ask that the amendment may be referred to the Committee on Finance. The VICE-PRESIDENT.

The amendment will be printed and referred to the Committee on Finance, in the absence of objection.
The VICE-PRESIDENT.

The Senator from Kansas [Mr. PEFFER] is entitled to the floor.

Mr. PEFFER resumed the floor in continuation of the speech

previously begun by him, but, without concluding Mr. VOORHEES said: Mr. President—
The PRESIDING OFFICER. Does the Senator yield to the Senator from Indiana? Does the Senator from Kansas

Mr. PEFFER. Yes, sir.
Mr. VOORHEES. Mr. President, this has been a very full day, commencing at 10 o'clock, and everybody has been on a strain.
Id not know that it would profit anything to spend another half hour or hour in session at this time, and, with the consent of the Senator from Kansas, I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 4 minutes p. m., Thursday, October 19) the Senate took a recess until to-morrow, Friday, October 20, 1893, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, October 19, 1893.

The House met at 12 o'clock m. Prayer by the Rev. ISAAC W. CANTER.

The Journal of yesterday's proceedings was read and approved.

PAYMENTS MADE TO CONTRACTORS ON ACCOUNT OF SPEED OF NAVAL VESSELS.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting, pursuant to House resolution of the 11th instant, information relating to payments made to contractors for construction of vessels for the Navy on account of speed, etc.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

BANKRUPTCY BILL.

Mr. OUTHWAITE. Mr. Speaker, I am instructed by the Committee on Rules to report back resolution No. 3 with a substitute for the same. It is a resolution providing for the time for the consideration of the bill H. R. 139.

The Clerk read as follows: Resolved, That on Monday next, the 23d instant, immediately after the second morning hour, the House shall proceed to the consideration of the bill H. R. 139, a bill to establish a uniform system of bankruptcy throughout the United States, and the consideration thereof shall be continued after the second morning hour each legislative day thereafter until said bill shall have been fully disposed of; said bill to be considered in the House, or in the Committee of the Whole, as determined by the rules of the House.

Mr. WILLIAM A. STONE. Under the rules of the House I

Mr. WILLIAM A. STONE. Under the rules of the House I suppose that the bill would have to be considered in the House. This is a very important matter, and I think that the bill should be considered in the Committee of the Whole.

Mr. OUTHWAITE. Mr. Speaker, that will be determined on Monday when the bill comes up.

The SPEAKER. The question had been suggested by the gentleman from Texas [Mr. CULBERSON], chairman of the Committee on the Judiciary, that the bill should be considered in the Committee of the Whole; and the Committee on Rules merely added that clause so that the auestion may be determined when added that clause so that the question may be determined when

the bill comes up as to how it should be considered. This order does not determine that question.

Mr. WILLIAM A. STONE. Then that will be determined by

The SPEAKER. It will, under the rules of the House, when

the matter comes up for consideration.

Mr. WILLIAM A. STONE. Could not that be determined ow, so that we may know how we will vote on the adoption of the order.

Mr. DINGLEY. Mr. Speaker, I ask that the order be read

again.
The resolution was again read.
Mr. DINGLEY addressed the Chair.
Mr. OUTHWAITE. I did not yield the floor, except for a

question

Mr. DINGLEY. The gentleman will pardon my suggestion that the clause, "to be considered in the House or in Committee of the Whole as the rules may determine," amounts to nothing, because the rules determine that this bill shall be considered in the House. If this is to be considered in the House, I want to suggest to the gentleman from Ohio that there will be no opportunity to amend section by section. This is an important bill, on which there is no division on party lines, and we should have opporthere is no division on party lines, and we should have opportunity to go on with each section and amend it as we proceed to consider it. What I was going to suggest to the gentleman is to amend the order so that the bill should be considered in the House as in Committee of the Whole. That would give an opportunity for general debate, then for general consideration, and that puts entirely beyond question the previous question. We could then consider it section by section, and each section could be taken up and amended; otherwise, if it is to be considered in the House, not as in Committee of the Whole, then of ered in the House, not as in Committee of the Whole, then of course only one amendment and an amendment thereto will be

in order at any time.

Mr. OUTHWAITE. This resolution does not determine that

Mr. OUTHWAITE. This resolution does not determine that question at all, but leaves it to be determined on Monday next. Mr. DINGLEY. It does determine it.
Mr. OUTHWAITE. The Committee on Rules did not deem it necessary or wise at this time to determine that question.
Mr. DINGLEY. I will say to the gentleman from Ohio that the last clause does determine it; and it must be considered in the House unless otherwise agreed to.
Mr. OUTHWAITE. There is a difference of opinion as to

Mr. OUTHWAITE. There is a difference of opinion as to

Mr. DINGLEY. The rules determine that it shall be considered in the House Mr. OUTHWAITE. This order says that it shall be consid-

ered according to the rules of the House Mr. WILLIAM A.STONE. The rules determine that it shall be considered in the House.

Mr. OUTHWAITE. There is a difference of opinion upon that. The gentleman says it will be determined one way, and other gentlemen say it will be determined the other way.

Mr. WILLIAM A. STONE. Why not determine that at this

Mr. HOPKINS of Illinois. Why not have the Speaker determine it now

Mr. WILLIAM A. STONE. There is nothing in the bill that

appropriates any money.

Mr. CULBERSON. The gentleman is mistaken. This bill increases the charges on the Treasury, and therefore should be considered in the Committee of the Whole, unless otherwise or-

Mr. WILLIAM A. STONE. Every dollar of expense is paid out of the estate of the bankrupt.

Mr. DOCKERY. It ought to be considered in the Committee

of the Whole.

Mr. CULBERSON. I beg pardon of the gentleman from Pennsylvania. Provision is made in this bill to summon jurors co instanti, upon a trial of these cases, to be paid out of the funds of the United States.

of the United States.

Mr. WILLIAM A. STONE. If it is to be considered in the Committee of the Whole, that is entirely satisfactory.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that the bill is upon the House Calendar, and the Speaker supposed that the bill carried no charge against the Treasury, and would be considered in the House under the rules, if the House sa determined. It was submitted to the centlement. if the House so determined. It was submitted to the gentleman, and the gentleman from Texas said that it seemed to him that the bill should be considered in Committee of the Whole, and without undertaking to decide that question, as some point was raised upon it, this order simply provides that it shall be considered as determined under the rules of the House, and left that question to be decided upon an examination of the bill.

Mr. WILLIAM A. STONE. Mr. Speaker, I rise to a parlia-

mentary inquiry.

The SPEAKER. The gentleman will state it.
Mr. WILLIAM A. STONE. If, when the question comes up
on Monday, the Chair should decide that this bill did not carry any charge upon the Treasury, would it not then, under this order in the House, be considered in the House?

The SPEAKER. It would.

Mr. WILLIAM A. STONE. Now, inasmuch as this is a bill having a great many sections and clauses and dealing with a great many subjects, it seems to me that it can only be considered properly in Committee of the Whole. The gentleman from Texas [Mr. Culberson] suggests that, as it requires the summoning of jurors to determine certain questions, that may carry it to the

Committee of the Whole.

Mr. CULBERSON. I referred to that as one reason why it would go to Committee of the Whole.

Mr. WILLIAM A. STONE. I think that provision might perhaps carry a charge against the Government, as those jurors would be paid out of the Treasury of the United States. If that point is well taken, it will carry the bill to the Committee of the Whole, but in any case I think it is highly important that it

should be considered in that committee.

Mr. REED. Mr. Speaker, if there is really any question about this, we ought to determine it now. With reference to the clause in question, because of repeated decisions that unless that clause was there the bill would be considered by the House, notwithstanding the fact that it made an appropriation, I consented to its addition. That has been the repeated decision of notwithstanding the fact that it made an appropriation, I consented to its addition. That has been the repeated decision of successive Speakers. Now, this is a bill of such a character that, if the House intends to go at it at all seriously, it ought to be examined section by section. It would be difficult to do that under the rules of the House, in the House, and it seems to me that some agreement ought to be entered into about it by both sides so I suggest to an expectation of the Committee Marketing and the Marketing and sides, so I suggest to my colleague on the Committee [Mr. OUTHWAITE] whether it would not be well to have that determined now. Is there any objection on the part of any member of the House?

The SPEAKER. The Chair will ask whether there be objection to providing for the consideration of this bill in the House as in Committee of the Whole?

as in Committee of the Whole?

Mr. CULBERSON. I must object to that now, Mr. Speaker.

The SPEAKER. Then the Chair will submit the other suggestion of the gentleman from Maine: Is there objection to considering the bill in Committee of the Whole?

Mr. CULBERSON. I have no objection to its being considered in Committee of the Whole, but I do object to its being considered in the House.

sidered in the House.

Mr. REED. I should think the wisest course would be to consider it in Committee of the Whole.

Mr. OUTHWAITE. Then let the rule be modified in that

The SPEAKER. The Clerk will report the resolution as proposed to be modified.

The Clerk read as follows:

Resolved, That on Monday next the 23d instant, immediately after the second morning hour, the House shall proceed to the consideration of House bill 139, "A bill to establish a uniform system of bankruptcy throughout the United States," and the consideration thereof shall be continued after the second morning hour of each legislative day thereafter until such bill shall have been fully disposed of. Said bill to be first considered in Committee of the Whole.

Mr. KILGORE. Mr. Speaker, I will ask the gentleman from Ohio [Mr. OUTHWAITE] whether it would not be just as con-

one introduction of the control of t

to it as possible, and therefore it is to be preferred that the consideration of it shall begin on Monday.

Mr. KILGORE. Is not Monday suspension day?

The SPEAKER. It is not.

Mr. KILGORE. It is District of Columbia day.

The SPEAKER. It is District day, but the chairman of the Committee on the District of Columbia says that he does not decimal the day. sire to occupy the day.

Mr. OUTHWAITE. Mr. Speaker, I move the previous ques-

tion on the adoption of the resolution as modified

The previous question was ordered. The resolution was adopted.

Mr. OUTHWAITE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to. ORDER OF BUSINESS.

The Clerk will call the standing commit-The SPEAKER. tees for reports.

WATCH ON STEAM VESSELS.

Mr. MALLORY, from the Committee on Interstate and For-

eign Commerce, reported back with a favorable recommenda-tion the bill (H. R. 411) to require steam vessels of the United States of 1,000 tons or more to have one engineer and helper on watch in their engine rooms while under way, and to require all steam vessels of the United States continuously under steam for more than ten hours to carry two licensed engineers; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SECTION 4131, REVISED STATUTES.

Mr. MALLORY also, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommenda-tion the bill (H. R. 101) to amend section 4131 of the Revised Stat-utes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PERSONNEL OF THE NAVY.

Mr. MEYER, from the Committee on Naval Affairs, reported back with a favorable recommendation a concurrent resolution providing for the appointment of a joint committee to reorganize the personnel of the Navy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call. The second morning hour begins at nineteen minutes past 12 o'clock, and the call rests with the Committee on Rivers and Harbors.

The SPEAKER proceeded to call the committees.

GRANT OF LANDS TO ARIZONA. Mr. McRAE (when the Committee on Public Lands was called). Mr. Speaker, I call up the bill (H. R. 3627) granting to Arizona certain lands for use of Territorial prison.

The bill was read, as follows:

Be enacted, etc., That the following tracts of land, fractional sections 12, 13, 14, 15, 22, 23, 24, and 25, township No. 8 south, range 23 west, Gila and Salt River base and meridian, Perritory of Artzona, containing 2,115 acres, lying in the junction of the Gila and Colorado Rivers, be, and is hereby, granted to the Territory of Arizona for the use and benefit of the Territorial prison at Yuma.

Mr. SAYERS. Mr. Speaker, ought not that bill be considered in Committee of the Whole?

The SPEAKER. Under the rule it should be considered in

the Committee of the Whole.

Mr. McRAE. I move that the House resolve itself into the Committee of the Whole for the consideration of this bill. The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3627) granting to Arizona certain lands for use of Territorial prison, with Mr. RICHARDSON of Tennessee in the Chair.

Mr. McRAE. I ask that the report be read.

The CHAIRMAN. The Clerk will read the report. The report (by Mr. SMITH of Arizona) was read, as follows:

The report (by Mr. SMITH of Arizona) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 3627) granting to Arizona certain lands for the use of Territorial prison, the lands for the use of the careful consideration of the committee and its passage is recommended.

At the function of the Colorato and Glia Rivers in Arizona and lying between said streams are fractional sections 12, 13, 14, and 15, 22, 23, 24, and 25, of unoccupied and unclaimed public lands. This land in its present condition is worthless for any purpose whatever on account of the frequent overflow of said rivers. The land can not be utilized without great expense in construction of levees to prevent the overflow of said streams.

The land lies directly adjoining the Territorial prison grounds in the village of Yuma and can be reclaimed by prison labor and made valuable as a prison farm and thus relieve the people of the Territory of some of the burden of taxation under which they labor. Arizona has never received one acre of land or one dollar of ald from the Government in the construction of any public building. The land granted in the bill is now worthless, and will in all probability forever remain so. It can be made valuable and productive under the provisions of the bill.

Mr. McRAE. Mr. Chairman, the prepart states all the facts.

Mr. McRAE. Mr. Chairman, the report states all the facts

Mr. McRAE. Alt. Charman, one report states at the lacts in the possession of the committee in relation to this land.
Mr. SIMPSON. How much land does this cover?
Mr. McRAE. About 2,000 acres, I think. It is a lot of swamp land near the town of Yuma, where the Territorial prison is lo-There are no claimants to the land and no settlers upon it, and the object is to grant it in trust for that purpos

Mr. CANNON of Illinois. Is the Territorial prison or peniten-

tiary at Yuma? Mr. McRAE. That is my information.

Mr. CANNON of Illinois. Without knowing much about it it is my understanding that, so far as the temperature is concerned, Yuma is about as near Hades as any place on earth; and I will ask the gentleman whether he thinks this grant of land should be made at that point, looking toward the encouragement of a permanent location of the penitentiary at Yuma? It seems to me, if I was an inhabitant of Arizona, I should want the State prison where it would be more comfortable. It is true people

ought to be confined in a State prison if they violate the law, but the confinement there would look to me to be inhuman.

Mr. LOUD. If you go there you must try to keep out of the tite prison. [Laughter.]
Mr. CANNON of Illinois. I understand that, but the matter

State prison.

of reformation, and the doing as little harm as possible, is a theory that obtains, at least, even if it is not always practiced in this country. I have no objection to this grant of land, under the statement of the gentleman, unless it is objectionable from that standpoint.

that standpoint.

Mr. McRAE. Upon that point, Mr. Chairman, I have no information at all. I suppose the prison is located where the people want it. I was never in the Territory of Arizona.

Mr. LOUD. The penitentiary has been there for some years, and is evidently intended to be permanently located there. The climate is as favorable as anywhere in that vicinity.

Mr. McRAE. I thought the gentleman from Arizona [Mr. SMITH] would be here this morning. I know he feels quite an interest in the bill, and I am now informed that he is sick. The prison is located at Yuma, and this land is wanted by the Territory for that purpose, and can not be used for any other purpose. tory for that purpose, and can not be used for any other purpose

without reclamation.

Mr. LOUD. It is some distance outside of the village.

Mr. WILSON of Washington. When the Territory of Arizona comes to be admitted further along, a certain amount of land will be granted for State purposes. Will this grant of land given for the penitentiary now, be deducted from the grant that will then be made?

Mr. McRAE. That could be provided for in the enabling act. As a matter of fact the Territory of Arizona has had no grant of

land for any public buildings.

Mr. WILSON of Washington. The statement is made that this land is worthless. Why encumber the State with land that is not worth anything?

Mr. McRAE. Our information is that the land is now worthless for settlement, and that it will continue so unless reclaimed. The Territory proposes to reclaim it with prison labor, and use

it for a prison farm.

Mr. WILSON of Washington. Then the statement that it is

absolutely worthless is inaccurate, if it can be reclaimed?

Mr. SIMPSON. And even if the prison is removed from Yuma the land will be made valuable for some other purpose by the labor that is put upon it, so that it will be no detriment to the

I would like to ask the gentleman from Arkansas [Mr. McRAE] if there was sufficient evidence presented to the committee that this was swamp land, or land that is value-

less for other purposes now?

Mr. McRAE. Yes. We had the statement of the Delegate,

Mr. McRAE. 1 cs. We had the basteries of the property of the land.
Mr. DINGLEY. You have no doubt on that point?
Mr. McRAE. I have no doubt whatever. The gentleman from California [Mr. LOUD] is familiar with it, as I understand.
Mr. DINGLEY. Is the bill so drawn that there can not some

Mr. DINGLEY. Is the bill so drawn that there can not some claim be made hereafter to this land, as there has been often to swamp land in other portions of the United States?

Mr. McRAE. The swamp-land grant has never been extended to Arizona. This grant describes the lands by numbers.

Mr. DINGLEY. I notice that when we have given swamp lands for various purposes, other claimants have come in, and we have had to huy the land several times over.

we have had to buy the land several times over.

Mr. McRAE. This is the first grant of this land for any purpose, and I am informed that it is not in conflict with the claim

of any settler.

Mr. WILSON of Washington. Is this really swamp land? Is

it not overflowed land?

Mr. McRAE. I do not understand there would be any distinction between overflowed and swamp lands. They are usually termed swamp lands if overflowed and unfit for cultivation. swamp-land grant does not apply to Arizona, nor to any State admitted since Oregon. There is no trouble on that point. There is no present claimant to the land, so far as we can learn from the records in the General Land Office.

Mr. DINGLEY. I simply desire to have the bill so guarded

that when we give away land the Government will not be called upon by and by to give something additional from the Treasury, on the ground that it did not give as much as the parties ex-

pected.

Mr. McRAE. Oh, Mr. Speaker, there is no danger of anything of that kind. If the Congress of the United States will always be careful not to grant its lands more than once, there will be no trouble of the kind the gentleman refers to. The trouble of which he speaks has grown out of the fact that the Government has undertaken to grant the same lands for two or three different purposes, sometimes to the States for reclama-tion, then to railroads, and in some cases the same lands again

to private individuals. That has necessarily created a conflict between the different grantees and claimants and has made trouble. But there is no difficulty of that kind here. This land is described by numbers so that it can be easily located. The grant does not depend on the character of the land.

Mr. CANNON of Illinois. I desire to ask the gentleman from the press whether he will not accept an awandment in lines to

Arkansas whether he will not accept an amendment in lines 10

The CHAIRMAN. The Chair will state that the bill is not yet open to amendment. The general debate has not yet been

Mr. McRAE. I ask unanimous consent that the general debate be closed.

There was no objection.
Mr. CANNON of Illinois. Now, I ask the gentleman whether he will not accept an amendment to strike out all after the word "Arizona" in lines 10 and 11; that is to say, the words "for the use and benefit of the Territorial prison at Yuma'? This leaves the grant of land absolutely to the Territory of Arizona, and leaves it also to that Territory to use the land for other than

prison purposes if it sees proper.

My reason, I will say to the gentleman, for suggesting the amendment is this: that if this land be granted to the Territory of Arizona for prison purposes, possibly later on either the Territory, or after the Territory becomes a State, it may become desirable to remove the State prison from the very unhealthy location where it is now established, and where in my judgment

it ought not to be located at all, to some other point.

Mr. TALBOTT of Maryland. In that case the land will re-

vert to the Government.

Mr. CANNON of Illinois. Certainly; but here is a constant bid by the grant of this land, which may become censiderably improved by prison labor, to keep this establishment in this place Improved by prison lator, to keep this establishment in this place all the time where in my judgmentit may not properly be located. For that reason it seems to me we might very properly make this grantabsolutely, and give the Territory, or the State later on, the power to use the land for any other purpose it sees fit, and not let it stand as a constant bribe, so to speak, to maintain the location of the prison at the point where it is now established. The land, as I understand it, is useless without irrigation, and early the made valuable by considerable lebon to be bestowed. can only be made valuable by considerable labor to be bestowed

Mr. PICKLER. That is a good suggestion.

Mr. McRAE. I have no objection whatever to that. We usually make such grants in trust for specific purposes. The Territory asks for the land for the purpose indicated in the bill. But I have no objection to making the grant absolute and unconditional, and let the Territory use it as they see proper. I want the committee to understand that the amendment will make

this a grant without limitation.

Mr. SAYERS. Let me ask the gentleman from Illinois if the amendment he proposes eliminates from the bill the purpose for

which the grant is made?
Mr. CANNON of Illinois. Yes.
Mr. SAYERS. Therefore the Territory of Arizona, if the amendment be adopted, can use the land for any other purpose whatever?

Mr. CANNON of Illinois. Oh, yes.
Mr. BRETZ. Certainly. The amendment gives them the land in fee simple.

Mr. SAYERS. Why do you propose to remove the limitation fixed upon the grant in the present bill?

Mr. CANNON of Illinois. I have just stated the reason. Everybody understands that this is the hottest place on earth.
Mr. SAYERS. Where?

Mr. CANNON of Illinois. Yuma, where this prison is located. Mr. CANNON of Illinois. I dima, where this prison is located.
Mr. SAYERS. But this grant does not prevent the Territory from changing the location of the prison if they see proper.
Mr. CANNON of Illinois. I am inclined to think if the grant was made as provided in this bill, for the express use and bene-

fit of a Territorial prison, it would be a strong inducement to re-

tain the prison at that point.

Mr. McRAE. I ask for a vote on the amendment of the gentleman from Illinois.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Strike out in lines 10 and 11 the words "for the use and benefit of the Territorial prison at Yuma."

The amendment was adopted.

Mr. McRAE. I move that the committee now rise and report the bill as amended favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee reported that the Committee of the Whole having had under consideration remainder that this is a public bill; and the method of cor-

the bill (H. R. 3627) had directed him to report the same favor-

ably to the House with an amendment.

The amendment recommended by the Committee of the Whole

was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON of Illinois. I ask that the title of the bill be

Mr. CANNON of filmors. I ask that the title of the bill be amended to conform to the action of the House.

Mr. McRAE. That is proper, and I hope will be done.

Mr. SPRINGER. I suggest that the title read, "A bill granting lands to the Territory of Arizona."

The SPEAKER. In the absence of objection the title will

stand as indicated by the gentleman from Illinois.

There was no objection.

On motion of Mr. McRAE, a motion to reconsider the several votes just taken was laid on the tible.

The SPEAKER. Has the Committee on Public Lands any

further bills to call up?

Mr. McRAE. We have no other bill to call up at this time.

RAILROAD STATIONS, ETC., IN THE TERRITORIES.

Mr. WHEELER of Alabama (when the Committee on Territories was called). I call up the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department. by the Interior Department.
The bill was read, as follows:

Be it enacted, etc., That all railroad companies operating railroads through the Territories of the United States over a right of way obtained under any grant or act of Congress giving to said railroad companies the right of way over the public lands of the United States shall be required to establish and maintain passenger stations and freight depots at all town sites established in said Territories on the line of said railroads by authority of the Interior Department.

in said Territories on the line of said railroads by authority of the interior Department.

Sec. 2. That the Secretary of the Interior shall, within a reasonable time after the passage of this act, require said railroad companies to establish at all town sites provided for in the preceding section, passenger stations, freight depots, and other accommodations necessary for receiving and discharging bassengers and freight at such points, and upon failure of sischarging bassengers and reight at such points, and upon failure of sischarging bassengers and reight at such points, and upon failure of sischarging bassengers and reight at such points, and upon failure of sischarging bassengers and reight at such points, shall be liable to a fine of 850 for each day thereafter until said stations and depots shall be established, which shall be recovered in a suit orought by the United States in the United States courts in any Territory through which said railroads may pass.

Mr. WHEELER of Alabama. The Committee on the Territories have directed me to offer certain amendments, which I send

Mr. WILLIAM A. STONE. I wish to make a point of order against this bill. If I understand the case correctly, it comes from the Committee on Territories. The point I wish to make is that the bill should have been reported by the Committee on Rail-roads, and that therefore it is not properly before the House. Mr. WHEELER of Alabama. The bill was reported some two weeks ago by the Committee on Territories, and is on the House

Calendar.

Mr. WILLIAM A. STONE: But if it had no business there, that fact would not cure the difficulty.

The SPEAKER. What is the difficulty which the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] suggests?

Mr. WILLIAM A. STONE. The difficulty is that the bill pertains entirely to railroads, and that the Committee on Territories has properly no jurisdiction of the bill.

Mr. WHEELER of Alabama. I can assure the gentleman that that there can be no possible question as to the jurisdiction of the Committee on Territories in legislation of this character. The bill only applies to railroads which are built upon a right of The bill only applies to railroads which are built upon a right of way granted to the railroad by the Government.

It simply requires such railroads to erect depots at town sites which have been located and established according to law.

If the gentleman is friendly to the bill, he should not object to

its consideration.

If he is opposed to it, I should hope that so meritorious a measure would not be sent to a committee of which he is a mem-

The bill was referred to the Committee on Territories without objection, and both friend and foe have discussed its merits be-fore that committee admitting and confirming its jurisdiction. If we refer to the Committee on Railroads every bill that

speaks of railroads, and if that committee should be as friendly

to them as my friend seems to be, we would never have any legislation except such as the railroad people might sanction.

Mr. WILLIAM A. STONE. The gentleman's remark is a practical admission that the bill has been referred to the wrong

recting the reference of a public bill, as described by the rules, is different from that prescribed in regard to private bills. erroneous reference of a public bill may be corrected any morning immediately after the reading of the Journal, either by unanimous consent, or on motion of a member representing the committee to which the bill has been erroneously referred, or on motion of the committee claiming jurisdiction. And where a public bill has been suffered, even erroneously, to be considered by a committee, and that committee has reported it back to the House, there is no way of raising the question of jurisdiction if the bill is a public bill. The case is different in regard to private bills.

But the Chair will say to the gentleman from Pennsylvania that, as the Chair understands, this bill is practically an amendment of a charter granted to a railroad company to pass through lands in the Territories, which original bill was reported by the

Committee on Territories.

Mr. WILLIAM A.STONE. I submit, then, the parliament ary inquiry whether this bill ought not to go to the Committee of the Whole.

The SPEAKER. So far as the Chair is informed as to the

The SPEAKER. So far as the Chair is informed as to the purport of the bill—and the gentleman from Alabama [Mr. Wheeler] had shown the bill to the Chair—it is a bill simply requiring railroad companies which have received grants of

public lands through the Territories to maintain stations at town sites established by the Interior Department. Mr. WHEELER of Alabama. And there is no appropriation. The SPEAKER. The bill makes no appropriation, but sim-ply requires these companies to maintain stations at these points where town sites have been established by the Interior Depart-

ment. That is the understanding of the Chair.

Mr. WHEELER of Alabama. That is correct.

The SPEAKER. The Chair therefore thinks the bill may properly be considered in the House. The Clerk will report the amendments proposed by the gentleman from Alabama on behalf of the committee.

The Clerk read as follows:

In section I, after the word "at" in line 8, insert the words "or within one-fourth of a mile of the boundary limits of," so as to read "at or within one-fourth of a mile of the boundary limits of all to wn sites established in said Territory on the line of said rallroads by authority of the Interior Depart-

ment."

Amend the second section by striking out in lines 1, 2, and 3 the words, "the Secretary of the Interior shall within a reasonable time after the passage of this act require said railroad companies to establish at;" and insert "said railroad companies are hereby required within three months from the passage of this act to establish at or within one-fourth of a mile of the boundary limits of."

In the 8th line of the same section strike out the word "the" and insert "said;" and after the word "time," in the same line, strike out "provided for by the order of the Secretary."

The SPEAKER. The Clerk will read the bill as it would stand with these amendments.

The bill as proposed to be amended was read.

Mr. WHEELER of Alabama. Unless some gentleman on the other side desires to discuss the bill, I will move the previous question.

Mr. DINGLEY. I think we should have some explanation of

the bill before that is done.

Mr. WHEELER of Alabama. I yield five minutes to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, some days ago when the question of the outrages committed in opening the Cherokee Strip was up for consideration I made a statement that by virtue of certain rules and certain things done by the present Interior Department, the orders of the last Administration had been reversed, and that men claiming to be Indians, in the language of the gentleman from Illinois, were allowed not only to take certain allotments upon which they had made improvements, but were allowed by this Administration to go to the railroads and there take up the lands upon which the railroads had made their stations, their side tracks, and improvements. That is verified by the fact that the Secretary of the Interior now desires the passage of this bill, compelling the railroad companies to build stations and side tracks at the town sites which he has designated, after he authorized the so-called Indians to go in in advance of the white settlers and monopolize and take up the lands which had for years been occupied by the railroad companies with their stations, side tracks, and depots.

The Interior Department has gone farther than that. fuses to allow the people who have located at the railroad sta-tions—and there some of them have towns of two or three thouand people-to even obtain a post-office, although they are 3 or 4 miles from the town sites located by the Government. In other words, the attitude of the Interior Department is this: You people must go to our town sites. We have allowed the Indians to steal the town sites, and we intend, now that you have settled there, to cut you off from having a post-office. We propose to compel you to go to our town sites and patronize them

In reference to the merits of this bill, Mr. Speaker, I desire to say this: The people who have located Government town sites are entitled to recognition, and ought to have some facilities to do their business; but I object to this plan, which has been in augurated by the Interior Department, to "hog" the railroad, or rather compel the railroads to build stations at their towns, and department to gettlers now living at the railroad towns of the or rather compel the railroads to build stations at their towns, and deprive the settlers now living at the railroad towns of the benefits of a post-office to transact their business. I can not well object to the passage of this bill, although it is a measure that should be amended in all justice and equity; but I do say that I must repreach the Interior Department for trying to compel one thing in one place, and another at another place. To compel the railroads to build stations at their town sites is right. But I say, on the other hand, that to work in connection with the Post. Office Department and get them to hold up the establishment of post-offices at the other towns is wrong.

If there is to be town-site fights there, if these people inter-

ested in this subject are to be placed in that attitude, the time ested in this subject are to be pinced in the activities, the time is coming, I regret to say, when I believe that this country will have its attention attracted to that question, because this matter does not rest now with the Interior Department; if deaths occur there by virtue of these opposing towns each and every

murder, because they will be nothing less, must be laid at the doors of the Interior Department.

They have laid the foundation for these troubles out there by authorizing the stealing, for it is nothing more or less, on the part of these so-called Indians, of points that always have been known as railroad stations, where all trains have stopped, and have allowed men to go in there against the protest of the chief of the Cherokee Nation, who wired me yesterday that certain ones allowed allotments did not belong to the Cherokee Nation. They have allowed men to go and take these railroad stations. Now, the Interior Department has located other towns, and it is because of that this legislation is insisted on here. It is

an effort on the part of the Interior Department to get out of and cover up the investigation which I have asked for at the hands of Congress

The SPEAKER. The time of the gentleman has expired.

Mr. WHEELER of Alabama. Mr. Speaker, in answer to the
gentleman from Oklahoma, I desire to say that the law opening
the Cherokee Strip authorized certain allotments, I think seyenty-one in number, to Indians, each allotment containing 80

The evidence before the committee seemed to be pretty clear that certain parties made contracts with the Indians purchasing all or nearly all of these allotments and then arranged with the Indians, I presume before the transactions were made, to have the allotments located as near as possible to the railroad depots. The controversy between the Interior Department and the railroad seems to be practically limited to the town of Enid. At that place the Indian allotments were selected so near the depot as to take up the ground, and it therefore became impossible for the Interior Department to establish a town site at that place. The Secretary of the Interior therefore laid out the town site at what appears to be the most practicable locality for that pur-

The evidence before the committee, I think, clearly establishes the fact that the Indian allotments which were located at Old Enid depot were owned by men who either controlled the rail-road or who had a controlling influence with the railroad offi-

The newspapers inform us that Mr. Dunlap, who, I believe, is a railroad superintendent, announced that the railroad trains would not stop at the town site of Enid, and said if the Post-Office Department established a post-office there they would put up a catch to take the mail and go through at the usual speed, and immediately after making the statement a number of lots were sold at the old town.

It is charged that this order by Superintendent Dunlap was made for the purpose of selling lots, and to give the people to un-derstand that the old town would be favored by the railroad, and that the town site established by the Secretary of the Interior

would not have railroad facilities.

The town site of Enid, established by the Interior Depart

ment, now has a population of fully 4,000 people, and yet the rail-road company refuses to give them any railroad facilities. It refuses to take on passengers or to stop and put them off. It refuses to either receive or deliver freight, and our infor-mation is that the trains pass through the town at the usual

The Government having established these town sites and peo-ple having located and become citizens of these towns, it would be an act of the grossest injustice on the part of the Government to allow a railroad, the right of way of which was granted by act of Congress, to refuse to establish depots at such town sites and give the people facilities similar to those which are exacted from

railroads by the State laws of many of our States. When Congress granted the right of way in this case the law provided that—

Congress may at any time amend, add to, alter, or repeal this act.

We only propose by this bill to require of this railroad the same consideration for the people of the Territory which would be required from them by State laws if the railroad was located

Mr. CURTIS of Kansas. Is it not a fact that the railroad company has had stations, depots, and sidetracks for two or three years built at the very places where this change is pro-

Mr. WHEELER of Alabama. It is true that they have; but Mr. When he have; but the charge is that they have; but the charge is that the railroad people, or people in close connection with the railroad, bought up the Indian allotments and had them located close up to these depots, so that it was not possible for the Secretary of the Interior to comply with the law and establish a town site at these points. He was therefore

ompelled to select some other locality.

Mr. WILLIAM A. STONE. Under this bill, if there should be established in the Indian Territory, or in any other Territory, a site for a town the railroad company could be compelled to erect a station there whether there were any people in the

Mr. WHEELER of Alabama. Neither the Interior Department nor anyone else can establish town sites now; they are already established. They were established pursuant to a law of the last Congress, which opened the Cherokee Strip. Mr. WILLIAM A. STONE. But under this bill it is not neces-

Mr. WHELLERM A.STONE. But there has bit it is not necessary to have anybody living in a town in order to have a depot established there by the railroad company.

Mr. WHELLER of Alabama. But every town at the town sites established by the Secretary of the Interior does in fact have a good number of inhabitants, and the one at which the

railroad refuses to establish a depot has 4,000 people.

Mr. WILLIAM A. STONE. I know; but the mere fact of establishing a town site would require the railroad, under this bill, to build a station there.

Mr. WHEELER of Alabama. This bill does not require any thing in the future. It simply requires depots to be built at town sites already established, and as I stated, there is no law which authorizes the Secretary of the Interior to establish any other town sites

Mr. WILLIAM A. STONE. It does not say so.
Mr. WHEELER of Alabama. Yes, it does; it says "town sites
established." It does not say "to be established."

Mr. WILLIAM A. STONE. It says "all town sites established

Mr. WILLIAM A.STONE. Itsays an town.

Mr. WILLIAM A.STONE. But it does not say "town sites to be established," and there is no authority by which they can be established in the future. If a law should be enacted directing other public lands to be opened for entry and authorizing the location of town sites, I hope the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], would not insist that railroads holding their right of way by a gift from the Government should be authorized to refuse to establish a depot and refuse to stop their trains at town sites located and established by the Government.

Mr. WILLIAM A. STONE. But the provision is not consistently and refuse to stop their trains at town sites located and established.

Mr. WILLIAM A. STONE. But the provision is not confined to town sites already established.

Mr. WHEELER of Alabama. It says so. It says "town sites

Mr. WILLIAM A. STONE. But that language might include town sites hereafter established.

Mr. WHEELER of Alabams. Well, to earry out your view, it would read "town sites now established."

Mr. WILLIAM A. STONE. That is necessary, because if the Interior Department should hereafter establish a town site, the railroad company would be required, if this bill were a law, to locate stations there whether there were any people or not.

Mr. WHEELER of Alabama. Will the gentleman tell me of any authority by which the Interior Department can now establish a town site?

Mr. CURTIS of Kansas. Has the committee any information as to whether the grades are such that depots and side tracks

could be built where this bill requires?

Mr. WHEELER of Alabama. The committee investigated that with great care, and they found there was no serious difficulty about the grades or the cuts. The reports that we have show a cut of some 5 feet, which railroad men say would not be, unfavorable for depot purposes. I have in my hand an affidavit on this point, which is as follows:

DISTRICT OF COLUMBIA, City of Washington, se:

I. Morris Bien, being duly sworn, on oath depose and say that I am an employe and an officer of the General Land Office in the city of Washington; that as such officer I was detailed by the Commissioner of the General Land Office to proceed to the Cherokee Outlet and there take charge of laying out and platting the town site of Enid, Okla.; that a plat of the said town site

of Enid was duly made after the same had been properly surveyed; that I am well acquainted with and know where the route of the Rock Island Railroad passes through said town site of Enid; that at no point in the southern half of said town site does the cut exceed 5 feet and that at the southern boundary it is nearly at grade; that at the northern boundary, and for a distance of about 1.00 feet, the cut is not more than 6 feet, so that the location for a depot and yard is much better at the southern boundary than at the northern, the difference between them being not great so far as expense of construction is concerned.

MORRIS BIEN.

Subscribed and sworn to before me this 18th day of October, 1803.

[SEAL] WM. H. DE LACY, Notary Public.

I think that the railroad people and also the citizens prefer to have the depot in the southern part of the town. The ground is better and it would place the depot between 3 and 4 miles from the old station.

Mr. CURTIS of Kansas. Is it not a fact that the railroad company complained that they would be unable to do this, or at least that it would cost them thirty or forty thousand dollars to build depots and side tracks at the town which this bill is supposed to

be in the interest of?

Mr. WHEELER of Alabama. They did say that it would cost them that much to build depots and switches at that place, and when I asked them why it would cost so much they said it was because, for a town of that size, the business would be so large that they would have to make four tracks; whereupon I said: "If you admit that the business would be so large as to require four tracks, certainly you can not object to establishing one." Mr. CURTIS of Kansas. Is it not a fact that the new town is

located in a draw?

Mr. WHEELER of Alabama. No; I think the location is the best that could be selected under the circumstances.

Mr. CURTIS of Kansas. Are you sure about that?

Mr. WHEELER of Alabama. We had the maps before us and

the engineers appeared before the committee, and we gave the subject the fullest investigation possible.

Mr. CURTIS of Kansas. Have you any objection to letting

this bill go over until to-morrow or next day?
Mr. WHEELER of Alabama. Mr. Speaker, I think it is almost criminal for Congress to stand here and allow 4,000 people to be deprived of the privilege of having their freight delivered and ordinary railroad facilities given to people by rail-

roads.

Mr. CURTIS of Kansas. Then your committee must have been criminal in delaying this matter so long.

Mr. WHEELER of Alabama. It is possible we were derelict in our duty, but quite a number of the members of this House informed us that the bill as it stood did the railroads great injustice, and asked the committee to give the railroads a hearing before acting on the bill. I believe my friend from Kansas was one of those who made this request. Any delay that has occurred was caused by the desire on the part of the committee to extend to members of this House and their railroad friends every courtesy possible, and we had a great desire to see that no incourtesy possible, and we had a great desire to see that no injustice was done to the railroads. I will say to the gentleman that I introduced this bill in less than an hour after I received the first intimation of the refusal of the railroad to stop their trains at the town of Edin, and the first day after the introduction of the bill that there was a quorum of the committee in the city of Washington I reported the bill to the House. The gentleman will see that but four days intervened from the introduction of the bill to the date of the report.

I should have asked for its immediate consideration had it not been that we were almost overwhelmed with requests of mem-bers to give a hearing to the railroads. The committee complied with these appeals and gave the railroads every hearing that with these appeals and gave the railroads every hearing that they desired, with the understanding that the committee would propose any amendment which the railroad desired, and it would not do injustice to the people. The committee completed the work less than an hour ago, and we are here now, notwithstanding the opposition from the gentleman from Kansas and the gentleman from Pennsylvania, asking the House to consider the bill.

I do not think the Committee on Territories has been guilty of

any very serious delay or neglect.

Mr. TURNER. Will the gentleman yield for an inquiry?

Mr. WHEELER of Alabama. Yes, sir.

Mr. TURNER. In what way is the Interior Department responsible for the location of these allotments? Are they not made by the law—not by the Interior Department?

Mr. WHEELER of Alabama. Yes, sir; the law enacted by the last Congress required the establishment of these town sites.

Mr. WILLIAM A. STONE. Will the gentleman consent to an amendment inserting the word "already" after the word "sites" in the eighth line of the first section.

Mr. WHEELER of Alabama. I do not think that is necessary.

Mr. WHEELER of Alabama. I do not think that is necessary, and I am not sure that it will be grammatical at that place in

Mr. WILLIAM A. STONE. It will not hurt the bill at all. Mr. WHEELER of Alabama. Let me examine the bill so that I may see how the amendment will read.

Mr. BRETZ. That amendment will simply carry out your idea

Mr. WHEELER of Alabama (after examining the bill). have no serious objection to the amendment; it would not inter-

fere with the special purpose we now have in view.

Mr. WILLIAM A. STONE. Let it be understood; then, that
the word "already" is to be added after the word "sites" in the

eighth line.

Mr. FLYNN. Mr. Speaker, this bill does not compel the railroad companies to stop their trains at the Government town
sites. It provides that the railroad companies over the right of
way granted by the United States "shall be required to establish and maintain passenger stations and freight depots at all
town sites established in said Territories on the line of said railroads by authority of the Interior Department."

I wish to say I want those people to have railroad facilities; let that be understood; I want the trains to stop. But the point I made was this, that the Interior Department desires Congress to legislate to compel railroads to favor certain town sites, while on the other hand that Department is using all the power at its command to prevent the Post-Office Department from establishing post-offices at railroad town sites. All I ask is a fair deal for both interests, and let the "survival of the fittest" work

out the problem.

Mr. WHEELER of Alabama. We gave the parties in interest a very full hearing. We never heard that the Interior Department was interfering with the Post-Office Department

Mr. FLYNN. I wish to say in justice to the committee that I visited the chairman of the committee and he kindly consented to hear from all these people. Then my requests ceased. I feel that I owe it to the committee in justice and fairness to state that I believe they have heard all sides concerned in this matter; and I have no desire to antagonize the action of the committee. My only purpose is to call attention to the unfairness which is

being exercised by the Interior Department.

Mr. TAYLOB of Indiana. What has the Interior Department to do with the Post-Office Department?

Mr. WHEVI Ed. of Alabaran Nothing et al.

Mr. WHEELER of Alabama. Nothing at all.
Mr. FLYNN. Will the gentleman from Alabama consent to

amend the bill so as to compel the trains to stop—
Mr. WHEELER of Alabama. I have agreed to yield to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. If the House will give me attention I think

can explain this matter in a moment.

Mr. CANNON of Illinois. I wish you would; I would like to

understand it

Mr. SPRINGER. Several years ago Congress authorized the creation of a commission consisting of three persons appointed by the President of the United States to treat with the Cherokee Nation for the cession of what is known as the Cherokee Outlet to the United States for settlement by actual settlers. That commission performed its duties and reported to Congress an agreement entered into with the Cherokee Nation by the commission acting on behalf of the United States

Congress, when that agreement was submitted, amended it in several particulars. One of the portions of the original cession which was slightly amended by Congress had reference to the rights of about seventy so-called Cherokee Indians—or white men, practically, who claimed to be Cherokee Indians—who had settled upon a portion of the Outlet, without authority of course, because the Supreme Court of the United States has held that as to that Outlet no person had any right under the law to settle upon it or to take ownership of land in it.

But these seventy persons had done so, either by mistake or designedly, and these commissioners having due record to the

designedly; and these commissioners, having due regard to the condition of these settlers and desiring to protect them in their rights, provided in the agreement that those seventy Indians might each take 80 acres of land inside the Outlet. It was understood, perhaps, at the time that they were to take the lands which they had improved and settled upon; and the Interior Department required as to heads of families that they should do this. But those lands, it seems, were not quite sufficient to meet the necessities of the case, as the children of these heads of families were also entitled to take 80 acres of land each.

The law officer of the Department held that as to the children, which constituted a part of the seventy individuals to whom I have already referred, they were entitled to take lands whereever they chose in this Cherokee Outlet. They chose what they supposed were the best lands in the Territory, that is, what they considered the most valuable lands, adjoining the depots and stations of the railroad companies, the Santa Fe line, the Rock Island road, and other companies operating in the Territory. These persons who took the lands adjoining the depots and rail-

road stations expected to get valuable lands for town-site purposes rather than for farming purposes.

The Interior Department, while required by the law and the decisions of the law officers of the Department to allow these members of the family to take lands wherever they pleased in the Territory—I say while they were so required by the decision of the law officer of the Department, allowing them to take the lands wherever they chose—the Department endeavored at the same time to do justice to the actual settlers who came in after what he allot ments to Indians were made before the same time to do justice to the actual settlers who came in after the course the allot ments to Indians were made before the same time to do justice to the actual settlers who came in after the course the allot ments to Indians were made before the course the allot ments to Indians were made before the course the same time to the course the allot ments to Indians were made before the course the course the same time to the course the same time to the course the same time to do justice to the actual settlers who came in after the course the same time to do justice to the actual settlers who came in after the course the course the same time to do justice to the actual settlers who came in after the course th ward, because the allotments to Indians were made before the first day of the opening was fixed. They took these, as I have said, near the proposed town sites, near the stations of the rail. roads; but the Interior Department having been required also by law to establish town sites, where land offices were to be lo-cated, and which were to become eventually the county seats of the different counties when the Territorial organization was completed, removed along the line of the railroad from where the prospective or future town site was established by the Government to another place than that where the depots or railroad stations were established.

Mr. TURNER. Will the gentleman allow a suggestion? Is not one of the town sites, at which a depot is sought to be established, at the present time a land office?

Mr. SPRINGER. It is. The land offices that were established in every case were established at the places where the Interior Department fixed the town site, and not where the railroad station was established, and, as I have just said, this was done to defeat the object of the speculators who first made their appearance before the commission and afterwards before Congress to get in this bill the exclusive right, before anybody else was permitted to go into the Territory to make a selection, and the Interior Department, in order to do full justice to the actual settlers, found it necessary to remove the town sites from 1 to 3 miles distinting the rotate where the residence had established the distant from the points where the railroads had established their stations, for the reason I have just stated.

The SPEAKER. The time of the gentleman has expired.

Mr. WHEELER of Alabama. I yield two minutes more to the

gentleman from Illinois.

Mr. SPRINGER. This, Mr. Speaker, it will be seen, was doing no injustice whatever to anyone. No one was injured except the speculators, because there was no town established around these stations, nothing but the railroad station and depot. It was an easy matter for the railroad company to transfer its depot or station to the new town site, easier than for the town site to be transferred to the railroad station, because it must be remembered that in some cases these towns had grown to be the station of the thorough remulation. Several thousand so from three to five thousand population. Several thousands of persons in many instances have located at these points; and yet, notwithstanding that fact, the railroad companies positively refuse up to this time to offer depot facilities or to take on or put off the mails at these points.

Mr. BRYAN. Will the gentleman allow a question?

Mr. SPRINGER. I have but two minutes.

Mr. CANNON of Illinois. I hope the gentleman's time will be

extended, because this is an important matter.

Mr. BRYAN. This bill provides that the companies shall establish passenger stations, freight depots, and other accommodations necessary for receiving and discharging passengers and freight at such points; and further provides that upon failure of said companies to establish such stations and depots within the time provided for by the order of the Secretary, etc.

Do we understand that to mean that the Secretary has any right

to prescribe what kind of station or depot the railroad companies

shall provide?

Mr. KRIBBS. That has been stricken out.

Mr. SPRINGER. That, I understand, has been removed from

Mr. WHEELER of Alabama. Everything about the Secretary of the Interior has been eliminated from the bill.

Mr: SPRINGER. Now, if the members will turn to page 1919 of the RECORD of this session they will find the decision by Attorney-General Hall, of the Land Office, addressed to the Secretary of the Interior, which laid down the law for his guidance and on which he acted in allowing the Indians, members of these families, to locate their lands wherever they chose in the Ter-

ritory.

Mr. CURTIS of Kansas. What is the date of that?

Mr. SPRINGER. May 10, 1893. That was the authority on which the Secretary acted when compelled by the law, not by his own wish, to allow these Indian speculators to take possession of the best lands in the Territory. The only way now to justice to the actual settlers is to do, as the Secretary did, put the town sites elsewhere, and require, as this bill does, these railroad companies to furnish depot facilities at such town sites. It seems strange that we should hesitate a moment to adopt

stringent measures to require the railroad companies to furnish necessary facilities at the town sites established by law; but such

seems to be the case.

Mr. CANNON of Illinois. I understand the roads were authorized and constructed before this bill was brought in here?

Mr. SPRINGER. Yes. Mr. CANNON of Illinois. And the town sites or the lands ad-

Mr. CANNON of Illinois. And the town sites or the lands adjacent to the railway stations, established under the law, were taken by the Indians or their families, and they located on land adjacent to the stations of the railway companies.

Mr. SPRINGER. Stations heretofore existing.

Mr. CANNON of Illinois. Heretofore existing, and existing at the time that the Outlet was opened. Now, that being done under law, as the gentleman claims, and the location of town sites also being under law, the Secretary of the Interior located town sites from two to three miles from the stations as they were legally located before the Outlet was thrown open, so that were legally located before the Outlet was thrown open, so that you have a station located at the time the Outlet was thrown open, or a number of stations, located at certain points; and then by the new order, town sites are located two or three miles away, so that if this bill passes you compel the railway company in this conflict to locate stations two or three miles from the stations as they were originally legally located.

Mr. WHEELER of Alabama. Three and three-quarters

miles.

Mr. PICKLER. Every two or three miles.
Mr. CANNON of Illinois. While I do not know anything about these railroads, and do not even know their names, it seems to me that in this conflict the railroad company, with a due regard to its business, must locate its stations and maintain them where the business may demand.

Mr. SPRINGER. Would not you suppose that the business

demanded it in a town of 4,000 inhabitants?

Mr. CANNON of Illinois. I should think so, and I should think any railroad company, for its own interests, would locate a station there

Mr. SPRINGER. Where there is a post-office and a United States land-office, but where the company up to this time has refused to stop its trains or to build a station!

Mr. CANNON of Illinois. It looks to me very much as though two sets of speculators are proceeding, both under the law, to profit at the expense of the railway company, without reference to the public service.

Mr. WHEELER of Alabama. The railway companies have bought these allotments and sold out the lots. They have made

their money and accomplished all they want in the speculation,

and now they stop fighting.

Mr. SPRINGER. What I think is just is, that those persons who took locations under the law and came in upon an equality with all the people who entered there, ought to be first regarded, and that their rights ought to be protected, as against the rights

of those who secured special and exclusive privileges.

Mr. CANNON of Illinois. That is to say, the owners of town lots at a certain set of stations that were located before the Outlet was thrown open have different interests from the owners of town lots two or three miles distant. It is perfectly patent that you can not maintain stations every two or three miles; so that this whole thing is to be fought out between the town-lot speculators, without regard to the business of the country, at the ex-

pense of the railway company.

Mr. SPRINGER. It is to be fought out with regard to the business of the country and with regard to the actual bons fide settlers of the country. That is what this bill requires, that the business interests of the Territory should be regarded and not

the interests of the speculators.

Mr. WHEELER of Alabama. I yield five minutes to the gen-

tleman from Kansus [Mr. SIMPSON].

Mr. SIMPSON. I am a member of the Committee on Territories, and have looked into this bill somewhat, and know something about the conditions existing in that part of the Ter-

ritory, having been over the ground.

It is well known to gentlemen who have investigated this subject that this is a contest between a lot of land-grabbers in the

main; that the railroad corporations have gone into the land-grabbing business. There is no doubt of that. I think, how-ever, that the gentleman from Oklahoma [Mr. FLYNN] is mis-taken in saying that the Interior Department is to blame for

The bill allowing allotments to these Indians was so amended in the Senate as to allow the agent of the Indians to locate this land anywhere in the Territory. The bill, as it passed the House, originally provided that these Indians should be limited to their improved lands that they lived upon, and adjoining lands; but the bill was amended in the Senate so as to allow the Indian agent to select land anywhere in the Territory.
Mr. CURTIS of Kansas rose.

Mr. SIMPSON. I have only five minutes and can not yield to the gentleman. I say, therefore, that if the Interior Department has erred at all, it was through its agents in some way letting out the fact, or the news getting out in some way that the Government would locate their town sites or county-seat towns at these original points where the railroads had their stations already established. Now, under the law allowing to the railroads the right of way through the Territory, they are granted at each station, every 10 miles, a piece of land 300 feet wide and 3,000 feet long, where their depots are located.

Now, take the Indian allotments. That takes up nearly all the adjoining lands to the railroad depot grounds. It takes up the balance of the town; and therefore the railroads and the Indian allotments had all of it, and located nearly all the town: so the Government, in defense of the people, were compelled to move the townsites 2 miles south of the railroad stations. Now, the railroads refuse to put depots there, and facilities for the use of the people in their freight, mails, etc., and this bill is to compel the railroads to locate their stations at these Government townsites,

county seats, and land offices.

Now, then, there is an average of over 5,000 people in each one of those towns. I have here two very large petitions signed by the citizens of this town of Enid. Nearly all the citizens have signed the petition to have a railroad station located there.

have a map and survey of the town, showing the grade, and showing it is possible to have the depot located on a crown where they will have a grade both ways in starting, and where it may

be located at very limited expense to the railroad.

This bill has been so amended that the railroads will not be required to put the depot at any special place, but they shall locate it within one-fourth of a mile of the limits of the townsite, thereby giving them liberty to locate it on either side and to select a good location. This is in the interest of and for the protection of the people on the public lands, including the townsites. It is a bill to circumvent and overreach the land grabbers who have been acting in collusion with the railroad corporations in this case as they have all over the Western courty and tions in this case as they have all over the Western country; and it is a bill that ought to pass without a single objection in this

The SPEAKER. The time of the gentleman has expired.
Mr. WHEELER of Alabama. I yield two minutes to the gentleman from Arkansas [Mr. McRAE].
Mr. McRAE. Mr. Speaker, the essential point in the allot-

ment to the Indians as it occurs to me has been overlooked in this debate. It is not true that the Interior Department located any towns at the present railroad stations before the Indian allotments were made. It may be true that the Secretary would have located them there if the Indians had not taken the lands adjacent under their allotment contract. The act and agreement, under which they took the allotment lands, authorized them to take them anywhere in the Strip. The act declares that the allotment shall be made "by" the Indians, not "to" the In-

dians by the Department.

The word "by" was stricken out in the Senate, and the word "to" inserted. This, with other amendments, was disagreed to by the House and the bill went into conference. The Senate amendment was finally yielded, and the bill passed in the shape that I have stated, and can not be held to mean anything except ability of the state of a deliberate purpose to allow the right of selection by the allot-

So, I think the Department properly construed the act to mean that the Indians should be allowed to take their allotments,

which they had contracted for, wherever they wanted them.

After the Indians had selected their lands adjacent to the proposed railroad stations the Department, to prevent a monopoly of the townsites by the railroads and Indians, located the Gov-

ernment towns where they are now located.

There was never any location of townsites by the Secretary at the stations near where the Indians made the selections. The simple question involved in this bill is whether Congress will require the railroads running through the Strip to furnish accommodations for freight and passengers at the towns established regularly and by authority of law. I think the bill should be

passed promptly.

The SPEAKER. The morning hour has expired.
Mr. WHEELER of Alabama. It is understood that this bill comes up to-morrow.

The SPEAKER. When the morning hour is called again this

bill will be in order.

CORRECTION.

Mr. BLAIR. Mr. Speaker, on examining the report of my remarks upon the Geary bill in the RECORD as published this morning I find that I have inadvertently made a mistake of the personnel of the Supreme Court at the time the Scott law was sustained, and at the time that the recent decision was rendered.

I spoke of the personnel as substantially the same in both instances, not remembering at the moment that the Scott law v sustained some three or four years ago. I have corrected the matter in the RECORD, so that in the subsequent publication it will be correct.

ORDER OF BUSINESS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Bartholdt, for two weeks, on account of important business

To Mr. TYLER, for ten days, on account of important business.

PRINTING BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Dockery in the

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 2650) to provide for public printing and the distribution of public documents.

Mr. RICHARDSON of Tennessee. Mr. Chairman, when the committee rose on yesterday there were three amendments proposed to the pending section in relation to the number of Con-GRESSIONAL RECORDS to be furnished—one by the gentleman from Indiana [Mr. COOPER], one by the gentleman from South Dakota [Mr. PICKLER], and another by the gentleman from Illinois [Mr. SMITH]. I have conferred with those gentlemen and I think we have arrived at a satisfactory conclusion. At any rate, recognizing the fact that there is a reasonable and just demand for an increased number of this publication, more particularly during this extra session, I have evolved out of the three propositions an amendment which I send to the desk, and which I ask those gentlemen to accept as a substitute for theirs, in order that we may get along with this bill.

I will state that my amendment embraces the amendment of

the gentleman from Indiana, making a permanent increase of 8 copies in the number of the RECORDS furnished to members, and provides that those 8 copies shall go to public libraries designated by Members and Delegates. In addition to that, it also increases the number to 14 temporarily, during this extra session. The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee.

The Clerk read as follows:

Amend section 76, line 232, as follows:

"Strike out 'twenty-two' and insert 'thirty; of which number 8 copies shall be sent, one each, to such public or school library as shall be designated for this purpose by each Representative and Delegate in Congress. In addition to this number, 14 copies of the RECORD of the extraordinary session of the Fifty-third Congress shall be furnished to each Representative and Delegate."

The CHAIRMAN. Without objection, the amendment, the mendment to the amendment, and the substitute will be considered as withdrawn.

Mr. SMITH of Illinois. Mr. Chairman, before that is acted upon I wish to say that the amendment suggested by myself on yesterday, which provided for increasing the number of Con-GRESSIONAL RECORDS assigned to each member from 22 to 50, ARESSIONAL RECORDS assigned to each member from 22 to 30.

I believed then and believe now was nothing but just and reasonable, and necessary to meet the demands of the people. The CONGRESSIONAL RECORD contains all the proceedings of Congress, and there is a growing desire on the part of the people of this country to keep themselves abreast with the times and to know what their representatives in both branches of Congress are doing and what legislation is being enacted. There is no better medium through which this information can be furnished to the people than the CONGRESSIONAL RECORD itself, and I believe the people than the CONGRESSIONAL RECORD itself, and I believe it would be eminently proper, and for the interests of the people, if we could have the number increased not to 50, but to 100 for every member of this House.

We are all of us called upon for more copies of the RECORD than we can possibly furnish; but, air, as I have never been inclined to obstruct business in Congress since I have had the honor to be a member, as I have never yet sympathized with those who do captiously obstruct the business of legislation, and as I hope that by taking the action which I am about to take I shall furnish a good example to another branch of Congress, wrestling over a question upon which they seem to be unable to agree, and further, as I am willing now, and always, if I can not get all I want to take part of what I want, I will accept the

amendment proposed by the gentleman from Tennessee, and I hope it will be adopted.

The CHAIRMAN. Without objection the amendment to the amendment and the substitute will be regarded as withdrawn.

There was no objection.

Mr. WILSON of Washington. Mr. Chairman, I wanted to ask the gentleman what is the number provided in the proposed amendment

mr. RICHARDSON of Tennessee. I will state to the gentle-man that it will give each of us 44 copies of the RECORD. The CHAIRMAN. The Clerk will again report the amend.

ment for the information of the Committee.

The amendment was again read.

Mr. WILSON of Washington. Mr. Chairman, I move to strike

out the last word—
Mr. RICHARDSON of Tennessee. Oh, I ask the gentleman to let us go ahead. We have only thirty minutes to devote to this bill this morning.

Mr. WILSON of Washington. I do not think these RECORDS ought to go to the libraries.

Mr. RICHARDSON of Tennessee. Well, you need not send

Mr. WILSON of Washington. That is all right. The amendment of Mr. RICHARDSON was agreed to.

The Clerk read as follows:

To the Vice-President and each Senator, 44 copies; and to the Secretary and Sergeant-of-Arms of the Senate, each 25 copies; to each Representative and Delegate. 22 copies, and to Clerk and Sergeant-at-Arms of the House, each 25 copies; to be supplied daily as originally published or inthe revised and permanent form, bound only in half Russia, or part in each form, as each may elect.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Line 292, strike out "Sergeant-at-Arms" and insert "Doorkeeper, for the use of the House."

The amendment was agreed to. The Clerk read as follows:

To the library of each of the eight Executive Departments, and to the Naval To the library of bound copy.

To the Soldiers' Home, and to each of the national homes for disabled volunteer soldiers, one copy of the daily.

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend line 321, after the word "observatory," by inserting "Smithsonian Institution and the United States National Museum."

The amendment was agreed to.
Mr. HAINER of Nebraska. Mr. Chairman, I move to amend

Mr. HAINER of Neorassia. Mr. Chairman, I move to amena that paragraph in line 323 by inserting, after the word "soldiers," the words "and to each State Home."

Mr. RICHARDSON of Tennessee. I do not object to that. Mr. BRODERICK. I move to amend by inserting in line 323, after "soldiers," the words "Homes established for either Federal or Confederate soldiers."

Mr. RICHARDSON of Tennessee. I understand that that is what tally the same the same depart of the same flows.

substantially the same as the amendment of the gentleman from Nebraska.

Mr. HAINER of Nebraska. It is; but I will withdraw my amendment in favor of that of the gentleman from Kansas.

The amendment of Mr. BRODERICK was agreed to.

The Clerk read as follows:

The Public Printer is authorized to furnish to subscribers the daily Record at 88 for the long and \$4 for the short session, or \$1.50 per month, payable in advance. The "usual number" of the Congressional Record shall

Mr. RICHARDSON of Tennessee. I move to amend by adding to the paragraph just read the following:

The daily and permanent RECORD shall bear the same date, which shall be of the actual day's proceedings reported therein. Mr. PICKLER. I would like to know what the "usual num-

I do not understand that technical term. Mr. RICHARDSON of Tennessee. This provision means that the copies heretofore printed as the "usual number," being 1,734,

shall not hereafter be published, because we provide in the terms of this bill for the whole distribution.

The amendment of Mr. RICHARDSON of Tennessee was agreed

The Clerk read as follows:

The Secretary of War is hereby directed to ascertain what number of copies of the first five volumes of the Rebellion Record is required to complete sets of this series in the possession of libraries or persons supplied with subsequent volumes under existing provisions of law, whether such distribution has been through the War Department or otherwise; and the Public Printer is authorized and directed to furnish, upon the requisition of the Secretary of War, the number of copies of each volume required for this purpose, which shall be used exclusively by the Secretary of War for completing such sets.

Mr. WILLIAM A. STONE. I move to amend by adding at the end of the paragraph just read, the following:

and the Public Printer is further authorized and directed to furnish a emplete set of the Rebellion Records to each Senator and Member of the present Congress not already by law entitled to receive the same.

Mr. RICHARDSON of Tennessee. I make a point of order upon that amendment. I do not think it is in order.
Mr. WILLIAM A. STONE. Why not? It has been customary, I understand, to give new members of Congress these Recompted

rds. That is all the amendment proposes. Mr. RICHARDSON of Tennessee. Well, Mr. Chairman, I am Mr. RICHARDSON of Tennesses. Well, Mr. Chairman, I am unalterably opposed to this Congress voting to itself the people's money at the rate of \$220 per member. That is what this resolution means. It will cost \$220 per set to publish these Rebellion Records. We propose to publish for our individual use books to the amount of \$220 per member, and place them in our personal libraries.

Mr. WILLIAM A. STONE. Not at all

Mr. RICHARDSON of Tennessee. The gentleman, by the terms of his amendment, proposes to except members of Congress who are already entitled to receive these documents. But how did such members become entitled to this work? They acquired the right under a provision similar to this, inserted in

acquired the right under a provision similar to this, inserted in an appropriation bill of the last Congress.

The CHAIRMAN. Will the gentleman from Tennessee [Mr. Richardson] suspend for a moment? The Chair understood thegentleman to submit a point of order. Will he please state it? Mr. RICHARDSON of Tennessee. It is substantially the same point which I made yesterday. I do not think that a temporary provision of this kind ought to be inserted in a bill which proposes to make permanent provisions in regard to the publication of documents. The Chair overruled my point yesterday; and for that reason I have indulged in these remarks without awaiting the ruling of the Chair. ing the ruling of the Chair.

The CHAIRMAN. The Chair is constrained to overrule the

point of order again to-day.

Mr. RICHARDSON of Tennessee. I wish to say further, Mr. Chairman, that the lines relating to this publication, which have just been read as a part of this bill, ought not to be there. This provision was enacted into law in the beginning of the last Congress; it is already on the statute book. It was included as part of the text of the appring bill and by oversight was not struck. of the taxt of the original bill, and by oversight was not struck out when the bill was introduced in this Congress. It ought not

to be in the bill because it is already the law.

Mr. TURNER. When the gentleman spoke of an expense of \$220 for these volumes, I presume he meant \$220 per set.

Mr. RICHARDSON of Tennessee. I mean that each member who votes for this publication will vote himself \$220 worth of

Mr. WILLIAM A. STONE. I do not so understand the matter at all. This provision is only to give these Records to those who are new members. We who have been in previous Congresses have already received our sets. Why not give similar sets to the new members?

Mr. BELTZHOOVER. In order that we may know what the amendment is, I ask that it be read again.

The amendment was again read.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I wish to say that during the last Congress there was inserted in an appropriation bill, without notice to members of Congress, and without their knowledge—there was inserted in the Senate and agreed to in conference as I understand a procision by which agreed to in conference, as I understand, a provision by which each member of the Fifty-second Congress was to receive this publication. It cost the Government of the United States \$96,000 to make this present to members of the last Congress. That provision was passed in this House without the knowledge, I venture to say, of fifteen men here. I did not know that it was in the appropriation bill; and our

"Watch dog of the Treasury" failed to notify this House that it was there. That action was taken at the first session of the last Congress. In the second session I undertook to repeal the pro-

vision which had been adopted; I offered an amendment to strike it out; but the proposition failed. I repeat that during the long session of the last Congress there was inserted in an appropriation bill, without one word of debate upon it in this House, a provision which made to us a present of these works for our personal libraries.

Sonal libraries.
Mr. BRETZ. I wish to say that my friend from Tennessee [Mr. Mr. BRETZ. I wish to say that my colleague, Judge HoL-MICHARDSON] does great injustice to my colleague, Judge HOL-MAN, when he says that my colleague failed to notify the House that we were voting \$220 to each member. I distinctly recol-lect, and the RECORD will show the fact, that my colleague bit-

from Indiana to turn to that speech, if he can. The gentleman from Indiana [Mr. HOLMAN] may have objected to the amendment by number, but nobody knew what the number referred to. that a great many members of this House did not know I know that a great many members of this House did not know that they were getting such a present until after Congress had adjourned for that long session. That provision, as I have stated, gave all the members of the Fifty-second Congress one copy of this publication at a cost of \$220 for each member, or in the aggregate about \$96,000. Now, this proposition comes here to give the new members, who were not members of the Fifty-second Congress, the same number. I do not know how many there are; but if there are a hundred new members here and in the Sente if will amount to a hundred times \$220, or \$22,000. the Senate it will amount to a hundred times \$220, or \$22,000.

Here the hammer fell.

Mr. WILLIAM A. STONE was recognized.
Mr. PICKLER. Will the gentleman yield to me a moment to ask the chairman of the committee a question or two? Mr. WILLIAM A. STONE. Certainly.

Mr. PICKLER. I wish to ask the chairman of the committee,

Mr. Pickler. I wish to ask the chairman of the committee, if he has the information, how long it is calculated before the publication of the rebellion records will be completed?

Mr. RICHARDSON of Tennessee. I can not give the exact date, but when this report was being prepared we called before us the gentleman in charge of that work, and he stated, as I remember, that they could get through about 1895, if I remember convectly. correct

Mr. PICKLER. Then these records will be completed at

that time?
Mr. RICHARDSON of Tennessee. Yes; the records will be completed, but each session of Congress can keep on having this additional printing done for the new members without limit.

Mr. PICKLER. But while the work is running as a current

with the work is running as a current volume the members here are, I think, entitled to receive them, or ought to receive them. Solong as the volumes are being published why not let the members have them? When the work is completed, and the complete sets only could be furnished, that would be a different thing, and there would be no such argument for distributing them among the members as now applies.

Mr. RICHARDSON of Tennessee. But there are already

about ninety volumes published, or the work will make that number of volumes; and this proposition would simply be making ourselves a present of that publication.

Mr. PICKLER. Oh, well, as far as that is concerned, you can

consider it making ourselves a present of every document we get from the Government.

Mr. RICHARDSON of Tennessee. No; it is a very different case. Other documents are received for our constituents, but this proposition is a direct present to each member of the House.

Mr. PICKLER. Well, they will go to the public libraries in each member's district in time.

Mr. RICHARDSON of Tennessee. If they go to the libraries in the districts there is no use in limiting it to one copy. The gentleman is mistaken in that, however. This proposition is for gentleman is mistaken in that, however. This proposition is for the personal use of the members themselves. Mr. PICKLER. While I am not in favor of an indefinite con-

tinuation of this, it does seem to me that as the work is to con-

Mr. RICHARDSON of Tennessee. About that time.
Mr. PICKLER (continuing). Well, about that time. I say if it is to continue no longer than that, it is not too much to let the

it is to continue no longer than that, it is not too much to let the members of Congress have a set of them.

Mr. WILLIAM. A. STONE. Mr. Chairman, in the first place it may be said that there ought never to have been any records of the war of the rebellion published. On account of economy that may be entirely true. But inasmuch as they have been published, and have been given to members of Congress, it seems to me no more than fair and right to give to the new members the same privilege that we have had. Therefore I have offered the amendment in good faith, believing that it would be simply complimentary to the new members to give them these records.

them these records.

Mr. SIMPSON. Mr. Chairman, if the gentleman will permit me I wish to ask him if we continue this donation or distribution with the present Congress to every new member here, who was not a member of the last Congress, then the Fifty-fourth was not a member of the last Congress, then the Fifty-fourth Congress will want to distribute the Records amongst new members of that body, and so on with the Fifty-fifth Congress, and indefinitely to the end of time.

Mr. PICKLER. Oh, no. Because the publication will be completed after awhile.

Mr. SIMPSON. And where is a stop to be put to this kind of averagidities?

lect, and the Record will show the fact, that my colleague bitterly opposed that proposition, stating on the floor of the House that that was just what we were doing.

Mr. RICHARDSON of Tennessee. I would like my friend

Mr. SIMPSON. Well, it becomes me, at all events, for I

voted against that proposition.

Mr. PICKLER. Will you take the books if they are given to you?

Mr. SIMPSON. I will take the books, because if I do not it twill not save the Government any expense. They will be printed anyway. But it is useless to found any argument on that. We can not put a stop to the extravagant expenditures of the people's money here too soon.

Mr. WILLIAM A. STONE. But this does not benefit us. It

isfor the people. Mr. SIMPSON. Mr. SIMPSON. Perhaps not the individual Congressman, but some special friend is favored. At all events the people

have to pay the bill.

Mr. WILLIAM A. STONE. It seems to me that the gentleman ought not to begin on the new members of this Congress.

Mr. SIMPSON. We must begin somewhere. The members of the Fifty-fourth Cougress will be told they ought not to begin

on the new members of that Congress.

Mr. HICKS. Well, do not begin on this book anyway.

Mr. SIMPSON (continuing). And the Fifty-fifth Congress will be told that they ought not to begin on the new members of that body, and so on. Now, I am opposed to this kind of expenditure of the money of the people.

Mr. WILLIAM A. STONE. Let us begin by cutting off some other publications then, and not cut this one off.

Mr. RICHARDSON of Tennessee. I wish to make an appeal

to my friend who offered this amendment [Mr. WILLIAM A. STONE]. The printing of this document was authorized by a provision in an appropriation bill. It does not properly belong to this bill. I ask my friend to withdraw this amendment, and to offer it when we consider the appropriation bill. If it is to be done at all let it be done in the same way that it was hereto-fore ordered, and do not make this committee order it. Mr. WILLIAM A. STONE. I should be very glad to oblige

my friend, but I can not do that.

Mr. BELTZHOOVER. Mr. Chairman, I desire to say that the learned chairman of the Committee on Printing [Mr. RICHARDSON of Tennessee] is somewhat at fault in relation to the facts as to how this book was printed in the Fifty-second Congress. I listened to that discussion with great care, because I was here when the original printing of this book was authorized, and while I was already in receipt of a copy, and had not a particle of personal interest in the matter, I voted for it because I believed it to be right.

particle of personal interest in the matter, I voted for it because I believed it to be right.

The additional copy which I received went to one of the Grand Army posts in my district, and I want to say there is no reason why every Grand Army post in the United States that wants a copy of this Rebellion Record should not now have it.

The appeal which the learned chairman [Mr. RICHARDSON of Tennessee] now makes to my colleague from Pennsylvania [Mr. WILLIAM A. STONE] to wait until we reach our regular appropriation bill, is the ordinary soft solder given to gentlemen who make such propositions. That will not come until the judgment day, perhaps, if then; and if we have to wait until it comes from the gentleman's committee as an original proposition with regard to the public printing, we will also have to wait perhaps beyond that, as we have to wait for everything else except that which suits the particular notion of this learned gentleman.

Therefore, having voted in the last Congress to give the new members of the Fifty-second Congress each a copy of this book—those of us who were here before having received it previously—I do not see any reason why we should not now give those who come in as new members of the Fifty-third Congress, each a copy of this book, in order that a large number of posts and the public libraries in the United States which have not the book may be supplied. This is one of the most valuable publications the Govarnent have var made. A century from now it will be prace.

be supplied. This is one of the most valuable publications the Government has ever made. A century from now it will be practically invaluable and can not be purchased. It can not be reprinted on account of its size. We have now the facilities to furnish the public libraries in the United States with copies, by giving each new member an additional copy. That will make perhaps an hundred additional copies, which will go far toward supplying the deficit. For this reason I believe the amendment of my colleague [Mr. WILLIAM. A. STONE] should be adopted.

I have not a particle of personal interest in the matter, any more than I had in the vote which I gave in the last Congress, because I was already in receipt of my quota for distribution, and had received a copy for myself, which came under the original

Mr. DOOLITTLE. Mr. Chairman, it seems to me it comes with exceedingly poor grace from those old members of this House, who have heretofore been supplied with this work, to object to the new members receiving it. There is great demand for it all over the entire country. I have received numerous for it all over the entire country. I have received numerous letters during the short time I have been here, making requests

for copies of this work. Now, it seems to me very unjust, and very much after the fashion of the dog in the manger, that those gentlemen who have been supplied should say that the new members shall not receive copies of this Rebellion Record. I do not believe there is any justice or right in it, and I do not believe the country will sanction or back up a sentiment so thoroughly impregnated and weighted down with selfishness as that kind of a sentiment necessarily is.

The people of this country are entirely willing to approve the action of Congress whenever it is directed toward the dissemination of information, and this is a work that is valuable, and is de-

sired by the people of this country.

Mr. SIMPSON. This copy is not for distribution.

Mr. DOOLITTLE. I understand that; but I suppose a member receiving a copy of this work would have a right to turn it over to a library, where it would be accessible to hundreds of

I have in my own State a great number of Grand Army posts, and I have received from these Grand Army posts requests for this

work.

Now, gentlemen, the Congress of this country can afford to be dr and just to the people of this country.

Mr. RICHARDSON of Tennessee. Will the gentleman allow

me to ask him a question? Mr. DOOLITTLE. I w

Mr. DOOLITTLE. I will. Mr. RICHARDSON of Tennessee. Do you not know that when this publication was made, in the Forty-seventh Congress, that 26 copies were ordered to be sent to every Congressional district, to designated libraries, and persons named by members of that Congress; so that 26 copies of this work must be going

into your neighborhood?

Mr. DOOLITTLE. Now, Mr. Speaker, we had no member of Congress at that time, with the exception of one Delegate, and there are a good many States now that were Territories at that time. At all events, this country will not suffer from a little expenditure of this kind; and I am tired of this grum, pious sort of economy, especially when it comes to disseminating informa-

of economy, especially when it comes to disseminating informa-tion to the people of this country, and it is not fair, gentlemen, to the members who are unsupplied. [Cries of "Vote!"] Mr. WILLIAMS of Mississippi. Mr. Chairman, I am a new member of Congress, and therefore it does not come with bad grace for me to oppose this appropriation. I am very anxious to have these records. There are in the Rebellion War Records some things about those who are near and dear to me which would be of great value to me. I propose sometime to have that book, but I have not heretofore been rich enough to buy any set put within my reach. There are a great many things, Mr. Chairman, that I want which I conceive I have no right to vote my-self out of the Treasury of the United States; and because the Fifty-second Congress took this action in this matter it is no arranged why we should commit the same away. gument why we should commit the same error.

If the Fifty-second Congress voted a book to each of its members, not for purposes of distribution, not for purposes of disseminating useful information, as the last gentleman has said, but for the purpose of putting it upon the private library shelf of each member, then that Congress made a criminal legislative error; and I do not see it is any reason why we should fall into their footsteps and put ourselves in the same attitude. I raise no false cry of economy. Whenever it comes to a public purpose, I am in favor of the Government of the United States putting its hands into its pocket and pulling out the very last dollar nec

its hands into its pocket and pulling out the very last dollar necessary to subserve public purpose; but I am not in favor, here and now, of the body of economy, the body of the people, as we boast we are, putting ourselves upon record as expending money, not for public purposes, but for private purposes.

Mr. COOPER of Indiana. Mr. Chairman, the gentleman who has just taken his seat has made my speech, but I desire to emphasize it. I wish members to understand that this proposition is not to furnish libraries with this work, or to furnish Grand Army posts with the work, and not to put it into the hands of the people, but to put it in the hands of members of Congress; "to each Senator and member of the present Congress not already entitled to receive the same" is the language of the amendment. It seems to me, Mr. Chairman, that we can not go so far as that in this bill. We will load it down so that it will become absolutely necessary to defeat the entire measure if we become absolutely necessary to defeat the entire measure if we put provisions of this kind upon it. This must stop some time. We will always have some new members here, and the argument made in their behalf would make the publication perpetual.

We must go slow now in the matter of appropriations. We hear from the Treasury Department that there will be a deficiency of \$50,000,000 during this fiscal year, and that the receipts of the Government are not equal to the expenditures from day to day. We can not afford to follow the precedents of the Fifty. to day. We can not afford to follow the precedents of the Fifty-first Congress, in the matter of second Congress, nor of the Fifty-first Congress, in the matter of make precedents now. expenditures; but we must begin to make precedents now.

have favored some slight increases here and there during the consideration of this measure, but in every instance with the view of serving the people and supplying them with such information as can be gathered from public documents, through the media of public libraries. In every instance I have opposed such increases as were intended to put additional matter at the personal disposal of the members. Mr. Chairman, this is a good fill a reform bill, a bill to save money and to better serve the bill, a reform bill, a bill to save money and to better serve the

people. I hope we will not destroy it by putting this selfish, extravagant, and unnecessary amendment upon it.

Mr. McKAIG. Mr. Chairman, as a member of the committee, I desire to call the attention of the gentleman to one fact. This bill is the result of the sitting of the special joint committee of both Houses authorized under concurrent resolution of February 9, 1891, not only to systematize the printing of this Government, but also to cut down the expenditures. Now, as members of the House, we continually hear upon this floor criticism of the Committee on Printing on account of the extravagance of measures that are reported from it. When this testimony was taken, for the purpose of producing a bill of such a character as to cut down the expenditures for the printing of the Government there were frequent examinations of experts upon this question, in this city during the three or four months the committee was in session, between the end of the Fifty-first Congress and the commence-

ment of the Fifty-second.

Now, the intention of this bill is to cut down the expense of printing, but if you look into it, you will find that you are gradually loading up the bill to such an extent that it will be necessary, as has been stated here, to defeat it in order to avoid going beyond what has been done heretofore in the way of expenditure for printing. Our public printing now costs us \$3,600,000. Of that large amount only \$300,000 is expended under the authority of the printing committee of this body. The rest is done under permanent laws which have been put upon the statute books, enabling the Departments to have this work done. You have added \$45,000 to this bill already for an extraneous matter, a republication of the book on Diseases of the Horse.

Now, you propose to put in a publication that will cost, according to the number of new members you have, not less than \$25,000 or \$30,000, or perhaps \$50,000. So you see that the very objectaimed at by this investigation, the adoption of a better method of systematizing the work and the cutting down of expenses is likely to be entirely defeated. Now, I appeal to members of the House, if it was necessary two or three years ago to author-ize a committee to sit between Congresses in order to mark out forms by which the cost of public printing could be reduced--if that

forms by which the cost of public printing could be reduced—if that was necessary at that time when the Treasury was full, how much more necessary is it now with your Treasury virtually empty!

Are we to go before the country with the record of having brought in a bill for the purpose of reducing the cost of printing, yet having passed that bill in such form as to carry the cost beyond what it was three or four years ago? Do gentlemen, by loading down the bill in this way, want to make it necessary for us to kill it? This amendment relates to a new matter, a matter that does not belong to this bill at all. If you want this proposition considered, why not introduce a resolution and let it come before the House on its merits, instead of thrusting it into this bill and making it the instrument for consigning the bill to its bill and making it the instrument for consigning the bill to its

Mr. BELTZHOOVER. Will you vote in favor of such a reso-

Mr. McKAIG. No, sir; I will not. I voted against it before. Mr. BELTZHOOVER. Will your committee vote favorably upon it?

Mr. McKAIG. I will not.

Mr. BELTZHOOVER. And your chairman will not?
Mr. RICHARDSON of Tennessee. Such a matter would not come to our committee; it would go to the Committee on Appro-

Mr. BELTZHOOVER. I understand that, but if we introduce a resolution and send it to your committee, will you report it favorabl

Mr. RICHARDSON of Tennessee. I will never vote to give

this to members of Congress. I will say that.

The question being taken on the amendment of Mr. WILLIAM A. STONE, the Chairman announced that the noes seemed to

Mr. BELTZHOOVER. I ask for a division.

The committee divided.

The CHAIRMAN. Upon this question the ayes are 48 and the noes are 57. The amendment is rejected.
A MEMBER. No quorum.

A MEMBER. No quorum.
The CHAIRMAN. The gentleman from New Hampshire
[Mr. Baker] makes the point of no quorum. The hour of 2 o'clock having arrived-

Mr. RICHARDSON of Tennessee (interposing). Mr. Chairman, I rise to a parliamentary inquiry. nounce that that amendment was lost? Did not the Chair an-

The CHAIRMAN. The Chair did, but the gentleman from New Hampshire made the point of no quorum and the Chair heard him while making the announcement. The hour set for the special order having arrived, the committee will rise.

The committee accordingly rose; and Mr. O'NEIL of Massachusetts having taken the chair as Speaker pro tempore, Mr. DOCKERY, from the Committee of the Whole on the state of the Union, reported that they had had under consideration a bill (H. R. 2650) to provide for public printing and binding and the distribution of public documents and had come to no resolution thereon.

THE LATE REPRESENTATIVE MUTCHLER.

The SPEAKER pro tempore (Mr. O'NEIL of Massachusetts). The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Thursday, October 19, 1893, at 2 o'clock p. m., be fixed as the time for paying appropriate honor to the memory of Hon. William Mutchler, late a Representative from the State of Pennsylvania.

Mr. REILLY. Mr. Speaker, I offer the resolutions that I send to the desk.

The resolutions were read, as follows:

Resolved, That the House has heard with profound sorrow the announcement of the death of Hon. William Mutchler, late a Representative from the State of Pennsylvania, and tender to his family assurances of sympathy in

State of remnsyration that the state of the House be suspended that opportunity Resolved. That the business of the House be suspended that opportunity and the memory of our deceased colleague and Resolved, That the business of the House be suspended that opportunity may be given for fitting tribute to the memory of our deceased colleague and to his eminent public and private virtues, and great public services.

Resolved, That a copy of these resolutions be transmitted to the Senate, and, as a further mark of respect, that upon the conclusion of these ceremonies the House shall adjourn.

Mr. REILLY. Mr. Speaker, William Mutchler, a Representative in Congress from the Eighth district of Pennsylvania during several terms, departed this life at his residence in the borough of Easton, Pa., on the 23d day of June last at fifteen minutes before 3 o'clock a.m. Soon after our assembling here in August I made formal announcement of the fact to the House, stating that at some future date his colleagues would ask the House to lay aside its public duties and set apart a day, that fitting tribute

might be paid to the memory of our lamented brother. In asking the House at this time to suspend its usual deliberations for this purpose, we but observe a very praiseworthy custom that has obtained in both Houses of Congress from the formation of our Government. Nor do we ask it as a mere formal ceremony, but to testify our appreciation of a faithful member of this body and our admiration for an esteemed colleague. To me it is a painful duty, characterized by grief for a long cherished friend. Of all the tributes of the human heart, of all the sentiments and feelings incident to human nature, there is, Mr. Speaker, perhaps none so ennobling in their character, so re-fining in their influence, and so elevating in their tendencies, as that feeling of reverence for the loved one dead. Who can depict the anguish of the heart-stricken widow left to mourn the loss of her devoted companion through life, or the heavy-laden sorrow of the affectionate child for the devoted father. We are so constituted that, in the attachments men form for each other in their associations through life, the separation by death awakens the noblest impulse of our heart and arouses the keenest pang of sorrow.

I am sure, Mr. Speaker, that such sentiments as these prompt the members of this House to participate in and witness these memorial exercises to our departed colleague, for I may say no higher evidence of the esteem in which he was held can be found than the many sincere expressions of regret made by members over his death; and the fact that the most prominent members of this House, and those who were most intimately acquainted with Mr. Mutchler, made known their desire to testify their admiration and respect for the man by taking part in these cere-

William Mutchler was born December 21, 1831, at Chain Dam, Northampton County, Pa. He was the son of John and Margaret Mutchler, and one of seven sons. His father was a descendant of that sturdy German stock who imbued with love of our free institutions left their native land, took up their abode our free institutions left their native land, took up their abode in our young Republic, and contributed so much to its development and marvelous growth. Mr. Mutchler's father settled many years ago moving from the State of New Jersey, in Northampton County, Pa., engaging in the business of a farmer. He died when the subject of our sketch was only 7 years of age, and young Mutchler was thus early in life compelled to assist in supporting the family. He did not have any of the usual advantages of life in the way of enjoying facilities for education, but in his younger years he manifested those sturdy traits of char-

acter, of self-reliance, industry, and perseverance, which so strongly characterized his career as a man. Later, profiting by the industry of himself and his brothers, William was enabled to acquire facilities for a better education, and for several years, though at considerable inconvenience, he was enabled to attend the famous academy of Dr. Vandever in Easton, and later in life began the study of law in the office of his brother, H. M. Mutchler, eq. Although not favored with the means or facilities of obtaining an extensive education during his minority, yet Mr. Mutchler became and was quite an accomplished scholar. He was a close student, a great reader, and was thoroughly well informed upon all branches of literature. He was familiar with all the works of the great authors, with history, poetry, arts and sciences, as well as the Scriptures. He was particularly well versed in the sacred writings, and it afforded him great pleasure to discuss and discourse upon the Books of the Testament, both old and new, their origin and

Whist reading law he was made deputy sheriff of his county, and served in that capacity for several years; and was married to Miss Louisa Cope, daughter of —— Cope, then sheriff of said county, to whom was born six children, all of whom are dead ave one—Howard—who is the worthy successor of his father in this body. In 1860 Mr. Mutchler was elected by the people of his county to the office of prothonotary, and reslected to the same office, serving from 1860 to 1866, and it was in these positions that he acquired that practical education which so well equipped him, and which he found of so much value afterwards in the practice of his profession. He also held the office of assistant assessor of internal revenue from 1867 to 1869, and was chairman of the Democratic State committee of Pennsylvania for the years 1869 and 1870, in which position he displayed ex-traordinary executive ability and qualities of leadership.

Mr. Mutchler was, as we all know, a man of splendid physique and appearance, one that would attract attention in any assembly, and clearly indicated the strength of character, the generosity of heart, and power of intellect that characterized him. It was apparent at once that he was a man destined to be and to become prominent among his fellow-men. He enjoyed the unbounded confidence and respect of his people, as was demonstrated by his repeated elections by handsome majorities, and the fact that in his own county he never had opposition for a nomination. and this was the secret of his long-continued power with his fellow-citizens.

As a lawyer he brought to the practice of his profession a zeal and fidelity that made his clients' cause his ewn. Honorable and honest in all his dealings with court and client, he enjoyed the respect of all, and the elequent and sincere tribute of the bench and bar of his county at the time of his death is the highbench and bar of his county at the time of his death is the highest testimonial of his standing with them. He was of sound judgment, studious and painstaking to seek the right, and untiring in his efforts to sustain it. He was first elected to this House as a member of the Forty-fourth Congress, in which he served with distinction and ability. He was also a member of the Forty-seventh, Forty-eighth, Fifty-first, Fifty-second, and Fifty-third Congresses, and his associates here can and will cheerfully testify, that his service all of these years was characterized with a degree of fidelity, ability, and patriotism that distinguished him as a devoted Representative of his people and his country. He served as a member of various important commitcountry. He served as a member of various important commit-tees of the House, and in the last Congress rendered invaluable service as a member of the important Committee on Appropria-

Mr. Mutchler was a man of kindly disposition, social and gen erous in all his relations. He was a most devoted husband and affectionate father, who idolized his family, and who worshiped at the hearthstone as an altar. As a friend he was sincere, unflinching, and unswerving in that loyalty that he made his own standard of friendship, and as a man he was broad and charitable enough to make all mankind like him. He was a great lover of nature in all its phases, and found much pleasure in communing with it in all its forms. He seemed desirous of delving into and unraveling all the great mysteries of nature which surround us, and its study was a source of interest and pleasure to him. He was of that disposition that could "find tongues in trees, books in

was of that disposition that could "and tongues in trees, books in the running brooks, sermons in stones, and good in everything." A subject of especial interest to him, and one upon which he loved to dilate, was the science of astronomy, with which he was quite familiar. To read the stars, to watch the course of the planets, to admire all the grandeur and beauties and wonders of the heavens, was always a matter of enjoyment, and nothing afteriled him were convenient and some convenient and solver picks. forded him more genuine pleasure than on a clear night when the heavens were brilliantly studded to visit the Observatory, and, with the nid of a powerful telescope, look in admiring won-der on the grand panorama there presented. The heavens seemed to have an especial attraction for his mind, and the sun, that

"great orb of day," the fountain of all light and life, challenged his unbounded admiration, and often he expressed the wish: "When I die bury me with the setting of the sun." This wish of their lamented dead was gratified by his family and friends, and as the last remains of William Mutchler were lowered into

and as the last remains of William Mutchler were lowered into the cold and silent grave in the beautiful cemetery near his home the setting sun was sinking below the western horizon.

Mr. Mutchler had been ailing for some time prior to his demise, but until very shortly prior to his death it was not thought that his condition was at all serious or alarming. I know that he was complaining and had been unwell during the last session of this House, and I am strongly inclined to think, Mr. Speaker, that his indefatigable labors, his carnest application to the last parious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties which devolved upon him as a member of the Arman and the serious duties are serious duties. borious duties which devolved upon him as a member of the Appropriations Committee, tended to exhaust his vitality and went upon his system. We parted after the adjournment, when in in company with his wife he made a visit to Florida with a view of recuperating his wasting energies and regaining his wonted health. He returned from the trip apparently considerably benefited by it.

I met him here in Washington shortly after his return, when he appeared to be enjoying tolerably fair health, but his malady had done its work and its ravage on his system was telling. In the month of June last, in company with several friends, he went on a fishing expedition up into the mourtains of Pennsylvania, but immediately on their arrival there he was selved with an attack of illness that was alarming in its character. He was taken back home, and for a few days seemed to be recovering, but the inexorable decree had gone forth and he was compelled to bow to that inevitable decree, "That it is appointed for all men once to die," and in his home, to him so dear, attended by

his devoted wife, without any apparent struggle or pain, our lamented colleague, as I have stated, passed away as if in sleep.

Mr. Speaker, I bring this garland and place it on the tomb of my departed friend, and pay this humble tribute to his memory. We entered upon our careers as members of this House at the same time, and stood side by side in front of your desk when for the first time the eath of office was administered to us. We were acquainted prior to that, but from that time an intimacy and friendship grew up between us that, I am glad to say, continued up to his death. During our service together here we were close companions, enjoying each other's confidence, and I am proud to say, each other's friendship. If at any time our course on public matters were not in harmony it was only because of a difference of conviction as to our respective duty and in no way estranged our pleasant personal relations.

When I visited Easton to attend his funeral and viewed his remains I felt from the habit of long association as if I must get some recognition from him, and instinctively, as I stood by his bier, I reached out my hand as for the usual greeting bet us, but only to be reminded by his cold and irresponsive hands that he was silent in death, and I must be compelled in parting to bid him only a silent farewell. As in life I esteemed my friend, so in death shall I cherish his memory.

Mr. Speaker, generations of men come and go and follow each other as do the billows on the ceean's crest rising in their majestic form, crystal crowned, only to fall and be dashed to pieces on the shore and disappear; but it can not be, Mr. Speaker, that all there is of this mystery of life is the narrow span between the cradle and the grave. Must we be forced to the belief that all these great endowments given to men such as our lamented friend was gifted with, bright intellect, exalted virtue, nobility character, and all that we admire in mankind die with the

body and are buried in the grave.

It is not given to us, Mr. Speaker, to know all these great mysteries, but though it may be above it is not against reason to indulge in the confident hope and entertain the firm conviction that beyond the grave there is a brighter and happier world where the beloved ones on earth shall meet again. The great mystery beyond is revealed to our friend. Let us hope that he is at rest

Behold, I shew you a mystery; we shall not all sleep, but we shall all be changed.

In a moment, in the twinkling of an eye, at the last trump: for the trumpet shall sound, and the dead shall be raised incorruptible, and we shall be changed.

Mr. CHARLES W. STONE. Mr. Speaker, William Mutchler was my friend, and I deplore his death as a personal bereavement

He was a Pennsylvanian, and the great State we both loved mourns the loss of a filial and devoted son. He was an American, and from the ranks of the Nation's law-makers has gone a loyal, brave, and true public servant.

Bounteous tributes of reverence and affection have already been offered to his memory by his brethren of the bar and sorrowing neighbors and constituents. To these it is befitting that his associates in this House add their testimony to his high qualities as a Representative, and the expression of their sorrow at the loss of a trusted, honored, and loved associate.

My acquaintance with Mr. Mutchler commenced before we met as members of this House, but it was not intimate, and came only through the courteous intercourse of casual meetings. We differed politically, and were far separated geographically, but during our common service in this House we drew gradually nearer together until, during the last session, we often ate at the same table and enjoyed many of the confidences of intimate friendship. In many respects we stood on common ground. Our early lives showed many instances of parallel experience, and each day's intercourse enlarged our sympathy and strengthened our mutual regard; and the news of his death brought to me all the shock

and grief of a personal loss.

Mr. Mutchler was a man of attractive and winning qualities, and attrached his friends to him as with bands of iron. He was always true to them with a loyalty that knew no thought of desertion or betrayal, and they trusted him without question, without hesitation, and without doubt. His rugged honesty, his entire candor, his fidelity to every trust and to every friend were the solid underlying traits of anoble character. He was modest, unostentatious, sincere, generous hearted, broad minded and level headed. He disliked display, never posed, and did nothing simply for effect; in short, to use the expressive words of another, he was "a perfectly natural man." He was simple in his habits, plain in his tastes, quiet in demeanor, straightforward in action. He was manly, independent, self-respecting. He asserted and guarded his rights with gentle modesty, but with manly dignity. He bowed to no dictation, he acknowledged

no master. He owned himself.

As a lawyer he attained greater success than most men who come to the bar as late in life as he did. He was not accomplished in the learning of the schools. His early education was but the average academic training of his day. His preparation for the bar came largely through the practical experience of the prothonotary's and sheriff's offices, and only later did he graph with the science and philosophy of the law. His logical mind, clear insight, direct methods, and untiring industry speedily gave him efficiency, and he became a strong and successful lawyer, enjoying the fullest confidence and respect of both bench and bar.

As a member of this House he commanded the confidence and respect of all, and the closer attachment and affection of those who knew him intimately. He could not be called eloquent, but was clear, logical, direct, and candid in statement, and his perfect fairness, large views, and broad statesmanship gave significance and force to his utterances, and always commanded respectful attention. He was a solid rather than a brilliant man. What he accomplished was by no sudden flight, no meteoric flash of genius, but by quiet, faithful, persistent labor.

I can not better delineate his Congressional career than to quote his own words, uttered in this House in the chaste and feeling tribute paid by him to the memory of the late Samuel J. Randall. Said he:

The one great end and aim of his Congressional life was to do his duty

"He walked attended By a strong-aiding champion, conscience"—

bringing to the labors of every day the strong common sense and vigorous interest of an earnest, faithful, honest man."

Every word of this is true of William Mutchler. In uttering them he but gazed into the mirror and pictured his own character. Strong common sense, carnestness, fidelity, and sincerity, were his distinguishing characteristics. He was always true to his word, to his friends, to himself.

He was a zealous partisan, strong in his allegiance to the party to which he belonged, but stronger in his loyalty, to the commands of his own conscience, and when in the Fifty-first Congress his party with almost unbroken front rallied to the standard of the free coinage of silver, he had the courage to separate from them on that question. On that subject he had positive and well-defined convictions, the result of careful thought and study, and he stood resolutely to them. His love of his party was strong, but for his country stronger.

He was a true representative of his people. He knew them, loved them, sympathized with them, and was their counselor and confidant as well as leader. His early life on the farm, and later services as prothonotary and sheriff of his county and collector of internal revenue of his district brought him into daily, close, and intimate contact and sympathetic association with them, and he came to understand their views, sentiments, motives, and characters with more than ordinary thoroughness and gained a place in their affections and confidence from which no assaults of political rivalry could dislodge him.

But, sir, his work is done; his career is ended. His place in this House is filled and worthily filled by another, and the name of Mutchler still remains on our rolls; but the void in the hearts of loving friends and trusting constituents has not been filled. They will long cherish the memory and mourn the loss of a friend always loyal and true, of a Representative always faithful, diligent, and efficient.

[Mr. BRECKINRIDGE of Arkansas withholds his remarks for revision. See Appendix.]

Mr. BINGHAM. Mr. Speaker, it becomes my sad duty to east my votive tribute of honor upon the narrow resting place of my late colleague from Pennsylvania, the Hon. William Mutchler. I need not say to you who knew him so well, respected him so much, and loved him so dearly, what a melancholy pleasure it is to me, since we can no more recall him to life, in approaching the duty of adding a few words to the memory of the good and great associate and colleague gone. I can only regret my inability to find expression adequate to his sterling worth as a man, his conspicuous integrity and ability as a statesman, his pure and lofty patriotism which always lifted country above

To his marked physical conditions as well as strong mental force he owed his steady and withal rapid rise in life. Inured to toil from boyhood he learned self-denial in the hard but effective school of necessity. From the habit of labor he acquired the nobility of self-reliance. Rising from the ranks by his own exertions, he early became possessed of a spirit of equality taught by intimate association with humanity in all its phases and multiform relations. As he rose from humbler to higher grades of labor and responsibility he never lost nor yet abated his sympathy with his first surroundings and early struggles for the obligations above which he so steadily, so splendidly rose. His large heart was in as close, intelligent, sympathetic touch with the humblest and most unlottered as it was with the most influential and wisest of his constituents. His people knew his great and noble creed; they trusted him and he never faltered, never grew weary in his work for them. He was a man without prejudice, a friend without hypocrisy, a politician without malice, a statesman without guile, a philanthrophist without pretense, a Christian without cant. He was bigger than any party platform, broader than any church creed.

A strict partisan, when the behest of a great body of his party meant not the good of country, his rugged integrity shook of all allegiance at the call of patriotism. He could neither be cajoled, bribed, nor intimidated. His statesmanship was as wide as his constituency and State; his patriotism was as broad as his country; his philanthropy embraced the universal world of humanity everywhere, regardless of creed, color, or conditions, and held it in intimate, sympathetic touch. He was safe in counsel, prompt in action, as gentle as he was brave. He was true to self, loyal to friends, faithful to obligations. Naturally proud of popularity which he deserved, he shrank from even a saedow of hypocrisy. His chief aim was to do right whether he seemed right or not. So his constituents came to know and hence their unswerving trust in him. So his fellow-members on this floor came to know and hence their admiration, confidence, and long for him.

Good in all things, great in many, he owed his success most largely to his unusual talent of labor. He had learned how to labor and to wait in the school of necessity, and the habit thus formed became his solid stepping stone to fortune and fame. Nature, which had lavishly endowed him with talent, bestowed upon him none of the glitterand glow of genius. He toiled and climbed, never soared to the object of his ambition. His ascent was rapid and steady, not brilliant and fitful; among the stars of his country's constellation his fame will burn on forever with the steady flame of the fixed star rather than glimmer, flash, glow, and disappear like the erratic comet.

His forceful, yet gentle, life is an object lesson for the American youth of to-day, to-morrow, and for all time. Showing, as it does, that to him who wills and fortifies that will with labor and perseverance there is nothing impossible, the career of Hon. William Mutchler is at once an incentive to honorable ambition and a chart to show the road to wealth, renown, and all the world holds dear in pursuit and achievement.

But he has gone from among us. His chair is vacant. Fully as his honored and distinguished son, his successor, may fill his place to his constituents, there is an aching void in the hearts of his late associates which no successor, not even a son, can fill. These walls may echo back words as wise, sentiments as lofty, patriotism as pure, but the echoes of his voice will often be heard above them, and in the sacred hours of retrospection which come to all of us and come in welcome in the silent watches of the night, in the idle daydreams of midsummer, the echoes of his

manly voice will ring again through the vaults of memory and

incite us, I trust, to higher thoughts, loftier purposes; deeds of nobler daring, of purer self-abnegation.

A few years ago, in the prime of his splendid manhood, in the perfection of his rare physical and mental endowments, he was the last one whom Death would have seemed to mark for his early passing away. But his life work was not to be measured by years, but by achievements, and his life work is done and well done. His brain is still; his voice is hushed; his hands are numbed, but the influence of that life work will go on forever, inciting to new effort by its example, blessing new generations with its results.

Every moment dies a man, Every moment one is born.

For every such noble life as that of our late fellow-member that thus goes up to its reward, there come down to earth a score of such spirits by the ragged rent through which the glad soul clove its way through Heaven's dome in its impatient flight. Though we do not lack for statesmen, patriots, and friends here, the place of our late colleague will never be filled in our hearts, for our heads will be low in the dust before the good spirit that came to earth to compensate for him shall have matured for life's noblest actions, highest purposes, and needed work.

Mr. SPRINGER. Mr. Speaker, I thoroughly agree with all that has been so well said, by the distinguished gentlemen who have preceded me, with reference to the character and public services of Mr. Mutchler, and it must be gratifying indeed to the friends and family of our deceased brother to hear the tribthe friends and gamily of our deceased brother to hear the tributes to his memory which have been paid by gentlemen representing both the great political parties of this country which we have heard here to-day. Too much, in my judgment, can not be said in reference to the high character and noble work of our deceased friend.

Pope in his immortal Essay on Man says: Worth makes the man, and want of it the fellow.

It is not great wealth, it is not so-called royal blood, it is not learning, or official position that makes the true man. It is a life of noble deeds, of true manhood, of unselfish devotion to family, to home, and country, and a walk and conversation void of offense that constitute true worth. Such was the life of our deceased brother, to commemorate whose virtues we have, for

deceased brother, to commemorate whose virtues we have, for the time, suspended public business. I desire to add my tribute to his worth, and will be as brief as possible.

William Mutchler was born in Northampton County, Pa., nearly sixty-two years ago. There he grew up to manhood and there he died. He was attached to his home, and never left it to seek his fortune elsewhere. He belonged to a race of people who have made Pennsylvania what it is to-day—a great Commonwealth, the second State in the Union. They had a language of their own, which is known as Pennsylvania Dutch, "a dialect of South Germany with an infusion of English." The word "Dutch" as applied to this language and to these people is a misnomer, for it does not imply a Holland origin.

The early settlers of Pennsylvania came from South Germany and the Upper Rhine and the Neckar regions. They met in Peunsylvania and mingled with English-speaking colonists, and the two languages became merged into a dialect, which was neither German nor English, but a language greatly resembling

neither German nor English, but a language greatly resembling both of the others. The language was characteristic of the peo both of the others. The language was characteristic of the people. It was simple, but strong, perfectly adapted to a people of plain habits and striking personality. Mr. Mutchler was a typical Pennsylvanian. He was a plain, unassuming, quiet, dignified gentleman. He was all that he assumed to be, and more than that. He was better than he appeared to be. So modest and unassuming was he that one might have been with him and near him for years without discovering one-half his merit, or learning but little of his true worth.

He was a lawyer by profession, and his mind was clear and his reasoning logical. He was well informed in history, in political economy, and in the useful sciences. He was eminently practical and always thorough and conscientious in the investigation of legal, political, or economic subjects. He held responsible public positions in his own State before his advent into Congress, and always performed his official duties faithfully and with due regard to the public interests. He served ten years as a member of this House, and was elected a member of this Congress, but died before the first session assembled. His constituents paid a high but deserved tribute to his memory by electing his worthy son to be his successor. If the father could appear among his people again he would doubtless assure them that, in thus honoring his son, they had conferred the highest honor and greatest

satisfaction upon him.

Mr. Mutchler's Congressional career was not continuous. He first appeared in the Forty-fourth Congress, when I first made

hisacquainance as we entered that Congress together. Ilearned during the exciting scenes of that Congress, being the Congress that settled the contest between Tilden and Hayes for the Presthat settled the contest between Tilden and Hayes for the Presidency, to admire him for his fidelity to his party, for his quiet and gentlemanly demeanor, and for his strong and manly churacter. He was not elected to the Forty-fifth and Forty-sixth Congresses, nor to the Forty-ninth or Fiftieth. These breaks in his Congressional career interfered greatly with his promotion in committee service, for custom assigned him to the position of a new member at each new appearance. But his usefulness was not impaired or his worth less appreciated by those who knew him. He was always faithful to the public weal, prompt in attendance, and thorough in his committee and legislative work.

Those who knew him best loved him most. He was a devoted husband, a kind father, an honest and able statesman. He was devoted to his family, to his friends, to his State, and to the whole country. He was faithful to every trust confided to him. He performed every duty that devolved upon him. He lived the life of an honest man, a good citizen, and a true patriot. His death is deplored by all who knew him.

We who knew him as a brother member of this House have especial reason to mourn his loss; we miss his wise counsels, his good government. Our loss, however, will be his gain. He rests from his labors. He has gone to reap the reward of those who, while living, loved their fellow-men. With such, all must be well, not only in this mortal life, but in the higher and nobler life beyond the tomb.

I can not close this brief tribute to his memory more appro-riately than by quoting the tender words of the Quaker poet,

Whittier:

He has done the work of a true man; Crown him, honor him, love him, Weep over him tears of woman, Stoop manifest brows above him.

No duty could overtask him, No need his will outrun; Or ever our lips could ask him, His hands the work had done.

Mr. DOCKERY. Mr. Speaker, I regret that circumstances have operated to prevent me from offering any extended observations on the life and character of William Mutchler. I can

not allow the occasion to pass, however, without a single word.
My acquaintance with the deceased began in the Forty-lighth
Congress. The friendship established then was strengthened
as by hooks of steel in the Fifty-first and Fifty-second Congresses through the intimate relations incident to fellow-membership on

the Committee on Appropriations.

Our friend was an effective speaker, clear, vigorous, and logical in the statement of a proposition; but it was in the painstaking deliberations of the committee room that he appeared, as it seemed to me, to best advantage. In that relation he was tireless in energy, impartial in consideration, just in judgment, and delightful in social qualities. His conclusions upon all questions before that great committee, which provides for the expenditure of the larger part of the people's money, always commanded respectful attention at the hands of his colleagues. He was a loving father, a true friend, a patriotic citizen, and a wise, conscientious legislator.

Our friend worked diligently, achieved nobly, and passed away while yet in the prime of his usefulness.

Life! I know not what thou art, But this I know, that thou and I must part; And when or where or how we meet, I own to me's a secret yet.

Life! we've been long together,
Through pleasant and through cloudy weather.
"Tis hard to part when friends are dear,
Perhaps' t will cost a sigh, a tear—
Then steal away—give little warning,
Choose thine own time, say not "Good night!"
But in some brighter clime bid me "Good morning!"

Mr. BROSIUS. Mr. Speaker, sharing the very common illusion that words are a proper mode of testifying our sense of loss, when a friend whom we loved, or a public character whom the country can ill afford to lose, is called away, I embrace the op-portunity which the occasion affords to add my feeble tribute to the eloquent, graceful, and touching words which have already been said concerning the character and public services of our departed friend, to add one little flower to the chaplet with which respect, esteem, and affection have garlanded his memory. In this world, Mr. Speaker, we meet with no other event so profoundly impressive as death. It is useful to survivors only

as they comprehend its lessons. This may excuse the public oceasion we make of the ceremonies commemorative of the character and services of departed members of this House, justifying in this conspicuous fashion, and raising into public notice, over this new-made grave, illustrious examples of private worth and public usefulness.

Those whose acquaintance with our distinguished friend com-mission them to speak only of those excellencies of character which found their illustration in an interesting and distin-quished career in the service of his country, which he decorated and adorned with strict fidelity and disinterested devotion, find an inviting subject for eulogy and a deserving example to extol in the public ear.

It seems, from what has been said on the floor to-day, that William Mutchler was a self-made man. Whatever eminence he attained was due to an earnest and courageous effort to make the most of the endowments that had been given him under the stimulating inspiration of high and noble ideals. Every success stimulating inspiration of high and noble ideals. Every success he achieved was a victory over difficulties which, to him, were always incentives to exertion. Every distinction he won was a triumph in honorable encounter. In every struggle he was doubly armed, for he never contended without feeling a sense of the justice of his cause. He fought with honest weapons, and nobly won or nobly lost; brought back from every field of encounter, or was brought back on a stainless shield of honorable defense.

From what I have heard here to-day and from my own observation of his career, among the attributes which summed up a strong character and a vigorous personality, there are a few traits preëminently worthy to be set before the world as examples, and these are expressed by the words honor, courage, and duty. These were the precious and conspicuous jewels in the crown of his character, and I set them apart to-day and lift them over his new-made grave into public notice as the golden texts in the lesson of his life.

son of his life.

Honor, Mr. Speaker, is the noble mind's distinguishing perfection; and I have the happiness to believe that in no age of the world has this perfection been so much in fashion in public life as now. Still, occasional notable exceptions which strew our public life, emphasize the beauty and excellence of that high sense of public probity which makes this perfection ofttimes blaze in the public eye, in public servants who, like the virtuous Andrew Fletcher, would give their lives to serve their country, but would not do a base thing to save it. Our departed friend was the soul of honor, and in this distinguished excellence of his character his example should be both cherished and commended.

character his example should be both cherished and commended.

I think also that Mr. Mutchler's courage was conspicuous. The only Aladdin's lamp that he ever knew was the quenchless fire of a heroic soul that no difficulty ever daunted. age never wavered before an adverse cast of fortune.

He despised servility; he spurned the collar of the master. His conscience was his harness; he wore no other. The crack of the boss's whip filled him, not with cringing terror, but with sharp, back-striking resentment. He hated the "thrift that fol-lows fawning." He walked erect in the majesty, dignity, and conscious rectitude of his manhood.

In this elevated arena in which he spent many years of useful service and which was the scene of his latest and best exertions, he evinced on more than one occasion the virile qualities which have their root in a manly courage. When inspired by conviction and commanded by duty he was a heroic fighter. The man who broke a lance with him was likely

To know the joy that warriors feel In foemen worthy of their steel.

But he had none of the pride that is ashamed to yield when convicted of error; none of the obstinancy that delights in contention for its own sake. He never wasted the public time in needless words. He had the amazing courage to leave off when he was done, an example which statesmen of high and low degree might imitate with profit to their own and their country's

Then we have a right, Mr. Speaker, to infer from what has been so fittingly said of him that our friend has been twice ennobled. Duty and death ennoble all men. Promptitude and unremitting attention to his public duties were conspicuous traits of his character. To William Mutchler the command of duty was a "Thus saith the Lord."

In this excellence of his character he emulated the fidelity of the shipmaster in the story, who in the midst of storms ever kept his rudder true. And his entire life exemplified the truth that the path of duty is always the upward way; that—

Not once or twice in our fair land's story The path of duty was the way to glory.

My soul, Mr. Speaker, bows in adoration before the human

temple that enshrines the divinity of duty. These superb characters are the rarest fruit of earth, and their surviving countrymen ought to garner the fine vintage of their example for their perpetual refreshment.

So I say in conclusion, to all whom it may concern here or elsewhere: Time-server, demagogue, politician, calculator, stand aside! A faithful public servant, and an honest man, passes to

Mr. WILSON of West Virginia. Mr. Speaker, in rising to take the very brief part in this memorial service, which alone is possible for me, I respond not less to the suggestions of public duty than to the prompting of private friendship. Had I known Mr. Mutchler only in his public and official character, I should feel myself fully justified in speaking of him in words of high and unfeigned eulogy. But it was my privilege from my first entrance in this House to know him well; to welcome him after a brief retirement, back into its membership, and during all this paried to associate with him on terms of cordial friendship. all this period to associate with him on terms of cordial friendship. To myself, as to all in the circle of his intimate friends, his death has been a personal bereavement; but I am not less convinced that it has been to his district, to his State, and to his country a great public loss, and it is to William Mutchler, the member Congress, rather than to the man and friend, that our chief

tribute here is due and fitting.

As a legislator he belonged to that class who take up public service as a grave and serious commission; who meet its demands with a strong and constant sense of personal duty; who give to with a strong and constant sense of personal duty, who give to public questions their best and sincerest thought, and who deal with them, not in the spirit of self-seeking, but of dedication to the welfare of their country. Such men wear well at home, and grow in influence in this Hall. No one ever heard Mr. Mutchler speak here without knowing he was listening to the utterances of an honest man, not the honesty of ignorance or narrowness, or the conclusions of haste and carelessness, but the expressions

of a thoughtful mind, guided by broad and patriotic principles and enlightened by a wide and patient examination of facts.

Such a man faced his public duties with simplicity and bravery. Of this the country had a signal illustration in the last Congress, when as chairman of a subcommittee it fell to Mr. Mutchler's lot to prepare and attempt to carry through this House some re-forms of our pension system. He failed in his effort, as any other man would have failed; but few who witnessed the long struggle will forget his quiet firmness, his thorough equipment for his task, and the unfaltering courage with which he took up day after day and attempted to perform an unpopular duty; and to myself it is a pleasant thought that, having watched him daily in this invidious work, I suggested and secured some acknowledgment of his efforts in one of the leading papers of the coun-

But I will not dwell on his merits or his unblemished record as a public servant. He was faithful to his trust, and what higher epitaph can be inscribed on any man's monument? He have higher that intelligent, earnest, and patriotic representawas a thoughtful, intelligent, earnest, and patriotic representa-tive of his people, and their long retention of him in their service as a man and friend Mr. Mutchler had the sterling virtues of

kindliness, sincerity, and truth.

Mr. SAYERS. Mr. Speaker, the House having paused from its current labor to do honor to the memory of the departed member, Mr. Mutchler of Pennsylvania, I shall avail myself of the opportunity to join in the tributes that are being offered to his character and his worth, as well in his individual as in his rep-

resentative capacity.

To those of us who knew him in this Hall and in the rooms of the committees to which he was assigned Mr. Mutchler was one who possessed our entire confidence. His every statement was always accepted as the very language of truth, and upon the correctness of his judgment we were accustomed to rely with entire safety. He gave to his duties at this capital a conscientious and untiring industry, and every question that claimed his consideration was so carefully and so thoroughly investigated in all its phases that his conclusions were received as those of a man who was not only willing but entirely able to speak the truth in its entirety.

His manners were simple and natural, his courtesy to every one was unfailing, and his kindliness of disposition gave confidence to all who approached him. Added to these social graces, which he possessed in an eminent degree, was an unyielding integrity of character that never forgot itself, whatever the presence in which he chanced to stand or however potent the influence that was brought to bear upon him. Rigid in his ideas as to personal propriety and as to professional and political conduct, he swerved neither to the right nor to the left, but courageously trod the path along which the uprightness of his character bade him travel.

His mind was well disciplined, and unless under extraordinary circumstances—and even then but seldom—never overleaped the restraints which a careful training had environed it to indulge in waywardness of fancy or intemperance of passion. His was a strong intellect, possessing the ability to absorb, to reflect, and to construct. His mental methods were entirely of a practical kind, looking rather to substantial and useful accomplishments than to those performances and creations which glitter and at-

tract, melting away into airy nothingness. These qualities well fitted him to be a safe legal adviser and a wise legislator. Summing up his character, I knew him as a man of strong intellect, without superficial adornment, and of an unbending integrity, embellished with an unusual grace of manner and an attractive softness of disposition in his whole intercourse with his fellows, of whatever degree in life.

It was my good fortune, Mr. Speaker, to be associated with Mr. Mutchler during two Congresses upon the Committee on Appropriations, and during those years we were so thrown together upon terms of close intimacy that I learned to know him well. His career as a member of this House during the Fortyfourth, Forty-seventh, Forty-eighth, Fifty-first, and Fifty-second Congresses was alike honorable to himself and to the great constituency which he represented. No constituency in all this country was better represented than the people by whom he was thus honored, and but few constituencies have been served as His reputation is solid and enduring, and the manner of his life at this great capital and the character of his work in this House illustrated an ideal republican simplicity and the highest and best type of wise, sagacious, and practical statesmanship. In his death not only his own district, not only the State of Pennsylvania, but the entire Union has suffered a great loss. Few are the men that could not have been better spired than he.

Others, Mr. Speaker, well acquainted with him prior to his

Others, Mr. Speaker, well acquainted with him prior to his coming here, have spoken and will speak of Mr. Mutchler's earlier life, its struggles, its embarrassments and its successes. I shall content myself with speaking of him only as I knew him in the Fifty-first and Fifty-second Congresses. His entire career, from the field of hard manual labor to the judicial forum, where the greatest intellectual effort is required in order to attain permanent success, thence through the several gradations of official life until he reached this branch of the Federal Congress, is worthy the highest commendation, and furnishes to the aspiring sons of America a wellspring of hope and confidence that by strict integrity and constant labor the brightest and most substantial honors are surely within their reach, however

most succential honors are surely within their reach, however unpromising the lines of their early youth.

And more than that, Mr. Speaker, it creates and sustains a well-grounded belief—aye, a sure certainty—in every American heart that under the influence and through the workings of our free institutions, men will continue to rise, as William Mutchler rose, to take part in our State and Federal councils and to shape and guide them for the welfare and for the happiness of the people. In all sincerity and in entire truth, therefore, can it be said of our deceased associate and friend that his life was, within its limits, a rich blessing to his people, a bright example to his colaborers and to those who are to follow him, a comfort to his friends and to his family. And finally it may be justly said of this strong but kindly man, that—

His life was gentle, and the elements So mixed in him, that Nature might stand up And say to all the world, "This was a man!"

Mr. McALEER. Mr. Speaker, it was not my pleasure to have personally known the distinguished Representative from the Eighth district as long as some of my colleagues from Pennsylvania knew him.

But his name and fame were well known to the people of every city and town throughout the State. In conjunction with thousands of my fellow-citizens, I felt a just pride in the distinguished position held by Mr. Mutchler in the National Halls of of legislation; taking, as he did, a prominent place among its ablest statesmen. Mr. Mutchler was a man of decided convictions, and when he made up his mind to his course of duty, could no more be moved from it than could the hills of his own State. He was a Democrat from principle, believing implicitly in the teachings of his party. To him it was a source of great gratification that the district of which he was so long the honored Representative had never sent to this House any other than a Democrat to represent it since the foundation of the Govern-

Notwithstanding this firmness in his own convictions of what he regarded as those truths which would best perpetuate the in-terests of his country, he was always tolerant to those who dif-

fered from him, ever willing to concede to them the same rights which he desired for himself, believing they were governed by

the same true principles of patriotism.

On first meeting Mr. Mutchler, after becoming a member of Congress, I was very much impressed with his simplicity of manner, his kindly disposition, and desire to assist by his aid and

counsel those who were inexperienced.

No jealousy ever found its way into his warm and generous No jealousy ever found its way into his warm and generous heart. On the contrary, he was always ready to lend a helping hand in assisting a colleague. Coming, as I did, from a great city that required large appropriations for public improvements, I felt how invaluable his assistance, how unselfish his character. Although his energy, his influence, his untiring work accomplished vast results; he never sought the credit for himself. I never knew a man in public life who was more earnest, more conscientious in the discharge of his duties. While a Pennsylvanian with all the love for his native State which could not be surpassed, yet that strong and nativitic love for his male. surpassed, yet that strong and patriotic love for his whole country would at all times prompt him to promote the interests of the nation rather than his State alone.

Although for the past few years in feeble health his interest in public affairs never relaxed. As a member of the Committee on Appropriations, one of the most important of the House, he

never shrunk from performing his share of its arduous labors.

While many of us noticed his large frame fast wasting away,
we could not believe that the hand of death was upon him, but looked for an early recovery. As we received messages of his condition from time to time, we hoped that in the quiet of his condition from time to time, we hoped that in the quiet of his own home, with a loving and devoted wife to look after his every comfort, that his health would be restored. Vain hope! Day by day he continued to grow weaker, and finally passed away as gently as a summer's day. When I attended his funeral I was much impressed by the thousands of people who lined the streets of his beloved Easton to catch the last glimpse of all that remained of their honored neighbor and friend. Sad, indeed, was this, each and every one giving vent to their feelings as they recognized this to be the last of all on earth.

At his own request he was buried "as the sun went down" beneath the hills he loved so dearly, and will sleep the sweet sleep of neace until the resurrection morn.

of peace until the resurrection morn.

Mr. WOLVERTON. Mr. Speaker, as a member of the Pennsylvania delegation who had the privilege of serving with Mr. Mutchler during the Fifty-second Congress, I can not allow this

occasion to pass without adding a few words as a tribute to his memory in addition to what has been so well said by others.

Mr. Mutchler deservedly was for many years considered a leader of his party in Pennsylvania. He was cool, clear-headed, and conservative, having the good of his party and the people of his State at heart. His counsel was always sought after and had great weight with all who came in contact with him. He was naturally and without effort looked up to as a counselor and

He was a Democrat from principle and believed religiously that his party embodied the true principles of a representative form of government. He believed the success of his party was essentiated in tial to good government and the prosperity of the whole country. He was a true, honest, and fearless man in whatever position placed. He had convictions of his own upon every subject which came before him, they controlled him and he was not afraid to express them, regardless of any public clamor or any fear of public opinion. He despised demagogy in every form from the bottom of his heart. One of the strongest elements of Mr. Mutchler's character was his constitutional disposition to be fair to everyone.

No person, whether an opponent in his own party, or of the opposing political party could ever accuse him of duplicity or deception. He always took his position, gave his reasons and maintained them, fearlessly and in such open and unmistakeable manner that every one knew where to find him on all occasions. It was this trait of character perhaps more than any other that endeared him to friend and foe alike. He was loyal to his friends and fair to every one. He naturally despised ambush, deception and trick of every kind, but respected an open and fearless ad-

This trait of character won for him the respect and confidence of his associates in Congress of every political faith. His party honored and respected him throughout his own State, and the people of his own district had frequently honored him with a seat in this body. His long service here had made him familiar with his duties as a member, and made him not only a faithful representative of the people of his district and the people of his State, but a valuable member of this body, and one whose advice was sought after, and whose untimely death will be regretted by all alike.

Mr. Mutchler was a plain, unassuming man, not demonstrative. He dealt in facts, and was always equipped with good reasons to justify his acts. He accomplished what he undertook by steady progress it his work and intensity of purpose. He made no pretensions to oratory, but none surpassed him in making his points clearly understood and in carrying conviction to those who gave him their attention.

His personal, professional, and political integrity was beyond the reach of suspicion. This was the foundation of his influence.

of suspicion. This was the foundation of his influence with the people of his State and district. In his unexpected death this body, the people of his State and district have suffered a loss which will be long felt, and to us who knew him long and honored him for his ability, integrity, and fairness, his memory will always be dear.

Mr. HOLMAN. Mr. Speaker, in the death of William Mutchler, so long an honored member of this House, his friends have lost a sincere, generous, and unselfish friend, his constituents who stood by him with unfaltering confidence for so many years, a wise counsellor and an accomplished Representative, and the graph of the country one of the most valuable of its citizens awards. whole country one of the most valuable of its citizens engaged in public affairs.

I first became acquainted with Mr. Mutchler at the opening of the Forty-fourth Congress. I think I was introduced to him by Samuel J. Randall, who so long and honorably represented in this House one of the districts of Pennsylvania, and by his great abilities and unswerving integrity honored his State and his country. From my first acquaintance with Mr. Mutchler until we parted at the close of the Fifty-second Congress we were friends. It was always a joy for me to meet the frank, kindly, and courteous gentleman. How often have I left my seat in the House to visit his, that I might get his views on current affairs! I never consulted Mr. Mutchler without being benefited and in-

There was nothing sensational in his methods. As a speaker there was in his style no attempt at what is called oratory, no flights of fancy; he was content with submitting facts, but he presented his facts, and thejust and fair conclusions to be drawn from them, with a force and clearness I have seldom if ever seen excelled in this Hall.

Mr. Mutchler only occasionally addressed the House; he seldom mingled in the running and generally unprofitable debates which constantly occur, but whenever he addressed the House he at once commanded the respectful attention of members on both sides of this Chamber. He always spoke with deliberation; he spoke as if the matter he presented was of such value the House would be glad to hear him; and the House always heard him with pleasure, even if his views were not accepted by the

There was such a manifest sincerity and truthfulness in his speeches, such a manifest effort to present the facts, without any attempt or appearance of willingness to obscure the truth, that commanded the respect and confidence of the members.

He was, as a Representative in Congress, as he was in social life, a straightforward, courteous, and accomplished gentleman, valuing truth and honor as beyond all price.

He was devoted to his country, and as a legislator he was controlled and animated by a high sense of its greatness. He be-lieved that it was the duty of its representatives, under all con-

ditions, to uphold its honor.

He was hostile to every form of favoritism in legislation, and demanded for the whole people equality of rights.

I think this is a just expression of the views of Mr. Mutchler, as expressed in this House during the long period of his service, as to the scope and duty of the Federal Government. He adhered with unfaltering fidelity to the views of Thomas Jefferson in relation to the powers of the Federal system and the rights of the States.

But my admiration of the character of William Mutchler was greatly increased during the last Congress. I had the honor, as then chairman of the Committee on Appropriations, after conof that committee on Appropriations, after con-sultation with him, and with his approval, and with the approval of that committee, to place him at the head of one of the lead-ing subcommittees of that committee, having in charge one of the most important appropriation bills before that Congress. Mr. O'NEIL of Massachusetts, a gentleman of the same sto qualities of courage and manhood that characterized Mr. Mutch

ler, was one of his associates.

Mr. Mutchler believed that radical reforms should be organized in the branch of the public service under his charge. I did not wholly sympathize with him in the reforms he aimed at, I saw with unbounded satisfaction his patient and untiring industry month after month in pursuing his investigations. He became the complete master of our pension system, and made a masterly presentation of the subject to the House.

It was manifest that it was indifferent to him whether the views which he found himself compelled to express were, for the time, popular or not. He was manifestly controlled by the single sentiment of what was just and proper as between the soldiers of the former wars and the whole people.

The House was manifestly against him, yet I have seldom, if ever, seen the House listen so closely as to the speech he deliv-

In my last conversation with Mr. Mutchler he expressed views in relation to Federal traation for the support of the Government which greatly interested me. He had intended to bring them to the attention of the present Congress. They were such views as would give honor to a strong, able, and conscientious man dealing with a great public subject. I need not enter into the details

When I heard of his sickness and death my sadness was greatly increased by the fact that his powerful aid in behalf of a financial policy of the Government, which he was confident would be beneficial to the country, and in which I fully concurred with him, was forever lost.

But William Mutchler, the clear-headed, conservative legislator, always honest and sincere, is dead. The death of such a man in the prime of life, a pure, upright, honest man, fully informed in all that pertains to the interest and welfare of his country, is a sad event from the standpoint of human intelli-gence, but those who believe that the soul of man is immortal, and that there is an overruling Providence, an Infinite Spirit, which guides and directs the whole frame of the universe, in all of its limitless details, as I do, will see in the death of William Mutchler only the loss and sadness of an earthly parting. A good man is dead after years of usefulness to his fellow-men and his country. What loftier realms of life have been opened to him, and soon will be to us all, the future only will disclose.

Mr. ERDMAN. Mr. Speaker, in the early part of the eighteenth century, when the wave of immigration from the Rhine Palatinate was flowing towards the shores of the New World, came the ancestors of William Mutchler, and found a new home

Inured to bardships in the trials and difficulties of the struggle to subdue the wild woods of Nature, and to bring under control the fertile soil, the early settlers soon developed the character

of the Pennsylvania German.

Of strong and stately physique, they are swift in charity and helpfulness—slow in anger. Lacking in the power of aggression and domination, they are forceful and masterful in attaining their ends and purposes by their quiet persistence.

Humane, in so much that the barns on their fields are as palaces compared with the shelter of some people; so generous that the cheer of their households has become proverbial. Industrious, God-fearing, plain, they have increased and multiplied until to-day their number is millions.

In naming the virtues of this people that he loved so well, I have described Mr. Mutchler. Of them he was a true type. In early life he was permitted to enjoy but sparingly the advantages of a great institution of learning reared near by many years ago. While this was a source of great regret to him, often so expressed, yet his strong intellect was matured and his mind well fortified by constant reading, observation, and reflection.

Overcoming difficulties which might have appalled men of less

force and energy, he found his way to the bar.

As a lawyer and active practitioner he soon acquired a large

clientage, and became a confidential adviser, safe and reliable, rather than a brilliant orator.

His rare sound judgment and ripe legal attainments, brought him success and distinction at home and in the appellate tribunal of his State.

While it may not have been his ambition, yet it was the judgment and purpose of his friends, knowing full well that he possessed all the qualifications, that he should round out the full measure of his useful life on the bench.

Endowed by nature with great personal magnetism and those qualities which make enduring friendships, he entered the field of politics. He rose step by step, ever retaining the confidence and esteem of his people by an honest and conscientious observance of his duties.

Rectitude, fidelity, and courage marked his public life. When once he saw the right his duty became plain, and he never fal-tered. Affectation and hollow pretense were as obnoxious to him as sincerity and frankness were admired. Had he lived it was his purpose to spend much of his time in the further investigation of pensions. Actuated by the purest motive, liberal and generous towards the deserving, he had the courage to climinate fraud and corruption.

I recall how, on a dreary night in the past winter, when the subject under discussion was the great mystery of life and death,

infinity and eternity, he suddenly exclaimed: "We soon shall know it all."

He knows it now. Death has led him into the realm of light. On a quiet afternoon in June there assembled a vast concourse of his neighbors in the city of Easton to pay him the last trib-The farmer took a brief respite from his plow, the artisan from his hammer, and the mechanic from his machine. Genuine grief and sorrow were depicted on every face. With the beautiful and simple rites of the common service of the church of his fathers he was laid to rest.

The mournful sounds of the requiem chant echoed back from

the neighboring hills, and the solemn pageant became but a mem-

He sleeps on the banks of the Bushkill to await the coming of his Redeemer.

After all, the noblest and best that can be said is, he lived and

died a man and a Christian.

Mr. REILLY. Mr. Speaker, several gentlemen who desired to speak upon this occasion have been unavoidably detained from the House, and I ask unanimous consent that they and such other gentlemen as desire to do so may be granted leave to print remarks.

The SPEAKER pro tempore (Mr. O'NEIL of Massachusetts in the chair). Is there objection to the request of the gentleman from Pennsylvania, that general leave to print be granted?

There was no objection.

Mr. REILLY. I now move the adoption of the resolutions as read from the Clerk's desk.

The resolutions were agreed to; and in accordance with the terms thereof (at 3 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Friday, October 20, at 12 o'clock noon.

PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. RUSK: A bill (H. R. 4164) to provide for the purchase of additional land in the square now occupied by the custom-house in the city of Baltimore, Md., and for the preparation of plans and specifications for a new custom-house building—to the Committee on Public Buildings and Grounds.

By Mr. CAMINETTI: A bill (H. R. 4165) to aid the State of California to support a college of mines—to the Committee on the Public Lands.

the Public Lands.

By Mr. RUSK: A bill (H. R. 4166) to regulate Canal street, in the city of Washington—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROOKSHIRE: A bill (H. R. 4167) to correct the military record of Frederick Urban—to the Committee on Mili-

tary Afairs.

By Mr. ELLIS of Kentucky: A bill (H. R. 4168) for the relief of the heirs of Thomas Drake—to the Committee on War Claims.

Also, a bill (H. R. 4169) to correct the military record of Alfred V. Townes, of Kentucky—to the Committee on Military Af-

fairs.

By Mr. FUNSTON: A bill (H. R. 4170) for the relief of John Sullivan—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 4171) for the relief of certain property-owners in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. RAYNER: A bill (H. R. 4172) for the relief of William R. Steinmetz—to the Committee on Military Affairs.

By Mr. SHELL: A bill (H. R. 4173) for the relief of the heirs of Richard Reynolds, deceased—to the Committee on War Claims.

Claims

By Mr. TAYLOR of Indiana: A bill (H. R. 4174) to pension Jonathan J. Bowman, of Petersburg, Ind.—to the Committee on

Pensions.

By Mr. VAN VOORHIS of Ohio: A bill (H. R. 4175) for the relief of Percy S. Lowry, on account of injuries received by him by the collapse of the Old Ford's Theatre, June 9, 1893—to the

Committee on Claims.
Also, a bill (H. R. 4176) for the relief of Laura B. Miller—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows: By Mr. HITT: Petition of J. A. Walker, of Rockford, Ill., praying for the reduction of postage to 1 cent an ounce—to the Committee on the Post-office and Post-Roads.

By Mr. HOUK of Tennessee: Petition of the Methodist Epigpocal Church Conference of East Tennessee, for the repeal of
the Geary Chinese law—to the Committee on Foreign Affairs,
By Mr. McCREARY of Kentucky: Petition of the New Mexico
English Mission Methodist Episcopal Church, 15 ministers and

600 members, for repeal of the Geary law-to the Committee on

600 members, for repeal of the Geary law—to the Committee on Foreign Affairs.

By Mr. VAN VOORHIS of Ohio: Petition of 139 citizens of Ohio, protesting against any change in the tariff schedule on glass bottles—to the Committee on Ways and Means.

Also, resolutions of Mayflower Assembly, No. 469, Knights of Labor, of Zanesville, Ohio, demanding the free coinage of silver at a ratio of 16 to 1 of gold—to the Committee on Coinage, Weights, and Massures. Weights, and Measures.

SENATE.

FRIDAY, October 20, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.] The Senate met at 10 o'clock a. m., at the expiration of the

The VICE-PRESIDENT. The Senate resumes its session. Mr. STEWART. I suggest that there is no quorum present. The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Gallinger.	Pasco,	Teller,
Berry,	George,	Peffer.	Vance.
Butler.	Harris,	Perkins,	Vest.
Caffery.	Hawley.	Pettigrew,	Voorhees.
Cullom,	Irby.	Proctor.	Walthall,
Dixon.	Kyle.	Sherman.	Washburn.
Faulkner.	McMillan.	Smith.	Wolcott.
Prvo.	McPherson.	Stewart.	

VICE-PRESIDENT. Thirty-one Senators have answered to their names. There is no quorum present. What is the pleasure of the Senate?

After some delay, Mr. Power, Mr. Manderson, Mr. Murphy, Mr. Shoup, Mr. Bate, Mr. Hill, Mr. Vilas, Mr. Hunton, Mr. Dolph, Mr. Higgins, Mr. Stockbridge, and Mr. Gorman

entered the Chamber and answered to their names.

The VICE-PRESIDENT (at 10 o'clock and 17 minutes a. m.).
Forty-three Senators have answered to their names. A quorum

is present. The Chair lays before the Senate the unfinished business, which is House bill No. 1.

Mr. VOORHEES. I desire to state that there is necessity for a short executive session by the Senate, and at the proper time I shall make a motion to that effect; but before doing so, in order to accommodate the convenience of Senators, I desire unanimous consent that a short time may be occupied in the transaction of such morning business as Senators desire to present. When that is completed, I give notice that I shall make a mo-

The VICE-PRESIDENT. Is there objection to the requestof

Mr. WOLCOTT. Will the Senator please state the request again? We could not hear it.

Mr. VOORHEES. I request unanimous consent that a short time—as long as may be necessary—may be occupied in the transaction of morning business for the convenience of Senators.

The VICE-PRESIDENT. Is there objection? The Chair

hears none. Petitions and memorials are in order.

PETITIONS AND MEMORIALS

Mr. HARRIS. I present the petition of George Arnold and some 600 other business men of Memphis, Tenn., praying for the immediate and unconditional repeal of the silver-purchasing clause of the Sherman act.

clause of the Sherman act.

The bill to which the petition refers being upon the table of the Senate, I move that the petition also lie on the table.

The motion was agreed to.

Mr. HARRIS presented resolutions adopted at the silver convention held at Ashland, Cheatham County, Tenn., October 2, 1893, remonstrating against the repeal of the silver-purchasing clause of the so-called Sherman law; which were ordered to lie on the table.

He also presented a memorial of the Farmers and Laborers' Union, of Carroll, Tenn., remonstrating against the unconditional repeal of the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of Democrats of Haywood County, Tenn., approving the action of

the Senate in delaying the passage of the Wilson-Voorhees bill for the repeal of the so-called Sherman silver law; which were ordered to lie on the table.

Mr. PASCO presented the petition of C. H. Newell, banker, and 6 other business men of Tavares, Fla., praying for the unconditional repeal of the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the table.

Mr. POWER presented a petition of 72 citizens of Butto City.

Sherman law; which was ordered to lie on the table.

Mr. POWER presented a petition of 72 citizens of Butte City,
Mont., praying that the mints be opened to the free coinage of
silver; which was ordered to lie on the table.

Mr. PETTIGREW presented a memorial signed by over 100

miners of South Dakota, remonstrating against the passage of any law authorizing the suspension, for the period of two years, of that portion of the mining laws which relates to the annual repesentation of mining claims; which was ordered to lie on the

Mr. HILL presented a petition of wholesale jewelers, diamond importers and manufacturers of New York City, N. Y., praying for the immediate passage of the repeal bill now pending before the Senate; which was ordered to lie on the table.

the Senate; which was ordered to lie on the table.

He also presented a petition of the Genesee Annual Conference of the Methodist Episcopal Church of Buffalo, N. Y., praying for the repeal of the so-called Geary Chinese law; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Scandinavian Democratic Club of Kings County, N. Y., praying for the repeal of the so-called Sherman silver law, and for the passage of sundry other legislation; which was ordered to lie on the table.

Mr. BATE. I present resolutions adopted at a mass meeting of citizens of Memphis, Tenn., representing all classes, approving the action of the Senators from Tennessee in opposing the repeal of the Sherman act without some accompanying provision repeal of the Sherman act without some accompanying provision for the protection of silver from being degraded in the scale of money values. I further say this is a counterpart of the resolutions presented by my colleague. I move that the resolutions lie on the table.

on the table.

The motion was agreed to.

Mr. BATE. I present resolutions adopted by the silver convention held at Ashland City, Cheatham County, Tenn., remonstrating against the unconditional repeal of the so-called Sherman silver law and favoring the free coinage of silver; also indorsing the action of the Senators from Tennessee in opposing the unconditional repeal of the Sherman law.

I move that the resolutions lie on the table.

The motion was agreed to.

The motion was agreed to.

Mr. BATE. I present a resolution of citizens of Haywood County, Tenn., approving and concurring in the stand taken by the Senators from Tennessee in reference to the bill for the re-peal of the Sherman law, against the repeal of the Sherman law without conditions favorable to silver coinage.

I move that the resolution lie on the table

Mr. BATE. I present resolutions adopted by the Democratic voters of Davidson County, Tenn., in mass meeting, approving the course taken by the Senators from Tennessee, and vindicating them in regard to the pending measure known as the repeal bill.

move that the resolutions lie on the table.

The motion was agreed to.

Mr. BATE presented a memorial of citizens of Montgomery County, Tenn., signed by a committee of ten, remonstrating against the unconditional repeal of the Sherman law; which was

ordered to lie on the table.

Mr. BATE. I present a petition signed by 120 wholesale and retail merchants of Nashville, Tenn., which is my home, and I know many of them to be leading and successful merchants, praying for the prompt and unconditional repeal of the Sherman law. As the bill is now pending, I move that the petition licenths table. lie on the table.

The motion was agreed to.

Mr. QUAY presented two petitions of citizens of Beaver Falls, Pa., praying for the free coinage of silver; which were ordered to lie on the table.

He also presented a petition of the Pennsylvania Division of the Travelers Protective Association of America, praying for the repeal of the so-called Sherman silver law; which was or-dered to lie on the table.

REPORT OF A COMMITTEE.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 920) to pension Mary Brown, of Berlin, Vt., reported it without amendment, and submitted a report

BILLS INTRODUCED.

Mr. MORGAN (by request) introduced a bill (S. 1104) to facilitate the collection of debts payable to the United States from

Government-aided railroad companies and to enforce the accountability of directors of said companies, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Railroads.

Mr. KYLE introduced a bill (S. 1105) for the relief of Albert

E. Redstone; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FAULKNER introduced a bill (S. 1106) for the relief of certain property owners in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COKE introduced a bill (S. 1107) providing for the acquisition of certain land in Webb County, Tex., in lieu of the site of Fort McIntosh; which was read twice by its title, and

referred to the Committee on Military Affairs.

He also introduced a bill (S. 1108) for the relief of George W.

Barnes; which was read twice by its title, and referred to the Committee on Foreign Relations

He also introduced a bill (S. 1109) for the erection of a public building at Laredo, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1110) authorizing the Secretary of

the Treasury of the United States to refund certain duties paid by James J. Haynes; which was read twice by its title, and re-ferred to the Committee on Claims.

Mr. HUNTON introduced a bill (S. 1111) to authorize the Commissioners of the District of Columbia to grant a permit to build on lot 43, square 358, in the city of Washington, D. C.; which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1112) to provide for a survey for a bridge across the Eastern Branch of the Potomac River; which was read twice by its title.

Mr. HUNTON. I ask that the bill be referred to the Com-

mittee on Commerce.
Mr. HARRIS. May I inquire of the Senator from Virginia if
the bill proposes a survey for a bridge across navigable waters?

Mr. HUNTON. Yes, sir, I was so informed, and hence I ask that it be referred to the Committee on Commerce.

Mr. HARRIS. If navigable waters, of course it should be referred to the Committee on Commerce, but otherwise it should

go the Committee on the District of Columbia.

The VICE-PRESIDENT. The bill will be referred to the

Committee on Commerce. Mr. HUNTON introduced a bill (S. 1113) to release and turn

over to Mrs. Mary O. Augusta certain property in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1114) for the relief of George S.

Ayre; which was read twice by its title, and referred to the

Committee on Claims.

REFERENCE OF A BILL.

Mr. MORGAN. I now move to refer Senate bill 1093, which I

Mr. MORGAN. I now move to refer Senate bill 1993, which I offered the other day, to the Committee on Pacific Railroads. It will be remembered that the bill was held up, printed, and the question of reference was left open.

The VICE-PRESIDENT. The bill will be stated by title.
The SECRETARY. A bill (S. 1993) to provide for the control of the Union Pacific Railroad Company and the Central Pacific Railroad Company until the debts due and to fall due from each of said corporations to the United States are fully paid up or secured.

Mr. MORGAN. I move that the bill be referred to the Committee on Pacific Railroads.

The motion was agreed to.

REGISTRATION OF CHINESE LABORERS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

To the Senate of the United States:

In response to the resolution of the Senate of the 10th instant, concerning the attitude of the Government of China with regard to an extension of time for the registration of Chinese laborers in the United States under the act of May 5, 1892, I transmit a report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, October 18, 1893.

AMENDMENT OF THE RULES.

Mr. VOORHEES. I offer a resolution which I ask may be read, printed, and laid over for subsequent action of the Senate. In doing so, I desire to say that it is substantially the resolution heretofore presented by the Senator from New York [Mr. HILL], but contains some additions thereto.

The VICE-PRESIDENT. The resolution will be read. The Secretary read as follows:

The Secretary read as follows:

Amendment intended to be proposed to the rules of the Senate, viz: Add to Rule IX the following section:

"Sec. 2. Whenever any bill or resolution is pending before the Senate as unfinished business, and the same shall have been debated on divers days, anounting in all to thirty days, it shall be in order for any Senator at any time to move to fix a time for the taking of a vote upon such bill or resolution, and such motion shall not be amendable or debatable and shall be immediately puss, and if passed by a majority of all the members of the Senate, the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be had at the date fixed in such original motion wishout further debate or amendment, except by unanimous consent; and during the pendency of such motion to fapt date and also at the time dixed by the Senate for voting upon such bill or resolution no other motion of any kind or character shall be entertained unit such motion or such bill or resolution shall have been finally voted upon."

The VICE-PRESIDENT. The resolution will lie over and be printed.

MARSHALS' EXPENSES IN NEW YORK.

The VICE-PRESIDENT. If there be no "concurrent or other resolutions," the Chair lays before the Senate a resolution coming over from a previous day; which will be read.

The Secretary read the resolution submitted by Mr KYLE, October 16, 1893, as follows:

Resolved by the Senate of the United States. That the Secretary of the Treasury be, and he is hereby, directed to furnish to the Senate, as soon as may be practicable, a statement in writing of the expenses incurred by John W. Jacobus, United States marshalf or the southern district of New York, on account of deputy, assistant deputy marshals, and special deputy marshals, appointed by him, the said John W. Jacobus, in and about the Presidential and deputy marshals, and special deputy, assistant deputy marshals, and special deputy marshals, together with their names and amounts of such payments to each.

Mr. VOORHEES. In asking unanimous consent for the transaction of morning business, I did not intend that it should apply to matters of that kind, coming over. I made the request for the convenience of Senators, so as to enable them to get rid of their routine morning business, but not for the transaction of business like the resolution which has just been read, which will lead to discussion. I did not contemplate the introduction of such business, and I shall object to its consideration. The request I made did not go that far.

MINING CLAIMS.

Mr. STEWART. I am instructed by the Committee on Mines and Mining, to whom was referred the bill (H. R. 3545) to amend section No. 2324 of the Revised Statutes of the United States relating to mining claims, to report it without amendment. There is the processing the property of the bill, and I are in the processing of the bill. is an immediate necessity for the passage of the bill, and I ask unanimous consent that it may be now considered.

The VICE-PRESIDENT. Is there objection to the request of

Mr. VOORHEES. I must object until I know whether the bill will lead to discussion. I think it probably will. I shall confer with the Senator to see if we can not agree as to a time for its consideration; but just at this moment I do not feel that I can yield.

Mr. STEWART. It is very important that the bill should be passed immediately, otherwise no benefit will be derived from it.

Mr. PETTIGREW. If the bill is before the Senate, I desire
to offer an amendment to it.

Mr. VOORHEES. Let the amendment be offered, but not be

discussed at this time.

Mr. PETTIGREW. I offer the amendment which I send to the desk

The VICE-PRESIDENT. The amendment will be stated. The SECRETARY. It is proposed to amend the bill by adding:

Provided, however, That the provisions of this act shall apply only to individuals who are bona fide residents of the State or Territory in which the mining claim is located.

Mr. WOLCOTT. I should like to say to the Senator from

Mr. WOLCOTT. I should like to say to the Senator from Indiana that I hope no objection may be made to the consideration of the bill reported by the Senator from Nevada.

Mr. VOORHEES. Will it lead to discussion?

Mr. WOLCOTT. I was about to state, if I may be permitted, that the bill is one which I think will lead to no discussion. There is an important amendment offered by the Senator from South Dakota (Mr. Permigreew), which he are I understand. South Dakota [Mr. Pettigrew], which he, as I understand, has very generously offered to submit to a vote without argument. Some action is imperatively necessary. has very generously offered to submit to a vote without argument. Some action is imperatively necessary. We get thousands of letters from the mining States respecting the necessity for modifying the law requiring the payment of annual assessments. The money is not there with which to pay the assessments; the people can not afford to buy the food necessary to sustain and take care of them while they are engaged in doing this prospecting work; they can not buy the powder, the fuses, and the tools which are necessary, and I sincerely believe that the bill can be disposed of in ten minutes.

Mr. VOORHEES. I have this suggestion to make, if the Sen-

ator will bear with me, that we shall have a short executive session, and when we come out of executive session and the regsession, and when we come out of have no doubt we can take up the measure in which the Senator is interested and pass it.
Mr. WOLCOTT. Very well.

EXECUTIVE SESSION.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and twenty-seven minutes spent in executive session the doors were reopened.

MINING CLAIMS.

Mr. STEWART. I ask the Senate to take up for considera-tion the bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims. By unanimous consent, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

Mr. PETTIGREW. I ask leave to withdraw the amendment which I offered, and to submit an amendment in its place.

The VICE-PRESIDENT. Without objection the amendment will be withdrawn. The amendment now proposed by the Senator from South Dakota will be stated.

The SECRETARY In line 19 after the word "claim" insert

The SECRETARY. In line 19, after the word "claim," insert the following additional proviso:

Provided, however, That the provisions of this act shall apply only to natural persons who are bona fide residents of the State or Territory, or adjoining States or Territories, in which the mining claim is located.

Mr. STEWART. I have no objection to the amendment.

The amendment was agreed to.
The VICE-PRESIDENT. The Secretary will read the bill as amended.

The Secretary read the bill as amended, as follows:

The Secretary read the bill as amended, as follows:

Beit enseted, etc., That the provisions of section numbered 2324 of the Revised Statutes of the United States, which require that on each claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements mad during each year, be suspended for the year 1896 so that no mining claim which has been regularly located and recorded as required by the local laws and mining regulations shall be subject to forfeiture for nonperformance of the annual assessment for the year 1893: Provided, That the claimant or claimants of any mining location, in order to secure the benefits of this act, shall cause to be recorded in the office where the location notice or certificate is filed on or before December 31, 1893, a notice that he or they, in good faith, intend to hold and work said claim: Provided, however, That the provisions of this act shall apply only to natural persons who are bona fide residents of the State or Territory, or adjoining States or Territories, in which the mining claim is located. This act shall take offect from and after its passage.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to

be read a third time.

The bill was read the third time, and passed.

Mr. STEWART. I move that the Senate request a conference with the House of Representatives on the bill and amend-

The motion was agreed to. By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. Stew-ART, Mr. PETTIGREW, and Mr. BATE were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House h d passed

the following bills and joint resolution:

A bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department;

A bill (H. R. 3627) granting certain lands to the Territory of Arizona:

A bill (H. R. 4177) to provide for further urgent deficiences in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes; and

A joint resolution (H. Res. 55) for the reporting, marking, and removal of derelicts.

PURCHASE OF SILVER BULLION.

The VICE-PRESIDENT. The Chair lays before the Senate

The VICE-PRESIDENT. The Chair mays before the School the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the substitute reported by the Committee on Finance.

The VICE-PRESIDENT. The Senator from Kansas [Mr. Preserval is entitled to the floor.

PEFFER] is entitled to the floor.

Mr. PEFFER. Mr. President, before proceeding with my remarks I wish to submit a parliamentary inquiry.

The VICE-PRESIDENT. The Chair will hear the Senator

Mr. PEFFER. Is an amendment to the pending amendment now in order? I wish to offer an amendment in order that I may eak to it as I proceed.

The VICE-PRESIDENT. The Senator can offer the amend-

ment he has suggested. Mr. PEFFER. Then Mr. PEFFER. Then I move the amendment which I send to the desk—not giving notice that it shall be offered, but offering

The VICE-PRESIDENT. The amendment submitted by the

Senator from Kansas will be read.

The Secretary. After the word "repealed," at the end of line 13 in the amendment of the Committee on Finance, insert:

line 13 in the amendment of the Committee on Finance, insert:

SEC. 2: That any owner of gold bullion or silver bullion in condition fit for collage, and of the coined value of \$50 or more, may deliver the same at any mint to the proper officers thereof, and it shall be formed into coins for the benefit of the depositor in the manner provided by the set of Congress approved January 18, 1837, and in all respects according to the provisions of said act, all of which provisions, so far as the same are or may be applicable hereto, are hereby revived and refnacted, except that the inscriptions and devices of coins of like denominations now current shall be placed on the coins authorized by this act, and double eagles may be coined as provided in the act of February 12, 1873.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force thirty days after its passage.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Kansas to the amendment of the commit-

Mr. ALDRICH. I suggest to the Chair that the amendment just submitted by the Senator from Kansas is an amendment to

the original bill, and not an amendment to the original bill, and not an amendment to the pending amendment. It can not be, in the nature of the amendment itself.

Mr. PEFFER. I am not particular how it is regarded, so that it will take its proper place in the discussion. My object is to have the first vote taken upon this amendment; and I will take this occasion to state the difference between the amendment I now offer and the one I proposed some time ago, and which was disposed of in the last vote.

This amendment provides for the coinage of double eagles according to the provisions of the act of 1873, and it makes no reference whatever to the coinage of half dimes. Under my former amendment half dimes were excepted and no notice was

taken of double eagles.
The VICE-PRESIDENT. The amendment to the amendment

will be printed.

Mr. PEFFER resumed his speech. After having spoken one

Mr. FEFFER resumed his speech. After having spoken one hour and three-quarters,
Mr. FAULKNER said: If the Senator from Kansas will permit me to interrupt him, I will submit a motion for a recess.
The VICE-PRESIDENT. Will the Senator from Kansas permit the interruption of the Senator from West Virginia?
Mr. PEFFER. Yes, sir.
Mr. FAULKNER. I move that the Senate take a recess until 10 celebit to meanous.

til 10 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock p. m., Friday, October 20) the Senate took a recess until to-morrow, Saturday, October 21, 1893, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate October 20, 1393. RECEIVER OF PUBLIC MONEYS.

John B. Crownover, of Dardanelle, Ark., to be receiver of public moneys at Dardanelle, Ark., vice Thomas D. Bumgarner,

PROMOTIONS IN THE NAVY.

Passed Assistant Surg. James E. Gardner, to be a surgeon in the Navy from August 15, 1893, vice Surg. A. M. Moore, re-

Medical Inspector Benjamin H. Kidder, to be a medical director in the Navy from August 21, 1893, vice Medical Director D. Bloodgood, retired.

Surg. George F. Winslow, to be a medical inspector in the Navy from August 21, 1893, vice Medical Inspector B. H. Kidder. [Subject to the examination required by law.]

Passed Assistant Surg. Millard H. Crawford, to be a surgeon in the Navy from August 21, 1893, vice Surg. G. F. Winslow,

promoted.

Pay Inspector Thomas T. Caswell, to be a pay director in the lavy from December 25, 1892, vice Pay Director Ambrose J. Navy from Dec Clark, deceased.

Paymaster Robert W. Allen, to be a pay inspector in the Navy

from December 25, 1892, vice Pay Inspector Thomas T. Caswell, promoted.

Passed Assistant Paymaster Charles W. Littlefield, to be a aymaster in the Navy from December 25, 1892, vice Paymaster Robert W. Allen, promoted.

Assistant Paymaster George W. Simpson, to be a passed assistant paymaster in the Navy from December 25, 1892, vice Passed Assistant Paymaster C. W. Littlefield, promoted.

CONFIRMATIONS.

Executive nomination confirmed by the Senate September 28, 1893.

Alexander L. Pollock, of Salt Lake City, Utah, to be consul of the United States at San Salvador, Salvador.

Executive nominations confirmed by the Senate October 9, 1893.

CONSUL.

George Keenan, of Madison, Wis., to be consul of the United States at Kehl, Germany.

SURVEYOR-GENERAL.

Perry Bickford, of Laramie, Wyo., to be surveyor-general of Wyoming.

Executive nominations confirmed by the Senate October 20, 1893. CONSUL

James H. Stewart, of Brooklyn, N. Y., to be consul of the United States at St. Thomas, West Indies.

SECRETARIES OF LEGATION.

Charles Denby, jr., of Indiana, to be secretary of legation at Peking, China.

Stephen Bonsal, of Maryland, to be secretary of legation of the United Stutes at Madrid, Spain.

COMMISSIONER, INTERNATIONAL BOUNDARY COMMISSION.

Col. Anson Mills, United States Army, to be commissioner of the United States on the International Boundary Commission.

PROMOTIONS IN THE NAVY.

Commander Mortimer L. Johnson, to be a captain.
Lieut. Commander John F. Merry, to be a commander.
Lieut. Adolph Marix, to be a lieutenant-commander.
Lieut. Albert W. Grant, junior grade, to be a lieutenant.
Ensign William S. Sims, to be a lieutenant, junior grade.
Commander Edwin M. Shepard, to be a captain.
Lieut. Commander William W. Rhoades, to be a commander.
Lieut. Duncan Kennedy, to be a lieutenant-commander.
Lieut. (junior grade, Philip V. Lansdale, to be a lieutenant,
Ensign Miles C. Gorgas, to be a lieutenant, junior grade.
Lieut. (junior grade, Horace W. Harrison, to be a lieutenant.
Ensign Louis S. Van Duzer, to be a lieutenant, junior grade.
Commander Robley D. Evans, to be a captain. Commander Mortimer L. Johnson, to be a captain. Commander Robley D. Evans, to be a captain.

Lieut. Commander John C. Morong, to be a commander.

Lieut. James D. J. Kelley, to be a lieutenant-commander.

Lieut. (junior grade) William S. Benson, to be a lieutenant.

Ensign Wilson W. Buchanan, to be a lieutenant junior grade.

Lieut. (junior grade) William V. Bronaugh, to be a lieutenant.

Ensign Augustus N. Mayer, to be a lieutenant, junior grade.

Lieut. (junior grade) Frank M. Bostwick, to be a lieutenant.

Ensign Frederick R. Brainard, to be a lieutenant, junior grade.

Lieut. Commander William C. Gibson, to be a commander.

Lieut. Raymond P. Rodgers, to be a lieutenant commander.

Lieut. (junior grade) James H. Oliver, to be a lieutenant.

Ensign William E. Safford, to be a lieutenant, junior grade.

Lieut. Robert T. Jasper, to be a lieutenant-commander.

Lieut. Robert T. Jasper, to be a lieutenant-commander.

Nicholas J. L. T. Halpine, lieutenant, junior grade, to be a lieutenant. Commander Robley D. Evans, to be a captain.

Nicholas J. L. T. Halpine, neutenant, junior grade, to be a lieutenant.
Ensign William J. Maxwell, to be a lieutenant, junior grade.
Lieut. Harry M. Dombaugh, junior grade, to be a lieutenant.
Ensign Franklin Swift, to be a lieutenant, junior grade.
Lieut. Alfred L. Hall, junior grade, to be a lieutenant.
Ensign John F. Luby, to be a lieutenant, junior grade.
Lieut. (junior grade) Percival J. Werlich, to be a lieutenant.
Ensign Lewis J. Clark, to be a lieutenant, junior grade.
Commander George W. Coffin, to be a captain.
Lieut. Commander Washburn Maynard, to be a commander.
Lieut. Seaton Schroeder, to be a lieutenant-commander.

Lieut. Seaton Schroeder, to be a lieutenant-commander. Lieut. Simon Cook, junior grade, to be a lieutenant. Ensign Theodore G. Dewey, to be a lieutenant, junior grade. Commodore George Brown, to be a rear-admiral. Captain Edward E. Potter, to be a commodore.

ASSISTANT APPRAISERS OF MERCHANDISE.

Jacob Schoenhof, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New

William McKinny, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New

J. Rockwell Fay, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

MELTER, ASSAY OFFICE, HELENA, MONT.

Charles Rumley, of Montana, to be melter of the United States assay office at Helena, in the State of Montana.

SPECIAL EXAMINER OF DRUGS, ETC

Andrew H. Ward, of Massachusetts, to be special examiner of drugs, medicines, and chemicals in the district of Boston and Charlestown, in the State of Massachusetts.

PENSION AGENT.

George W. Glick, of Atchison, Kans., to be pension agent at Topeka, Kans.

COLLECTORS OF CUSTOMS.

John E. Grady, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida.

James T. Kilbreth, of New York, to be collector of customs for the district of New York, in the State of New York.

MARSHAL.

George W. Levi, of Virginia, to be marshal of the United States for the western district of Virginia.

POSTMASTERS.

Andrew J. Halbert, to be postmaster at Tempe, in the county of Maricopa and Territory of Arizona.

Henry Shutts, to be postmaster at Oregon, in the county of Holt and State of Missouri.

G. C. Crutchley, to be postmaster at Norborne, in the county of Carroll and State of Missouri.

William B. Pearson, to be postmaster at Nacogdoches, in the county of Nacogdoches and State of Texas.

James H. Messimer, to be postmaster at Itasca, in the county

of Hill and State of Texas.

William D. F. Whitsitt, to be postmaster at Pleasant Hill, in the county of Cass and State of Missouri.

George W. Chisler, to be postmaster at Conway, in the county of Faulkner and State of Arkansas.

Robert W. Jones, to be postmaster at Rising Sun, in the county of Ohio and State of Indiana.

Alexander M. Shannon, to be postmaster at Galveston, in the county of Galveston and State of Texas.

William R. Ayers, to be postmaster at Kaufman, in the county

of Kaufman and State of Texas.

George W. Rehfuss, to be postmaster at Eaton, in the county of Preble and State of Ohio.

John E. Murray, to be postmaster at Lewistown, in the county of Fergus and State of Montana.

Henry G. Schlosser, to be postmaster at Attica, in the county of Fountain and State of Indiana.

Henry K. Willman, to be postmaster at Jonesboro, in the county of Grant and State of Indiana.

Christopher J. Connolly, to be postmaster at Red Key, in the county of Jay and State of Indiana.

Archer Brooks, to be postmaster at Williamsburg, in the county of James City and State of Virginia.

John Stiles, to be postmaster at Menominee, in the county of Menominee and State of Michigan.

Michael W. Ryan, to be postmaster at Midland, in the county of Midland and State of Michigan. James A. Canavan, to be postmaster at St. Joseph, in the county of Berrien and State of Michigan.

William W. Screws, to be postmaster at Montgomery, in the county of Montgomery and State of Alabama.

John McNamara, to be postmaster at Barberton, in the county of Summit and State of Ohio.

William M. Huffman, to be postmaster at St. Paris, in the

county of Champaign and State of Ohio. William R. Hamilton, to be postmaster at Carthage, in the county of Hancock and State of Illinois.

Emil Boehl, to be postmaster at Blue Island, in the county of

Cook and State of Illinois.

Will E. Hampton, to be postmaster at Charlevolx, in the county of Charlevolx and State of Michigan.

Mathew M. Von Stein, to be postmaster at Glidden, in the

county of Carroll and State of Iowa.

Otto H. Stange, to be postmaster at Eimhurst, in the county of Dupage and State of Illinois.

John S. Klinefelter, to be postmaster at Bunker Hill, in the

county of Macoupin and State of Illinois.

Francis C. Smith, to be postmaster at Albion, in the county of Edwards and State of Illinois.

Patrick B. Ryan, to be postmaster at Auburn Park, in the county of Cook and State of Illinois.

Adam Rinard, to be postmaster at Fairfield, in the county of Wayne and State of Illinois.

Freeman W. Sackett, to be postmaster at Phillips, in the county of Price and State of Wisconsin.

Nicholas Donohue, to be postmaster at New Richmond, in the county of St. Croix and State of Wisconsin.

Lodah T. Alexander, to be postmaster at Monticello, in the county of Jones and State of Iowa.

James P. Montgomery, to be postmaster at Quincy, in the county of Adams and State of Illinois.

James W. Wightman, to be postmaster at Elroy, in the county of Juneau and State of Wisconsin.

James G. Wickhem, to be postmaster at Beloit, in the county of Rock and State of Wisconsin.

John G. Hagensick, to be postmaster at Elkader, in the county of Clayton and State of Iowa.

William H. Dolan, to be postmaster at Wymore, in the county of Gage and State of Nebraska. Herbert E. Morison, to be postmaster at Onawa, in the county of Monona and State of Iowa.

James L. Dunning, to be postmaster at Cape Vincent, in the county of Jefferson and State of New York.

James H. Hoskins, to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

Joseph A. Minor, to be postmaster at Bedford, in the county

of Taylor and State of Iowa.

Don C. Bishop, to be postmaster at Pulaski, in the county of Oswego and State of New York.

Edward C. Reynolds, to be postmaster at Haverstraw, in the county of Rockland and State of New York.

James A. McKenna, to be postmaster at Long Island City, in the county of Queens and State of New York.

Milton H. Northrup, to be postmaster at Syracuse, in the county of Onondaga and State of New York.

George F. Ketchum, to be postmaster at Warwick, in the county of Orange and State of New York.

county of Orange and State of New York.

Daniel Budd, to be postmaster at Rye, in the county of Westenster and State of New York.

George W. Myers, to be postmaster at Neligh, in the county of Antelope and State of Nebraska.

James B. Tolliver, to be postmaster at Lebanon, in the county of Wilson and State of Tennessee.

Edmund M. Wilbur, to be postmaster at Saugerties, in the county of Ulster and State of New York.

HOUSE OF REPRESENTATIVES.

FRIDAY, October 20, 1893.

The House met at 12 o'clock m. Prayer by the Rev. ISAAC W. CANTER

The Journal of yesterday's proceedings was read and approved. UNION PACIFIC RAILROAD.

The SPEAKER laid before the house a letter from the Attorney-General, transmitting, pursuant to House resolution information relating to the Union Pacific Railroad; which was referred to the Committee on the Pacific Railroads, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Cox, for ten days, on account of important business. To Mr. SIMPSON, for ten days, on account of important busi-

To Mr. GRADY, for seven days, on account of important busi-

To Mr. MAHON, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Mr. LAYTON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ferdinand Tobe on H. R. 5214, Fifty-second Congress, there being no adverse report thereon.

AMENDMENTS TO BANKRUPTCY BILL.

Mr. Speaker, I have here some amendments to Mr. RAY. the bill establishing a uniform system of bankruptcy, which has been reported. Iask unanimous consent that these amendments be considered as pending and that they be printed in the RECORD, in order that they may be examined by the members of the House before the bill comes up for consideration.

The SPEAKER. The gentleman from New York has some opposed amendments to the bill to establish a uniform system

proposed amendments to the bill to establish a uniform system of bankruptcy. The gentleman asks unanimous consent to have them printed in the RECORD.

Mr. DINGLEY. What is the request?

The SPEAKER. To print in the RECORD amendments that the gentleman from New York intends to propose. The gentleman does not desire to have them considered as pending.

Mr. RICHARDSON of Tennassea. What is the bill?

Mr. RICHARDSON of Tennessee. What is the bill? The SPEAKER. A bill to establish a uniform system of

bankruptcy.
Mr. CULBERSON. What is the request?
The SPEAKER. The gentleman from New York proposes to have printed in the RECORD some proposed amendments he de-

Mr. CULBERSON. He desires to give notice of amendments

he proposes to offer.

Mr. RICHARDSON of Tennessee. I do not think they ought to be printed again when offered. The gentleman from New York will not ask that? Mr. RAY. Oh

Oh, no.

The SPEAKER. These amendments will be printed, not as pending, but as to be offered, if there be no objection.

Mr. KILGORE. I do not understand that amendments have

to be printed in advance in the RECORD that are expected to be offered to the bankruptcy bill.

The SPEAKER. The gentleman asks unanimous consent to

print them for the information of the House.

Mr. KILGORE. Then they are not pending.
Mr. SAYERS. That will not stop other gentlemen from offering amendments at the proper time.
The SPEAKER. These amendments are not pending, but the

entleman proposes to offer them during the consideration of the hill.

The proposed amendments are as follows:

Mr. RAY offered the following amendments to the bill (H. R. 139) entitled A bill to establish a uniform system of bankruptcy throughout the United

Mr. RAY offered the following amendments to the bill (H. R. 139) entitled "A bill to establish a uniform system of bankruptcy throughout the United States:"

1. On page 5, in line 7, after the word "days," insert "and until the filing of a petition in bankruptcy."

2. On page 6, in line 33, after the word "over," insert the following: "Protided, That if, upon the hearing on the petition hereinafter provided for, it shall appear that before the filing thereof the person so concealing himself, or so departing or remaining away from his place of business, residence, or domicile with intent to avoid the service of a civil process and to defeat his creditors, had returned to his place of business, residence, or domicile with intent to avoid the service of a civil process and to defeat his creditors, had returned to his place of business, residence, or domicile, and submitted to the process of the court, and that no priority has been gained by any other creditor by reason of such absence, then such petition, if based upon such acts, shall be dismissed: Provided further, That if, on such hearing, it shall appear that the property secreted, or its equivalent, was restored and subjected to a levy under the legal process out at the time of such concealment, or that the claim upon which such legal process was issued was paid before the filing of a petition, then a petition based on such concealment shall be dismissed: Provided further, That any petition filed in bankruptcy shall be defeated and dismissed on payment of the debt or claim of the person or persons filing such petition or joining therein, with all legal costs of the proceeding; and such payment may be made by depositing with the clerk of the court where such petition is filed the amount of the claim of the person or persons filing such petition is filed the amount of the claim of the person of persons filing such payment may be made by depositing with the clerk of the court where such petition is filed the amount of the claim of the person shall be adjudged or

3. On page 8, in line 9, strike out the word "may" and insert in place thereof the word "shall."

4. On page 10, in line 31, strike out the word "offered" and insert in lieu thereof the word "received."

5. On page 11, in line 5, after the word "insane," insert the following: "And in such cases the executor or administrator of a decased person and the committee of a lunatic or incompetent person shall be brought in and made a party to the proceeding."

6. On page 12, in line 11, after the word "suit," insert the following: "Against the bankrupt and defend the same."

7. On page 13, in line 14, after the word "proceedings." strike out the words "have been" and insert in lieu thereof the words "shall be."

8. On page 13, in lines 15 and 16, strike out the words "and subject to the order of the judge" and insert in place thereof the following, "the judge within ten days after the confirmation of such composition. Hefore hearing an application for the confirmation of a composition the court may require the filing of a sufficient bond conditioned for the payment into court of the money necessary to perfect such composition or to carry out and make effectual the terms thereof."

9. On page 14, in line 9, after the word "composition," insert the following: "In case such composition is set aside, the creditors who have received their pay thereunder may or may not return into court the sum or sums received by them respectively pursuant to the terms of such composition, and only the creditors so refunding shall share the benefits of subsequent proceedings."

Ings."

10. On page 19, in line 8, after the word "time," insert the following: "The write of subpæna shall also be served on each creditor named in the petition by mailing a copy thereof to such creditor at his place of residence at least ten days before the return day thereof."

11. On page 19, in line 15, after the word "petition," insert the following: "or present any defense thereto."

12. On page 27, in line 2, after the word "exceed," strike out the word "two"

and insert in place thereof the word "ten;" and on the same page, in line 6, after the word "trustee," insert "a person shall be punished by imprisonment for a period not exceeding two years upon the conviction of the offense of having willfully."

13. On page 28, in line 17, after the figure "6" and before the word "made," insert the following: "knowingly and willfully."

14. On page 52, in line 3, strike out the word "may "and insert the word "shall," and in line 7, same page, after the word "depositories," insert the following: "Such bond shall be executed by two sureties, and the penalty of each bond shall be double the amount of the estate being administered, conditioned that such depository will pay on demand, according to the order of the court, all sums directed to be paid by such order. Until such bond, approved by the court, shall have been filed by the depository no funds belonging to an estate shall be deposited with such depository."

URGENT DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I am directed by the Committee on Appropriations to report an urgent deficiency appropriation bill, and to ask for its immediate consideration.

The Clerk read as follows:

A bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations of the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

Be it enacted, etc., That the following sums, or so much thereof as may be ecessary, be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the objects hereinafter excessed, being for the service of the ilscal year 1894, namely:

TREASURY DEPARTMENT.

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia, \$127,500.

HOUSE OF REPRESENTATIVES.

To enable the Clerk of the House to pay to Members and Delegates the amount which they certify they have paid or agreed to pay for clerk life necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution, approved March 3, 1893,

DISTRICT OF COLUMBIA

For reconstructing the barn of the Reform School of the District of Columbia, destroyed by fire on July 23, 1893, 46,000; for replacing the horses, farming implements, wagons, harness, feed, hay, and other materials destroyed by said fire, 84,500; in all \$10,500; one-half of said sum to be paid from the revenues of the District of Columbia, and one-half from any money in the Treasury not otherwise appropriated.

Mr. SAYERS. Mr. Speaker, if the House does not desire any information in regard to the bill I will ask for its immediate

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the vote which the bill was passed was laid on the table.

REPORTING, MARKING, AND REMOVAL OF DERELICTS.

Mr. MALLORY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 55) f w the reporting, marking, and removal of derelicts. The joint resolution was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized to make with the several governments interested in the navigation of the North Atlantic Ocean an international agreement providing for the reporting, marking, and removal of dangerous wrecks, derelicts, and other menaces to navigation in the North Atlantic Ocean outside the coast waters of the respective countries bordering thereon.

That the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this resolution.

Mr. MALLORY. The Committee on Interstate and Foreign Commerce recommends an amendment striking out the appro-Commerce recommends an amendment striking out the appropriation contained in the bill, and simply limits the expenditure that may be made to \$5,000 to carry out this purpose. I ask the Clerk to read the amendment in the report.

Mr. DINGLEY. This is an exceedingly important matter, and I think it ought to pass without any question.

Mr. SAYERS. There will be no question about it.

Mr. MALLORY. The amendment simply strikes out the appropriation, and limits the amendment simply strikes out the appropriation.

propriation, and limits the amount to be appropriated to \$5,000. Mr. DINGLEY. That will be attended to in the appropria-

tion bill. The SPEAKER. Is there objection to the present consideration of the joint resolution? (After a pause.) The Chair hears

none.
The Clerk will now report the amendment.

The Clerk read as follows:

In line 9, after the word "thereon," insert the words:
"Provided that the cost of carrying out such international agreement,
when made, shall not exceed the sum of \$5,000 on the part of the Government
of the United States.
"Strike out in lines 10, 11, 12 and 13."

The amendment recommended by the committee was agreed

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

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On motion of Mr. MALLORY, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees for re-

REVENUE CUTTER FOR SAN FRANCISCO.

Mr. MALLORY, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation a bill (H. R. 2669) making an appropriation and providing for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California; which was referred to the Committee of the Whole Eouse on the state of the Union, and, with the accompanying report, was ordered to be printed.

REVENUE CUTTER FOR GREAT LAKES.

Mr. MALLORY also, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation a bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGES, CADDO RIVER AND CROSS BAYOU, LA.

Mr. GEARY also, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation a bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railroad Company to bridge Caddo River at or near Mooringsport, La., and Cross Bayou, near Shreveport, La., which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS SULPHUR RIVER, ARK.

Mr. GEARY also, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation a bill (H. R. 1917) authorizing the Texarkana and Fort Smith Bailway Company to bridge Sulphur River, in the State of Arkansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS CALCASIEU AND SABINE RIVERS.

Mr. GEARY also, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation, a bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers, in the States of Louisiana and Texas; which was referred to the House Calendar, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees. The merning hour for the consideration of bills begins at seventeen minutes past 12 o'clock. The call rests with the Committee on Territories, which has a bill pending, the title of which the Clerk will report.

RAILROAD STATIONS, ETC., IN THE TERRITORIES.

The Clerk read as follows:

A bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] has eleven minutes of his time remaining.

Mr. WHEELER of Alabama. Mr. Speaker, I shall use a few minutes of that time in replying to the attack upon the Secretary of the Interior made by the gentleman from Oklahoma [Mr. FLYNNI

I regret that the gentleman has seized this opportunity to make very unjust charges against the honorable Secretary of

the Interior.

He says that the Secretary did injustice to the white settlers by allowing the Indians to monopolize and take up lands in ad-

If the gentleman had taken the trouble to inform himself he would have learned that the treaty with the Indians of the 19th of December, 1891, by which the Cherokee Strip was acquired, provided for these allotments of 70 tracts of land of 80 acres each to the Indians, and that the law specially provided that these allotments might be selected by the Indians. The language of the treaty with regard to these allotments is as I will

It is further agreed and understood that the number of such allotments shall not exceed 70 in number, and the land alloted shall not exceed 5,600 acres: "bat such allotments shall be made and confirmed under such rules and regulations as shall be prescribed by the Secretary of the Interior, and when so made and confirmed shall be conveyed to the allottees respectively by the United States in fee simple.

In order to carry out this clause of the treaty, the law by which the Territory was opened provided thatThe allotments provided for in the fifth section of said agreement shall be adde without delay by the persons entitled thereto, and shall be confirmed as the Secretary of the Interior before the date when said lands shall be delared open to sattlement; and the allotments so made shall be published by he Secretary of the Interior, for the protection of proposed settlers.

This treaty was made and this law was enacted when the Sec. retary of the Interior was practicing law in Atlanta, Ga., and he had nothing whatever to do with this concession to the Indians.

The gentleman says that-

If deaths occur there by virtue of these opposing towns, each and murder, because they will be nothing less, must be laid at the doors. Interior Department.

The desire of the gentleman to unjustly assault the Secretary of the Interior is here manifested by his emphatic assertion that he intends to hold the Hon. Hoke Smith, of our honored Pres-ident's Cabinet, responsible for all deaths which may occur in the Territory by virtue of the fact that there happen to exist

two towns separated by about 3 miles.

I did not intend to say one word in defense of the distinguished gentleman who presides so well over the Department of the Interior, but since the gentleman from Oklahoma has made it proper for me to do so, I will state that, owing to the administrative ability of that Cabinet officer, the delicate work of opening the Cherokee Strip was conducted with a much higher degree of good order than there was any possible reason to expect.

Imagine 100,000 to 150,000 persons brought together from all

sections of our land, including, of course, many rough and hav-less people. They were crowded together, waiting for the given signal, eager to struggle for the coveted and valued prize, and

signil, eager to struggle for the coveted and valued prize, and yet there was less ruffianism and fewer injuries to life and limb than often occur in the well-ordered city of Washington.

It is true there was some lawlessness, and some people hurt, and one man was killed by a guard; but so are people hurt and killed in Washington, New York, and Philadelphia.

The gentleman from Oklahoma should devote his time to compending the Secretary of the Interior, in the highest town.

mending the Secretary of the Interior in the highest terms, in-

stead of soizing every opportunity to do him injustice.

Had it not been for the untiring efforts of the Secretary of the Interior, and the Secretary of War, and the well-conceived regulations which they prepared, great injustice would have been

Might would have triumphed overright; the weak would have been overcome by the strong, and most serious disturbances would certainly have occurred.

I hold in my hand a resolution adopted by the committee appointed by the mayor and council in the town of Enid. It is as

pointed by the mayor and council in the town of Enid. It is as follows:

We the committee appointed by the mayor and council of the town of Enid. county O, of the Territory of Oklahoma, to draft resolutions pertaining to the action of the Chicago, Rock Island and Pacific Railroad Company intailing to locate a depot at this place, beg leave to make the following report:

Whereas the town of Enid is located and built on the tract of land reserved by the proclamation of the President for town-site purposes; that the United States land office for the Enid land district is located here; that it is the county seat of county of in the Territory of Oklahoma, and all the United States land office for the Enid land district is located here; that it is the county seat of county of in the Territory of Oklahoma, and all the United States land office for the Enid land district is located here; that said town of Enid it is the county seat of the enumeration of the census just taken, a bona fide resident population of 4,00°; and

Whereas the population of 4,00°; and

Whereas the only post-office at present located in this county and all the mail for the entirecounty population is of necessity hauled 2½ miles by wagon, the actual distance to the nearest depot, there is an unnecessary and unusual delay in transmitting and receiving the mails for the people of this town and county, and great inconvenience and annoyance and expense is unnecessarily incurred by reason of the lack of depot facilities, both pasenger and freight, and the failure of the Rock Island Railroad Company to provide the same at this point; and

Whereas, from the present indications, we are firmly convinced that the urgent necessity for the location of a depot here and the magnitude of the business being transacted from this place is being kept concealed from the directors and principal officers of said railroad company; Now, therefore.

Be if readed, That the failure of said railroad company to provide the necessary depot facilities to meet the demands of tra

Passed and approved unanimously this 4th day of October, 1893.

ED. L. DUNN, Mayor.
J. A. HODGES.
WM. M. WILLIAMS,
G. E. GAGE,
H. A. YONGE.
J. K. McLAIN,
Members of the City Council

Attest:

W. E. HAMBLIN, City Clerk

It will be seen that this document states that 90 per cent of the passenger traffic to and from that county makes the town of Enid its destination; that 90 percent of the building material of Enid its destination; that so percent of the building material and all classes of freight shipped to that county is shipped to the business men and merchants of the town of Enid. It further states that the failure of the railroad to provide the necessary railroad facilities to meet the demands of trade at the town of Enid is an unwarranted injustice to the citizens who have settled there and made hope fide improvements and engaged in tled there and made bona fide improvements and engaged in

I also have a letter from a prominent citizen of Enid, who

A survey and estimates were made about a week ago by the railroad company, which were given out to the public that it would cost between \$80,000 and \$100,000, which anyone knows is far in excess of what it would cost. I venture to say that the citizens of this place will or can put the roadbed in shape to receive the ties and rails at a cost of not to exceed \$5,000.

I feel confident the House will not permit this wrong to the people of Enid to be continued. The bill should pass without a senting vote.

I will now yield five minutes to the gentleman from Kansas

[Mr. SIMPSON]

Mr. SIMPSON. I understood the Speaker to say that we had but eleven minutes. I wish to inquire whether that includes all the time we have for the passage of this bill; for if it does, I shall

The SPEAKER. The bill may be considered during the remainder of this hour. The Chair stated that the gentleman from Alabama [Mr. WHEELER], who had already used a portion of his

Allowing [Mr. Wherlier], who had already used a porton of his time on yesterday, had eleven minutes remaining.

Mr. SIMPSON. Mr. Speaker, there should be no opposition to the passage of this bill, and I trust that there will not be any when members understand the necessity for it. There seems to have been a struggle going on between the Government, as represented by the Interior Department, and the railroad corpora-

The railroad corporations, through their agents, have secured an amendment to the bill opening the Strip to settlement, pro-viding that the Indian agent should locate the Indians anywhere in the Territory, instead of confining them to the lands that they lived upon. There is where the whole trouble commenced. The railroad corporation in this case, in collusion with this man representing the Indians, have taken up the land around the places where the town sites were located, and left the Government no room for town sites, so that the Government, in self-defense, was forced to go 2 miles south and locate a new town site. The railroad corporation comes in here and wants to have this bill modified in such a way as to locate the stations, if not at their

town sites, as near to them as possible.

Now, I hold that we are not here to defend the railroad corporations. We are here to look after the interests of the people. A large number of people have settled on these Govern-ment town sites, and taken up property there, and they look to the Government to protect their interests, by compelling the railroad corporation to erectdepots sufficient to meet their needs. I am surprised that members get up here, as the gentleman from Kansas [Mr. Curtis] did yesterday, and want to delay this measure, to put it off until another day, until they can hear from these railroad corporations to see whether the bill is satisfactory to them or not. I do not think we are here to protect their interests. The railroad corporations so far in the history of this country have shown themselves sufficiently able to look after their own interests; let us take care of the interests of the peo-

It is a well-known fact through my country that the railroad corporations have gone into the town-site and town-booming business for years past. It is a well-known fact that they have controlled the government of the State of Kansas in years gone by; and the struggle in that State has been between the railroad corporations and the people. And I hold that the gentleman from Kansas is here to-day partly as a representative of the Santa Fe and Rock Island Railroad corporation, and I do not wonder that he comes up here to protect their interests. Mr. Speaker, in my district they colonized more than 7,000 negroes and kept them there six months at the expense of the railroad companies purposely to defeat me because I had presumed to stand in their

This is the struggle that is going on all over the country—a struggle on the part of the railroad corporations to control this Government. And they have shown their power, in the opening of the Cherokee Strip, to defeat the will of the people expressed through their representatives. The Secretary of the Interior has acknowledged that they have put obstacles in the way that are almost insurmountable. Now, I think it time that Representatives here in Congress should "sit down" upon this power. Of course this is but a small matter in comparison with

some other things that these corporations have been making an effort to control in the way of legislation in their interest. But it only shows the increasing and dangerous power of these cor-porations in their effort to control the Government of the United States. I say this bill ought to pass, and the stations should be located at those new towns established by the Government; and we should set at defiance this power that is trying to use the

Government of the United States in its own interest.

Mr. CURTIS of Kansas. You referred to a "gentleman from Kansas" being here representing the railroad companies. Did

you mean me

Mr. SIMPSON. I meant you, because you showed it here yesterday when you told me individually that you wanted to wait and have this bill put off till you telegraphed back to see whether the bill was satisfactory.

Mr. CURTIS of Kansas. If you say that I represent any rall-road corporation, you utter a falsehood. Mr. SIMPSON. Whom did you want to telegraph to, if it was not a railroad corporation?

The SPEAKER. The time of the gentleman from Kansas

The SPEAKER. The time of the gentleman from Ransas [Mr. Simpson] has expired.

Mr. FLYNN. A good deal has been said on this floor in regard to the opinion of the Attorney-General (and it has been published in the RECORD) on what is alleged to have been the law that he was governed by. Now, I take it that there are some lawyers who are members of this body, and I wish to read what the law says; then gentlemen can put their own construction on the question whether or not this law meant that the Indian should the question whether or not this law meant that the Indian should take his farming land or that he should go and steal the railroad town sites. I read from the Presidential proclamation issued by the Interior Department:

Provided, That any citizen of the Cherokee Nation, who, prior to the 1st day of November. 1891, was a bona fide resident upon and further had, as a farmer and for farming purposes, made permanent and valuable improvements upon any part of the land so ceded and who has not disposed of the same, but desires to occupy the particular lands so improved as a homestead and for farming purposes, shall have the right to select one-eighth of a section of land, to conform however to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements. The wife and children of any such citizen shall have the same right of selection that is above given to the citizen, and they shall have the preference in making selections to take any lands improved by the husband and father that he can not take until all of his improved by the husband and so ceded, who, prior to the lat day of November, 1891, had for farming purposes made valuable and permanent improvements upon any of the land so ceded, who, prior to the lat day of November, 1891, had for farming purposes made valuable and permanent improvements upon any of the land above limitation will admit, such improvements; but the allotments so provided for shall not exceed seventy in number, and the land allotted shall not exceed 5,600 acres; and such allotments shall be conveyed to the allottees such rules and regulations as shall be prescribed by the Secretary of the Interior, and when so made and confirmed shall be deducted the sum of \$1.40 for each acre so taken in allotment.

That is the law which gentlemen have been talking about

That is the law which gentlemen have been talking about. They have published in the RECORD the opinion of the Attorney-General. I appeal to you gentlemen here, who are lawyers, to place upon this law the interpretation that was placed upon it by the Interior Department if you can.

[Here the hammer fell.]
Mr. WHEELER of Alabama. I move the previous question on the amendments and the bill.

Mr. CANNON of Illinois. I would like to occupy two or three minutes before the gentleman moves the previous question.

Mr. WHEELER of Alabama. My time will expire in a few

Mr. CANNON of Illinois. Perhaps by unanimous consent five or ten minutes more might be given to the gentleman, he still retaining the floor.

The SPEAKER. If there is no objection the time of the gen-tleman from Alabama [Mr. WHEELER] will be extended ten

minutes.

There was no objection.

Mr. WHEELER of Alabama. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, in the time allowed me I shall ask attention to two or three matters. I am one of those Representatives living away from Oklahoma and knowing nothing about the merits of this bill except what we have been enabled to learn yesterday and to day on the floor of this House. I never heard of the measure before; therefore I think I am in a fair condition to vote for the bill if it ought to be enacted, and in a fair condition to vote against it if it ought not to be enacted. But it does seem to me strange that the bill contains the provisions that it does. It provides that these depots shall be erected at the town sites, which are from one to two or three miles from the railroad stations, which were located long ago—
Mr. WHEELER of Alabama. Two and three-quarter miles. Mr. CANNON of Illinois. One, two, three, or four miles, as

may be.
Mr. KRIBBS. Will the gentleman yield just there for a suggestion.

Mr. CANNON of Illinois. Not now; I have but a few moments. I was going on to say that the bill provides these stations shall be erected and maintained in perpetuity. That is what your bill provides; so that, with railroad depots located all through the Cherokee Outlet, I apprehend wherever these railroads legally located them on lands which were purchased adjacent to the stations before the Outlet was thrown open, they are compelled under the provisions of this bill to maintain others at every town site within from 2 to 4 miles of the stations already located and maintained by themselves; and these latter stations duplicates of the others, the bill requires them to maintain in perpetuity, without reference to the needs of the public here-

Mr. WHEELER of Alabama (interrupting). But the gentleman must remember that the town sites are located by the Gov-

ernment Mr. CANNON of Illinois. Certainly; I understand that, but the Government has declared these to be town sites, in place of the points where the stations are located, and the town sites are within two to four miles from the railway stations.

Mr. WHEELER of Alabama. Only one in the county, and four altogether. And the gentleman must remember that there are 4,000 people there.

Mr. CANNON of Illinois. Whether it be 1 or 4 miles it does

not matter.

Now let me say, Mr. Speaker, all of these matters ought to be regulated, and if left to themselves would be regulated by the demands and business of the public.

Mr. SIMPSON. Will the gentleman allow me? Mr. CANNON of Illinois. Not now. If I have a moment

later on I will.

Now, I listened, not with profit or with pleasure, to the declamation of the gentleman from Kansas [Mr. Simpson]. I am not a special friend of the railroads. I own no share of stock in any of them. I am acquainted with no man connected with these particular roads, but I have no desire to oppress them merely because they are railroads, if this be oppression. They are entitled to their rights and to fair treatment under the law. the gentleman could have his way he would put an exaction on the railroads that in the long run would be charged over on the citizen or the settlers, those adjacent to the railroads who patronize the roads.

Mr. SPRINGER. Will the gentleman allow me to make a correction of one part of his statement?

Mr. CANNON of Illinois. Certainly, if I am in error.

Mr. SPRINGER. The gentleman seems to be laboring under the impression that there is a town site where the original depot site was. That is altogether a mistake. Nobody was allowed to live in this part of the Territory except those who were necessary for the purpose of operating the railroad company's business, all others being shut out prior to its opening.

Mr. CANNON of Illinois. Oh, I understand that. I think I

understand the case as reported by the gentleman on yesterday. I read his remarks, I will state to him, with great care, and I find this to be a fact, as I gathered both from his remarks and from the bill itself, that you are requiring these railroad companies to do something that the ordinary requirements of their business do not call for

[Here the hammer fell.]

Mr. WHEELER of Alabama. I yield now two minutes to the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. Mr. Speaker, following up the statement which I made on yesterday, I desire to make just one more observation on another point in reference to the Indian allotments. The gentleman from Oklahoma has repeated as many as three times, twice on this floor and once before the Committee on Public Lands, that this Administration reversed a ruling of the last Administration relating to these allotments, in order that what he characterizes as a steal of these lands might become effectual. In this he is incorrect.

Those of us who were members of the last Congress, and remember the passage of the Cherokee Outlet bill, know that it was not passed until about 3 o'clock on the morning of the 4th of last March, though approved on the legislative day of the 3d. As a matter of fact, the late Secretary Noble never saw even the manuscript copy of the bill as finally passed. He went out of office the day the bill was signed without considering this question in anyway. And yet the gentleman insists that a ruling was made by the Interior Department under the last Administration that has been reversed by the present, by which the Indian allottees got an unfair advantage.

Mr. FLYNN. Let me ask the gentleman if it is not true that to do so in the morning hour.

everybody except Gen. Noble himself, the law officers of the last every body except deal. Robe initiating the law of the last Interior Department, did remain; and, as a matter of fact, Secretary Smith himself, upon their written opinions, signed this report prohibiting the Indians from stealing these lands?

Mr. McRAE. I have no information as to who remained in

Mr. MCRAE. I have no information as to who remained in the law department. The Secretary is the responsible head. If any Republicans were kept in, I think to that extent this Administration did wrong, and if the gentlemen who were retained led the Secretary into an error, I am not here to apologize for it; but, as a matter of fact, the last Administration made no rule the constitution of the constitution and the explanation that the gentlement ing upon this question, and the explanation that the gentleman now furnishes shows that he knows the Harrison Administration did not consider the question. But, Mr. Speaker, I deny that the present Secretary adopted any opinion prepared by the hold-over law officers. The opinion upon which he acted was prepared by Judge Hall, and is unanswerable.

Here the hammer fell.

Mr. WHEELER of Alabama. I move the previous question on the pending amendments and the bill to its engressment and

Mr. BRODERICK. Iask unanimous consent to offer an amend-

The SPEAKER. Does the gentleman from Alabama [Mr. WHEELER] withdraw his demand?

Mr. WHEELER of Alabama. Yes; simply to have the amendment read

The SPEAKER. The gentleman withdraws his demand for the previous question, and the amendment will be read.

The amendment was read, as follows:

On page 2, in line 9, strike out "five hundred" and insert "fifty," so as to ead "said company shall be liable to a fine of \$50 for each day," etc.

Mr. WHEELER of Alabama. I now demand the previous question upon the bill and pending amendments.

The SPEAKER. The gentleman from Alabama [Mr. WHEEL-

ER] demands the previous question upon the pending amendments, which are those amendments reported from the com-

Mr. DINGLEY. Is the amendment to the bill offered by the gentleman from Kansas [Mr. BRODERICK] pending?
The SPEAKER. It is not pending.
Mr. DINGLEY. Only read for information?
The SPEAKER. That is all. The question is upon ordering the previous question.

The question being taken, the Speaker announced that the res seemed to have it.

Mr. CURTIS of Kansas demanded a division; and there were-

ayes 107, noes 3.

Mr. CURTIS of Kansas. No quorum.

Mr. CURTIS of Alabama. I demand the yeas and nays. Mr. WHEELER of Alabama. I demand the yeas and nays. Mr. CURTIS of Kansas. I withdraw the point of no quorum,

The previous question was ordered.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. WHEELER of Alabama, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with an amendment the bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States relating to mining claims, asked a conference with the House on the bill and amendment, and had appointed Mr. Stewart, Mr. Pettigrew, and Mr. Bate as the conferees on the part of the Senate.

WILLIAM M'GARRAHAN.

The Committee on Private Land Claims was called.
Mr. PENDLETON of West Virginia. Mr. Speaker, I desire
to call up for consideration the bill H. R. 415.
The SPEAKER. The gentleman from West Virginia [Mr.
PENDLETON] calls up a bill the title of which will be reported

by the Clerk.

The Clerk read as follows:

A bill (H. R. 415) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1991, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purpose

The SPEAKER. This is a private bill, and must receive its first consideration in Committee of the Whole.

Mr. SAYERS. I desire to raise the point of order that the gentleman from West Vicginia [Mr. PENDLETON] who has called up this bill was not authorized and instructed by the committee Mr. PENDLETON of West Virginia. I was instructed by the committee to call it up at the first opportunity.

Mr. SAYERS. I would like to ask the gentleman some questions—to interrogate him on the subject.

The SPEAKER. The gentleman might plead his privilege. Of course the Chair can not determine the fact without knowing more about it. The rule is, however, that on this call the committee may call up the bill for consideration. The language is: Upon which call each committee, upon being named, shall have the right to call up for consideration any bill reported by it on a previous day.

The Chair thinks, and the Chair has held heretofore, that this is not a personal privilege to a member of the House, but that it is a privilege to the committee to call the bill up, and that the committee should authorize it, or that the member should have the authority of the committee to call up the bill.

Mr. PENDLETON of West Virginia. I have the authority of the whole committee. They passed a resolution authorizing me to favorably report this bill, and then to call it up for the

Mr. SAYERS. Will the gentleman allow me to ask him a question-

Mr. PENDLETON of West Virginia. No, I do not believe I

will. [Laughter.]
Mr. SAYERS. Mr. Speaker, I submit that the statement of the gentleman does not bring him within the rule. I submit further that in order to bring him within the rule he must show that the committee specifically authorized him to call up

show that the committee specifically authorized him to call up this bill in the morning hour.

Mr. DOCKERY. That is the rule.

The SPEAKER. Does the gentleman from West Virginia [Mr. PENDLETON] desire to say anything on that question?

Mr. PENDLETON of West Virginia. I simply desire to say that the committee authorized me to call up this bill, and that I notified them at the time that I would call it up in the first morning hour that I could reach it, and I am acting under the instructions of the committee.

The SPEAKER. If the committee assented to that—

Mr. DINGLEY. It seems to me a bill which involves perhaps \$30,000,000 ought not to be called up in the morning hour.

Mr. CAMPBELL. It does not cost the Government a cent.

Mr. CAMPBELL. It does not cost the Government a cent.
Mr. PENDLETON of West Virginia. I move that the House
resolve itself into the Committee of the Whole for the consid-

eration of this bill.

The SPEAKER. The Chair will state what the Chair understands to be the rule, and the gentleman from West Virginia can state whether his authority comes up to the rule as stated by the Chair. In dealing with the second morning hour, the rule can state whether his authority comes up to the rule as stated by the Chair. In dealing with the second morning hour, the rule says the Speaker shall again call committees in regular order for one hour, upon which call each committee, on being named, shall have a right to call up for consideration any bill reported by it on a previous day. Now, the Chair thinks that when a gentleman calls up a bill under this rule he ought to be expressly authorized by his committee so to do, because it is a privilege that is extended to the committee and not to any individual. If the committee is to do, of gentleman states he is authorized by his committee so to do, of

sextended to the committee and not to any individual. If the gentleman states he is authorized by his committee so to do, of course, so far as the Chair is concerned, that is enough.

Mr. PENDLETON of West Virginia. Mr. Speaker, I understand that I have that authority, and I think that members of the committee present will sustain me in that statement.

The SPEAKER. In the opinion of the Chair the statement of the gentleman brings it within the rule.

Mr. DOCKERY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. It will not be in order, as I understand, to raise the question of consideration against the motion the gentleman from West Virginia submits, that the House resolve itself into Committee of the Whols.

The SPEAKER. It will not be. The same end can be reached by voting down the metion to go into Committee of the Whole; but the question of consideration can not be raised.

Mr. DOCKERY. If the motion is voted down, consideration can not be proceeded with.

The SPEAKER. Why, of course not, because the House will have refused to consider it by going into the Committee of the Whole. The gentleman from West Virginia moves that the House resolve itself into Committee of the Whole House for the purpose of considering this bill.

Mr. PENDLETON of West Virginia. Is that motion debatable?

The SPEAKER. It is not.

ble?

The SPEAKER. It is not.
The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PENDLETON of West Virginia. I demand a division. Mr. SPRINGER. I rise to a question of order. The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I understand that this hour is set apart for

The SPEAKER. It is.

Mr. SPRINGER. If this bill is subject to the point of order, that it must go into committee, is it not right for the member to have the House resolve itself into Committee of the Whole

to nave the House resolve itself into Committee of the Whole to consider it?

The SPEAKER. That is for the House. The Chair can not order the House to go into Committee of the Whole.

Mr. SPRINGER. If the gentleman is ordered by the committee to call it up in this hour, if it must be considered in Committee of the Whole, and this House does not resolve itself into Committee of the Whole, does not that mean that the House retreat a considered it? fuses to consider it?

The SPEAKER. The Chair thinks not. This motion is the same in effect as a motion made by a gentleman to call up a bill which is in the House when a gentleman can raise the question

which is in the House when a gentleman can raise the question of consideration against that.

Mr. SPRINGER. But that is in the House.

The SPEAKER. This is simply the sume thing, only in another form. You can not raise the question of consideration against this bill, because it is in committee. The only way you can accomplish what might be accomplished by raising the question of consideration in the refuse to gain to the Committee of the tion of consideration is to refuse to go into the Committee of the Whole, which would practically dispose of the case.

The House divided on the question of going into Committee

of the Whole, and the Speaker announced that there were-

ayes 57, noes 53.

Mr. BOEN. No quorum.

The SPEAKER. The gentleman from Minnesota makes the point of no quorum. The Chair will appoint the gentleman from West Virginia [Mr. PENDLETON] and the gentleman from Minnesota [Mr. BOEN] to act as tellers.

The House divided, and tellers reported 66 in the affirmative. Mr. BOEN. I withdraw the point of no quorum. Mr. BELTZHOOVER. I renew it.

The SPEAKER. Tellers have not yet reported the negative

Mr. BOEN. Thirteen voted in the negative.
The SPEAKER. No quorum has voted. Gentlemen desiring to vote will please come forward and do so.

After some further time spent in the count, The SPEAKER. On this question the ayes are 95, the noes 13. The morning hour has expired.

ADMISSION OF ARTICLES INTENDED FOR WORLD'S COLUMBIAN EXPOSITION.

Mr. BYNUM. Mr. Speaker, I desire to ask unanimous consent that the House joint resolution 22 be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the title of the resolution, after which the Chair will ask if there be objection.

The Clerk read as follows:

A joint resolution (H. Res. 22) to amend the act approved April 22, 1890, relating to the admission of articles intended for the World's Columbian Exposition.

Mr. BYNUM. Mr Speaker, I desire to make this statement. This resolution proposes to admit exhibits at the Exposition at one-half the rates of duty. I simply ask that it be considered in the House in order to save time. Mr. DINGLEY. This is very important, and I think it should

Mr. DINGLEY. This is very important, and I think it should be considered in the regular way, in Committee of the Whole. The SPEAKER. The gentleman from Maine objects.

Mr. HOPKINS of Illinois. I trust the gentleman will not raise that objection.

Mr. BYNUM. I move that the House resolve itself into Committee of the Whole House of the state of the Union for the pur-

pose of considering bills raising revenue.

Mr. DINGLEY. The question is whether this is a bill raising

The SPEAKER. The motion is general.

Where can the point be raised that this is Mr. DINGLEY. not a bill raising revenue.

The SPEAKER. The motion of the gentleman from Indiana is in orde Mr. DINGLEY. Provided there is such a bill on the Calen-

The SPEAKER (continuing). To go into the Committee of the Whole to consider bills raising revenue. The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. DOCKERY in the

The CHAIRMAN. The House is in Committee of the Whole

for the consideration of bills for raising revenue. The Clerk will report the pending bill.

The Clerk read as follows:

Joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition.

Columbian Exposition.

Resolved by the Senate and House of Representatives, etc., That the act ap proved April 23, 1880, entitled "An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea, in the city of Chicago, in the State of Illinois," be, and the same is hereby, amended as to permit the sale and delivery, subject to the approval of the director-general, during the exhibition of goods, wares, and merchandise heretofore imported, and now in the Exposition buildings, subject to such additional regulations for the security of the revenue and the collection of the duties thereon as the Secretary of the Treasury may in his discretion prescribe.

Sec. 2. That the entire stock of each exhibitor, consisting of goods, wares, and merchandise, imported by him and now in said buildings, is hereby declared liable for the payment of duties accruing on any portion thereof, in case of removal of such portion from said buildings without the payment of the lawful duties thereon.

Sec. 3. That the penalties prescribed by, and the provisions contained in section 3082 of the Revised Statutes shall be deemed and held to apply in case of any goods, wares, or merchandise now in said buildings, sold, delivered, or removed without the payment of duties, in the same manner as if such goods, wares, or merchandise had been imported contrary to law, and the article or articles so sold, delivered, or removed shall be deemed and held to have been so imported with the knowledge of the parties respectively concerned in such sale, delivery, or removal: Provided, That in the assessment of duties upon goods, wares, and merchandise, imported and now on exhibition at the World's Columbian Exposition, as authorized by the act approved fing an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea, in the city of Chicago, in t

Mr. DINGLEY. Mr. Chairman, I raise the point of order that we are in Committee of the Whole for the purpose of consider-ing bills raising revenue, and that that is not a bill raising revenue. It merely rebates duties to a certain class of individuals.

To be a revenue bill it must apply generally.

The CHAIRMAN. Will the gentleman cite some authority on the point that he raises?

Mr. DINGLEY. I have not had an opportunity to examine authorities. I did not suppose it would be claimed that this was a bill raising revenue. I think it would be very unfortunate that a bill of this character should be determined to be a bill raising revenue, entitled to be called up at any time. It is a bill simply in the interest of a certain class of individuals, and not a bill

raising revenue within the meaning of the rule.

Mr. HOPKINS of Illinois. It will raise revenue if it succeeds in keeping these good shere. If it does not pass, they will go back to the old countries from which they came.

Mr. DINGLEY. A bill remitting half the duty on certain goods belonging to a few individuals is hardly a bill raising revenue.

Mr. HOPKINS of Illinois. Well, this bill will raise revenue. I do not think there is any other gentleman in the House who takes the view of it taken by the gentleman from Maine.

Mr. DINGLEY. It seems to me that if this is a bill raising rev-

enue, any bill which remitted any duty to any individual would

be a bill raising revenue.

Mr. BYNUM. Mr. Chairman, I do not think it is necessary to discuss this question. I think it is pretty well conceded that a reduction of the rate of taxation often increases the revenue.

Mr. DINGLEY. If this were a general bill, the question would be entirely different.

Mr. BYNUM. Under the rules it is a bill raising revenue.

Mr. DINGLEY. This is a bill which simply remits duties to

certain individuals.

Mr. BYNUM. But that may result in raising more revenue.

Mr. HOPKINS of Illinois. The operation of the bill will be

to raise revenue.

Mr. DINGLEY. That is a matter of dispute.

Mr. BYNUM. All bills affecting the rates of duty are bills raising revenue under the rule. The fact that a bill reduces the rate of duty does not take it outside the rule at all.

Mr. DINGLEY. But this bill reduces the rates of duty only to a few individuals. If it were general it would be a revenue bill; but it is really in the nature of a private bill remitting duty only to a few individuals. If the gentleman's position is correct, a bill remitting duty to one individual would be equally a bill raising revenue, and that, I think, would be a dangerous position to assume.

Mr. BYNUM. Then I submit, Mr. Chairman, that the House has settled this question by resolving itself into Committee of the Whole House on state of the Union for the purpose of con-sidering this bill as a bill raising revenue.

Mr. DINGLEY. No. The point could not be made until now.

The CHAIRMAN. The Chair has not been able to make a critical examination of the question raised by the gentleman from Maine, and is inclined to think that the question is not free from doubt; but, after such hurried consideration as he has been able to give, is of opinion the point of order should be over-

Mr. BYNUM. Mr. Chairman, the joint resolution under con Mr. By NUM. Mr. Charman, the John restation under consideration is not a very extensive one, nor will it require, I apprehend, any considerable time for the House to dispose of it. The first information that members would naturally desire in order to be advised of the extent and scope of the bill would be as to the quantity of goods in bond at the Exposition which will likely be thrown upon the market if this bill shall pass. In order to procure for the House that information as nearly as it could be ascertained, I addressed an inquiry to the Secretary of the Treasury, and he, in turn, called upon the collector of the port of Chicago for a statement. I have here the report of the collector, which I will ask the Clerk to read.

The Clerk read as follows:

Custom-House, Chicago, Illa,
Collector's Office, October 14, 1892.

Sir: In answer to your telegram of the 13th, and at request of Assistant
Secretary Hamlin, who had received a similar inquiry, I have just sent you
the following dispatch:
Total value exhibits in bond received at Exposition approximate fourteen
and a half million dollars.
Withdrawn on payment of duty or for export, about seven hundred thousand.

Withdrawn on payment of duty or for export, about seven hundred thousand.

Leaves on hand about thirteen million eight hundred thousand. This includes Government buildings, eathbits, booths, etc.

It is not probable that more than four, or possibly five millions of these would be sold under any circumstances. Duty on this portion would amount to about \$2,000,000.

The figures here given are necessarily approximate, as only a part of the goods have been appraised. Under the regulations the exhibitor is not required to furnish regular or consular invoice, and those that have been furnished have not proven as reliable as the invoices furnished in the course of commercial operations.

It is assumed, however, that the figures given in the telegram are approximately correct.

You are aware that several foreign nations have built buildings for their use in Jackson Park, much of the material for which is imported and is included in the above statement. This material could not well be reexported, and it has practically no selling value here.

Exhibits belonging to foreign governments, of which there are many, and of great value, would not be offered for sale under any circumstances.

Trusting the information will be sufficiently explicit to meet your purposes, and of the members of the Ways and Means Committee, I am,

Very respectfully, yours,

HON. W. E. CURTIS, Assistant Secretary of the Treasury, Washington, D. C.

Assistant Secretary of the Treasury, Washington, D. C.

Mr. BYNUM. Mr. Chairman, it will be observed that the goods in bond that are likely to be thrown on the market will not exceed four or five million dollars, which, at the rates of duty now provided by law, would yield to the Government a revenue of about \$2,000,000. The bill as first introduced provided for a reduction of the appraised value of the goods one-half; but the committee directed an amendment because of the fact that, in the case of goods on which specific duties are levied, a reduction of the appraised value would give no relief. Therefore, the amendment reported by the committee provides that these goods shall be released upon sale and payment of one-half the rates of duty now provided by law. There has been one objection made to the bill; namely, that a large portion, or at least a considerable portion, of the goods now exhibited have already been sold. While I have not the authority of the committee for it, I propose to offer an amendment to the effect that the provisions of this bill shall not apply to any goods contracted for, bargained, or sold prior to its passage. The purpose of that amendment, of course, will be that the purchasers shall get the benefit of the reduction of duties and that the foreign exhibitors who have already made sales at stipulated prices will not be enabled to pocket the amount of the duties released or remitted. I propose to offer the amendment to obviate that objection. I do not wish to occupy the time of the House. The question is simply whether we ought to grant this concession to the foreign exhibitors.

Mr. DINGLEY. We would like to hear the amendment.

Mr. DINGLEY. We would like to hear the amendment.
Mr. BYNUM. I have drafted it rather hurriedly and will
read it myself instead of sending it to the Clerk, as I can probably read it better than he can:

Provided, That the provisions of this resolution shall not apply to any goods, wares, or merchandise sold prior to the passage of this resolution: and any purchaser, or exhibitor, their agents or representatives making application for the release of any goods, wares, or merchandise under and by virtue of the provisions hereof shall, before being entitled thereto, and to the remission of the duties herein provided for, make and file with the customs officer of the port an affidavit stating that such goods, wares, or merchandise vere not sold prior to the passage of the same; and any person making a false affidavit as to any facts requisite to the entry of such goods, wares, or merchandise at the reduced rates herein provided for, shall be guilty of a misdemeanor, and thable to the same punishment as provided by law for making false statements in regard to entries of foreign merchandise.

Mr. COBB of Alabama. Suppose an existing contract is rescinded, then what?

Mr. BYNUM. If an existing contract is rescinded, then I suppose the purchaser would not give the same price for the goods, knowing that this reduction of duty ought to reduce the

Mr. COBB of Alabama. Suppose a contract existing at the time of the passage of this bill should be rescinded, would the goods come under the operation of this measure?

goods come under the operation of this measure?

Mr. BYNUM. I think if there was a resule the purchaser would get the benefit of the reduction.

Mr. COBB of Alabama. But the question which, in my mind, is a very doubtful one, is whether under the terms of the resolution the resolution of the contract would release those goods from the operation of the contract so as to give them the benefit of this reduction.

of this reduction.

Mr. BYNUM. I think it would so operate if there was a bona

fide release and a bona fide contract made afterward.

Mr. COBB of Alabama. Would it not be better to make the

provision clear, leaving no room for construction?

Mr. BYNUM. I do not see how it can be made clearer than it But I have no objection to any amendment which the gentleman may suggest for the purpose of making the resolution cover more specifically such a case as he mentions.

Mr. COBB of Alabama. It seems to me this point is important. The resolution as now drawn provides that the provision shall not apply to any goods whatever which, at the time of the passage of the resolution, have been bargained away, or with reference to which a conditional sale has been made. If the resolution be passed in that form there may arise a very serious ques-tion touching the condition of goods which have been the subject of a bargain, but which bargain is rescinded after the passage of

Mr. BYNUM. Your point is that the parties cannot reseind

the contract Mr. COBB of Alabama. Can not rescind it so as to relieve the

Mr. BYNUM. I have no objection to an amendment covering

that point Mr. COBB of Alabama. My point is that although there may be a bargain of sale, yet if that bargain is rescinded and the goods are sold to another person, they ought to come under the

Mr. BYNUM. To the same person, I should say.
Mr. COBB of Alabama. That would invite a rescinding of
the contract and the turning round and making a new sale.
Mr. McMILLIN. If the gentleman from Indiana [Mr. BYNUM]

will permit me, I would like to say that I was at the Fair recently and on pricing different goods the answer was in every instance, as I now remember, "We will sell these goods for so much plus the duty or we will sell them at so much including the duty." In each instance, the duty if paid by the exhibitor was to be added to the price. I take it that if this bill is passed the purchasers of these articles will get the benefit of the reduction provided.

Mr. ALDERSON. In other words, the consumer pays the

Mr. McMILLIN. That is pretty clearly demonstrated when you price goods at the Fair and see what you can get them for, subject to the duty, and what you can get them for, duty paid.

Mr. BYNUM. I apprehend there is no division of sentiment

on the point that purchasers in this country should get the benefit on the point that purchasers in this country should get the benefit of this release of duties; and whatever amendment may be necessary to carry out that object effectually will readily be assented to. I presume, by every member of the committee.

Mr. COBB of Alabama. My impression is that in a matter of this sort nothing should be left for construction.

Mr. BYNUM. It is better in all matters that as little as possible be left for construction.

sible be left for construction.

Now, Mr. Chairman, the question is simply whether this concession should be granted. I believe it is a fact that inno other exposition have such concessions been granted either in this or

in foreign countries to its citizens.

Mr. DURBOROW. Are you not aware, or is it not a fact, that the same thing was done in connection with the Centennial Exposition in 1876?

Mr. BYNUM. I understood that there was an act passed by

Congress at that time, and that this is a copy of such act, but—Mr. DURBOROW. It is identically the same, as I understand it

Mr. BYNUM. But there were no concessions then, as I understand. I had that impression when I prepared this report, but I have since been informed that there was no concession granted to exhibitors in the way of reduction of duties.

Mr. DURBOROW. I have an impression that there was.

Mr. McMILLIN. No; it gave them authority to sell in bond.

Mr. BYNUM. That is my impression.
Mr. DINGLEY. This, then, is the first time that a reduction of duties has been proposed to exhibitors in such cases?
Mr. BYNUM. It is.

Mr. BYNUM. It is.

Now, I do not desire to occupy any further time. I will reserve the remainder of my time to yield it in case anyone shall

desire it.

Mr. DINGLEY. Mr. Chairman, this bill proposes to remit one-half of the duties on all of the imported goods which have been placed in the Exposition at Chicago for exhibition. By the letter read from the collector of customs it appears that about \$15,000,000 is estimated to be the value of the articles, including the material for some of the buildings, imported for this Exposition by the foreign exhibitors who would be relieved by this bill. Of goods or merchandise I understand the estimated amount is about \$12,000,000, or a little in excess of that. It is admitted that the average duty on these goods, if paid, is not less than 50 per cent. I think it is probably more than that. But assume that it is 50 per cent, then if all these goods should be sold there would be remitted \$3,000,000 in duties to these persons who are exhibiting them. It is estimated, however, that probably not more than \$4,000,000 of the \$12,000,000 would be sold—

Mr. BYNUM. I desire to call the attention of the gentleman to the fact that that estimate includes the buildings.

Mr. DINGLEY. The estimate of \$15,000,000 includes the buildings; but I understand the goods and merchandise exclusively to be estimated at not less than \$12,000,000.

Mr. BYNUM. But the amount to be sold is estimated at not more than four or five millions.

Mr. DINGLEY. Yes; but assuming all the articles exhibited shall be sold, the remission of duty would be \$3,000,000.

Mr. DALZELL. Let me interrupt the gentleman to ask what figure he places on the probable amount of sales?

Mr. DINGLEY. If all of the goods should be sold the remission of duties would be \$3,000,000. It is estimated, however, that the sales will not exceed four millions. That is a matter of judgment. It may not be in excess of that, or it may be very

Mr. DALZELL. I think that is not at all likely. On that point I have a letter which comes from the Treasury Department, in which it is said that an unofficial estimate of a highly intelligent source, of the probable maximum amount of sales under the provisions of this bill, places the total at only about \$1,000,000.

Mr. DINGLEY. That must be a grave error.
Mr. SPRINGER. The gentleman must remember that many of these exhibits are works of art and must be returned.

Mr. DINGLEY. I am well aware of that, but the valuation on

them is a mere nominal one.

Mr. HOPKINS of Illinois. On, no; they are valued at their

Mr. SPRINGER. So that deducting these articles, which would not be sold, and the immense mass of other matter that can not be sold, I think the estimate is quite a liberal one.

Mr. DINGLEY. But, however that may be, Mr. Chairman, although the remission of duties may not excede \$1,000,000, yet the principle is more important than the amount involved.

the principle is more important than the amount involved.

Mr. HOPKINS of Illinois. But according to the letter of the Treasury Department it would not exceed probably \$500,000.

Mr. DINGLEY. Now, in a matter of this kind I think it important, because it is to be a precedent for the future, that we carefully consider the principle involved. If it is right to remit duties in such cases, certainly we should do it in this case, because of our kindly feelings towards the exhibitors of these foreign governments, who came here to participate in the Fair; but we must bear in mind that if we establish that precedent in this case it is to be followed in all cases hereafter.

I desire first to call the attention of the committee to the fact.

I desire first to call the attention of the committee to the fact that notwithstanding there have been expositions held in almost all of the leading manufacturing and commercial nations of the

and of the leading manufacturing and commercial nations of the world, that in no single instance up to this hour has there been a rebate of duty by any government on any article imported and placed in such expositions, when sold in such country.

Mr. McMilllin. Will the gentleman allow an interruption? I wish to say that in view of the fact that many of these goods are necessarily damaged by the dust and wear and tear of several months of exhibition, and in view of the further fact that large expenditures have been made by these exhibitors in order to make our fair a success, does not the gentleman think that in the abstract, whatever may be the proper policy on the tariff question, we can and should afford to make some little concession

ors in Chicago could have been made just as well in behalf of American exhibitors in Paris and in Vienna. Yet it is a fact that at the expositions in both of those great commercial centers whenever an American exhibitor sold an article, he was required to pay the same duty that all other persons paid on that partic-ular article. Hence the principle of remitting duties in favor of exhibitors at a great exposition when the exhibits are sold, is a new one.

It may be said, and said with some force, that these gentlemen are entitled to our favorable consideration, that they have come thousands of miles to place on exhibition at Chicago certain articles, which have suffered somewhat in transportation, but we must bear in mind that they came here just as American citizens went to Europe, to further their own personal interests in trade, and not as a matter of mere benevolence. It is no further and transportation costs no more from Chicago to Paris than it does from Paris to Chicago, and yet, when citizens of Chicago went to Paris in 1878, and subsequently exhibited their goods and sold them in the French market, they were required to pay the same duties as those paid by other persons selling the goods. Hence I say that whatever force there may be in this suggestion, up to this hour no government has thought it worthy of consideration in estimating duties. Duties have been imposed and paid upon all articles placed in every exposition in the world, when those articles have been sold in that foreign market.

Hence I want to call the attention of the House to the fact that we are establishing a new principle in this matter, and that we are proposing to do for exhibitors in this country what was never done for American exhibitors in any other country, and what we have never done for foreign exhibitors in this country up to the present time.

My attention was called to this matter before this bill was introduced, and before I knew that any bill was to be introduced. I was in Chicago visiting the Exposition some three weeks ago, and I noticed upon a large number of articles the placard "sold." I inquired of one of the exhibitors, a German, as to how they did this thing.

"Why" he sold "these goods were sold to be delivered at the

Why," he said, "these goods were sold to be delivered at the close of the Exposition."

"Were they paid for at the time of the purchase?"
"A few of them were paid for, but mainly they were to be sent by express, with collection on delivery."

Now, it occurred to me when the bill was reported that as to every one of those sales which have been already made, and on which the American purchaser had paid a price supposed to be equal to the value of the goods and the duty, that the only effect of a bill of this kind as to such articles as those would be to put the money in the pocket of the exhibitors. Hence after this bill was reported I called the attention of the gentleman from Indiana to this fact; and it appears that an amendment has been introduced to obviate that particular objection. So far the bill has been improved. There is no doubt about that.

I do not desire to do anything more than to state some objection. So far the bill

tions that occur to me. I appreciate the force of a great deal that has been said by the gentleman from Tennessee [Mr. Mc-Millin]; but it does seem to me that to allow these exhibitors, who are one class of importers, who have brought their goods here for purposes which they supposed would benefit themselves, just as all other business is carried on in this world; to allow one class a rebate of half the duty and not allow a rebate of duty as to other persons—Americans—who have imported perhaps precisely the same kind of goods and put them upon the market, paying the whole duty, is hardly just to them. That is what it ems to me.

It seems to me extremely desirable that we should not set an example in a matter of this kind, especially in the present condition of the Treasury, of rebating half the duty on these imported goods, under these circumstances, as a means of aiding these exhibitors. It would be a great deal wiser to appropriate these exhibitors. It would be a great deal wiser to appropriate directly from the Treasury the million of dollars practically indirectly given to them by this bill.

It has been suggested that if this act should pass, so many more of these goods would be sold in this country that the

Jovernment on the whole would reap as much revenue as if this

bill should not pass.

Now, that is a mere matter of judgment. There are no attainable statistics which can lead to any such conclusion. My own judgment is that a large portion of these articles, especially those in the fine arts, will be returned generally, because they are paintings of a character that would be retained in the galleries from which they came. If there are many sold here, our duty upon works of art like these is very small. It is only 30 per cent. These works of art are bought by people who can well bear the expense in that direction. I can hardly see the reason for rebating the duty with reference to them. Neither do I think a rebate of one-half the duty would be likely to increase bill should not pass.

the sale of articles of that kind. It would only be 15 per cent, and would not amount to a great deal, especially with the class of persons who would purchase such articles.

But in reference to a large proportion of articles there that are likely to be sold, it will amount to a good deal. Everyone understands that all the textile fabrics on exhibition at Chicago will be sold by the exhibitors, whether this bill passes or not. They never will be returned to Europe. They will be put on the market in competition with our merchants, who, where the goods have been imported, will pay the entire duties, and with our manufacturers, who are making substantially the same class of articles. articles. It does not seem to me that a discrimination of this character as to one class of imports as against another class is hardly defensible under all the circumstances.

I have contented myself, Mr. Chairman, with simply stating some of the objections that seem to me to lie on the surface. I do not intend to do further than this, but leave the matter, of

do not intend to do further than this, but leave the matter, or course, to the judgment of the House.

Mr. SPRINGER. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois.

Mr. DALZELL. I understand that the gentleman from In-

Mr. DALZELL. I understand that the gentleman from Indiana was going to yield to me.
Mr. DINGLEY. I reserve the balance of my time.
Mr. BYNUM. I yield to the gentleman from Pennsylvania.
The CHAIRMAN. How much time?
Mr. BYNUM. As much as the gentleman desires.
Mr. DALZELL. Mr. Chairman, I dislike very much to differ with my friend from Maine [Mr. DINGLEY], in whose judgment, as a general rule, I have the most implicit reliance; but I voted for the favorable report of this joint resolution, by the compile for the favorable report of this joint resolution by the committee, and I propose to vote for its passage in the House, because I believe it to be a measure of justice, and one that can be defended on principle, as applicable to existing circumstances.

Now, this joint resolution proposes to do two things. It proposes to make the formula of the proposes to the proposest of the

poses to enable the foreign exhibitor to sell for immediate delivery the goods that he has on exhibition at the Columbian Exposition. Up to this time he has never been able to do that. Such sales as have been made have been made upon the terms that the goods should be delivered after the close of the exhibition. Surely there can be no objection to that part of the resolution, which is only just to the seller and just to the buyer. Many men are prevented from making sales by reason of the fact that the party who makes the purchase desires to have immediate the party who makes the purchase desires to have immediate possession of his goods; and this resolution is certainly just to the extent that it enables a party going to the Exposition to make an immediate purchase and get immediate delivery. This is only extending the same privilege that was extended to the foreign exhibitors at the Exposition in 1876, in Philadelphia. Now, then, with respect to the proposition to reduce the duty upon goods sold by these exhibitors 50 per cent. It seems to me that it is only a pressure of justice, under all the directors.

that it is only a measure of justice, under all the circumstances. It must be borne in mind that these foreign exhibitors are in a certain sense our guests. They came here by our invitation. They came here under great disadvantages. It is very largely by their enterprise and their generous energy that this magnificent exhibition has been made the success it is. They have come from all quarters of the globe, across land and across water, at great expense; and the result has been that they have enabled to exhibit to the world the greatest exhibition known in its

The gentleman from Maine [Mr. DINGLEY] says that these people came from selfish motives. They came, of course, with the expectation that they would get some return for their enterprise; that they would be enabled to put their goods on sale and realize some remuneration in return for what they had undertaken. I want to call the attention of the House to the fact, with respect to this matter, that these exhibitors have met with unexpected and unforeseen conditions. We all know that the cholscare, for example, has had a great deal to do with deterring visitors to the exhibition.

Many parties, I have no doubt, would have come across the ocean to this exhibition if it had not been for the cholera scare; and we must bear in mind, also, that this exhibition has happened upon a time of unexampled monetary depression, when people did not have the money to spend; so that virtually the disadvantages of the seller were multiplied tenfold beyond any disadvantages of the sener were interpreted tentoit beyond any thing that he could have anticipated, and we must bear in mind that under these adverse conditions these goods that are to be exposed for sale have been on exhibition for months; that they have been covered with dust in many instances, and are what is known as shopworn goods; and, under these circumstances, it seems to me that we ought to make to them this concession.

But there is another matter that has influenced my judgment considerably in connection with this question. The House will recollect that my neighbor here [Gen. GROSVENOR], who is not in his seat to-day, was sent by President Harrison as a special

agent of the Treasury Department to act in conjunction with our consuls abroad in inducing foreigners to come here and exhibit their goods. He told me, and he authorized me to say to the House, that he had invariably, when addressing parties abroad expecting to be exhibitors, represented to them that the Treasury Department had authorized him to say that with respect to sales or duties, they would be dealt with in the most generous

Now, while the Treasury Department of course had no authority to make any regulation affecting the law, and while neither the Department nor Gen. GROSVENOR had any authority to bind this Congress, nevertheless the fact being as he stated it and as I believe it was, we ought to bear in mind that these people came here under such circumstances. As a matter of curiosity, I went

here under such circumstances. As a matter of curiosity, I went to the Treasury Department the other day and copied out of the report of Gen. GROSVENOR a paragraph to this effect:

Everywhere complaint was made that goods exhibited during the continuance of the Exposition would be found at the end shelf-worn and injured by handling to such an extent as to depreciate their value, and that the duty levied upon the basis of the value of goods when brought to the United States would unjustly affect the seller. If the Department agrees with me in this view of the case, it will be a very easy matter to obviate it by a special regulation, which it seems to me ought to be made, authorizing the reappraisement of the goods at the time they are offered for sale at the close of the Exposition, as the basis of tariff charges.

In all fairness we have no right to collect 100 per cent of duty

In all fairness we have no right to collect 100 per cent of duty upon the value of goods fixed before they were shipped to this country, when as a matter of fact that value has very largely depreciated; and in view of what Gen. GROSVENOR has said, we ought, in my judgment, to do one of two things—either have a reappraisement so that the goods may be levied upon at their actual value now, shelf-worn as they are, or reduce the duty. Now, when you come to take into consideration that all these buildings have to be removed at the close of the Fair, and that the Government, in order to have a reappraisement, would be obliged to furnish storehouses and appraisers, and incur all the expense of reappraisement, it is a question in my mind whether it is not economical for the United States Government, instead of having this reappraisement, to strike off 50 per cent of the

The objections urged by my friend from Maine [Mr. DINGLEY] to this measure are two: First, he says we are establishing a bad precedent. Mr. Chairman, in order to make this a precedent we must have the same conditions existing in the next case; and the likelihood of any exposition ever being held under the same conditions as this one is very remote. So that, so far as prece-dent is concerned, it seems to me it matters little.

Then the gentleman says that these goods will come into competition with our own. Now, Mr. Chairman, I yield not at all, in any way or direction, anything of the principle of protection to our American manufacturers and our American merchants. But it is no element of the principle of protection that duties shall not be reduced, or even remitted altogether, upon goods that do not come into competition with our own, and it seems to me that these goods that are likely to be sold fall within that that these goods that are likely to be sold fall within that class. There are thousands and thousands of trinkets that will be bought not by the rich but by the poor, and by people in moderate circumstances, as souvenirs of the great fair. Then the goods that will be thrown upon the market are for the most part goods of the kind that our people do not import, curiosities in merchandise, and, outside of that, works of art, statuary, paintings, brie-a-brac, articles of virtu.

Things of this class that otherwise would return to the Old Things of this class that otherwise would return to the Oila World will remain with us to beautify our homes and our public galleries. I do not believe that the principle of protection has any application at all to works of art. Works of art, if I recollect aright, were put on the free list of the McKinley bill as it went from the House; but whether they were or not, in my judgment they ought to have been. Therefore, Mr. Chairman, not to further trespass on the time of the House, it seems to me that always man the maintains of generosity to those means who not alone upon the principle of generosity to those people who

not alone upon the principle of generosity to those people who have done so much for us, but upon the principle of justice, these duties ought to be remitted; and as I voted for the report of the resolution by the committee, so upon these grounds I propose to vote for it in the House. [Applause.]

Mr. MORSE. Mr. Chairman, I regret that for once I am not able to agree with the distinguished gentleman from Maine [Mr. DINGLEY], and I do agree with the remarks just made by the gentleman from Pennsylvania [Mr. DALZELL] in support of this bill, and I shall vote for it for the reasons so ably set forth by him. But I arose for an entirely different purpose. The gentleman from Pennsylvania referred to certain causes which had operated to injure this great Exposition, among them the fear of operated to injure this great Exposition, among them the fear of Asiatic cholera, the panic, and the appalling business situation which has been upon the country for months past. Great as may be these causes, to my mind they are not the main cause of the comparatively small attendance in the earlier months of the Ex-

Mr. Chairman, I believe this Exposition the greatest event of the nineteenth century. I would not abate one jot or tittle of the credit due the citizens of Chicago and of the business men of that wonderful metropolis that sits on the shore of Lake of that wonderful metropolis that sits on the shore of Lake Michigan. Words can not describe my admiration for the enterprise, consummate skill, and business ability with which the great enterprise has been managed by these gentlemen. The magnificent architecture, landscape gardening of the grounds, and the buildings alone is worth a journey across oceans and continents to witness. Perhaps the grandest sight of its kind that mortal man ever saw on the face of the earth is the "court of honor" of this great Exposition. As I stood there and looked at the buildings, the peristyle, the lagoon, the lake, the four-

of honor" of this great Exposition. As I stood there and lookedat the buildings, the peristyle, the lagoon, the lake, the fountain, the beautiful statuary, and the thousands gathered there from every clime, country, and every land, and of every kindred and tongue, I could only think of the city that John saw in the Isle of Patmos—"A city that had no need of the sun."

Having said so much in praise of the greatest exposition of all history, the truth compels me to say that the failure of the Exposition in its earlier months to receive the patronage to which it was entitled was due in a large measure to the bad faith of the managers with Congress and with the country in the matter of Sunday opening, and not until the directors voted to close the Exposition on the Lord's day, in harmony with the vote of Congress and in harmony with the sentiment of a large majority of the great American people, did the crowd begin to come or the Exposition receive that patronage which the American people desire to accord to it. To be sure a little cheap judge issued an injunction which was understood by the manajudge issued an injunction which was understood by the manaers to forbid them from actually closing the gates to Jackson

Park on the Lord's day.

But, Mr. Chairman, the Exposition was practically closed on Sunday. The Government building was closed, many of the exhibits were covered, some twenty-three State buildings were closed—among them the Massachusetts State building—and I am proud to say that from the first day that building bore this inscription, "This building closed on Sundays, by order of the great and general court of Massachusetts."

Mr. WILLIAM A. STONE. The Pennsylvania building was

Mr. MORSE. Yes; as my friend from Pennsylvania suggests, the Pennsylvania building was among those closed on that day I repeat, I would not detract one jot or tittle from the credit which is due to the citizens of Chicago for this magnificent ex-hibition; and I am glad to say that a large number of the best people of that city were in sympathy with me in regard to the matter of Sunday closing and in sympathy with the vote of Congress, and I desire to call the attention of Congress and the country to the fact that the American people are a Sabbathkeeping people, and that they will not patronize an exposition which violates the Christian sentiment of the people of this country by a desecration of the Lord's day. This fact and the experience of this Exposition in the matter of Sunday opening experience of this exposition in the matter of Sunday opening will be an object lesson to any future expositions that may hereafter be held. All honor to the citizens of Chicago and to the business men of that great city who have carried to such a successful issue this most gigantic work of its kind of all history. Mr. McMILLIN. Mr. Chairman, I should not claim the attention of the House at this time but for the statement made by the gentleman from Maine [Mr. DINGLEY], tending in the direction of suggesting the impropriety of the legislation proposed

rection of suggesting the impropriety of the legislation proposed by this bill. I think a legislator and a legislative assembly are by this bill. I think a legislator and a legislative assembly are always safe when they can say that within the limits of the Constitution their action is founded on justice.

The most wonderful exhibition that ever was made on this earth is now about drawing to a close. To make it the great success which it has been has called for the wonderful energy of that great city by the lake, the good will and attendance of the greatst people in the world, and the combined exhibits and efforts of all the nations of the earth. All these have combined to make an exhibition which will go down to history as one which up to the present moment has never been surpassed or even equaled as an international exhibition.

The people who have gone to great expense to make their exhibits there must soon withdraw those exhibits and box them up. Many of them have been considerably injured by the wear and tear of exhibition. Unless sold here, they must now be returned to their shelves abroad. Many of the citizens of the United States would gladly purchase these articles; but in the very nature of things purchasers will not pay for articles which are worn the same price they would pay for those which are not worn. The Treasury official who was sent out there to report upon the question has reported to the Treasury Department that there should, in his opinion, be a reappraisement of the goods offered for sale, and that on the basis of this reappraisement there should be a new assessment of duties. v. (I believe it was put in the al-

ternative) that there might be a reduction which would be commensurate with the damage done to the goods. This was made necessary, as is suggested to me by my friend from Indiana [Mr. Bynum], by the fact that there were specific rates imposed upon many of these articles.

many of these trucies.

Mr. KILGORE. I would like to understand whether there is any proposition to refund any duties which have been paid.

Mr. MCMILLIN. There is no proposition to refund one dollar of duties. The Committee on Ways and Means adopted the method suggested here of reducing the duty one-half for the purpose of simplifying collections, so that there could be no complaint as to the method of collection and no injustice done to any purchaser, exhibitor, or seller; and in the next place that there might be a much more rapid transaction of the business by rea-

son of the fact that the present rates of duty are known and every article will pay according to the rates already fixed by statute, divided by one-half.

In consideration of the fact that the work of demolition will go on rapidly, and that if there should be a reassessment of duties there would have to be large storehouses constructed and a large corner of Transport of the induction in the constructed and a large corner of Transport of the induction in the constructed and a large corps of Treasury officials inducted into office or transferred there for the purpose of making these reappraisements, and that it would be very difficult to have a reëxamination of each individual article proposed to be sold, the committee thought that the quickest and surest way out was to provide that one-half of the duty ordinarily assessed on the articles exhibited should be collected if they were sold here instead of being returned to the countries from which they came.

Thus much, Mr. Chairman, as to the motives that have induced the adoption of this method, rather than the other, of arriving at the basis of taxation. One word more as to the justice of this measure, and then I shall be through. No man can go through that Fair and look over the exhibits without coming to the conclusion that enormous expense has been incurred by every citizen of the United States or of a foreign country who has taken part in that exhibition. There has been not only the expense of transporting the goods to Chicago and putting them in place, but also the expense of a corps (in many cases a large

eorps) of highly-paid expert officials to take charge of the exhibits and to show them to the greatest advantage.

Now, it seems to me, sir, and it seemed to the Committee on Ways and Means, in view of the fact that many of these goods were damaged, and in view of the further fact that so much expense had been already incurred by the exhibitors to bring the goods to our country, that we might afford to meet them half way and say to them that, having contributed their part to make this one of the greatest expositions the world has ever seen, we will meet them the other half way and let them dispose of these goods to our citizens at a payment of duty a little lower than that ordinarily collected on these matters, and still by no means a low duty. Why, on many woolens it will be still 50 per cent, and on many articles it will go from 50 or 60 or even 75 per cent. It is on some, of course, lower than that, but on many of the articles exhibited there, the rate of duty, while not equal to that

now provided by law, will still be a high rate.

I think, Mr. Chairman, that it is just to do this. I believe that we sacrifice no principle of good government when we do it. I do not believe that the man who looks at the tariff question. tion, from a different standpoint from which I view it, can come to the conclusion that it is sacrificing any principle, or that he will sacrifice any in supporting this measure, when you consider the fact that it is the exposition of these goods from abroad that has made this one of the greatest successes of modern times. But inasmuch as one plea that is always raised for international expositions is that it tends to promote intercourse between the people and to create and foster that sociability and friendliness of intercourse that will result eventually in great good, I think we can with perfect propriety make the little sacrifice proposed here in this bill and allow the remission of one-half of these

If we reduce the duty, as proposed, we may sell a very considerable portion of the goods in the United States and get in a not inconsiderable revenue in these times of stringency in the finances of the United States. But if the duty is collected very many of these goods that would otherwise be sold here will be taken away and we will gain no benefit in the shape of duty at all.

I yield now ten minutes to the gentleman from Illinois [Mr. Springer], who wishes to be heard.

Mr. Springer. Mr. Chairman, if there could be any objection raised against the passage of this bill, in my judgment, it would be based on the ground that it does not go far enough. It proposes simply to remit one-half of the duties on goods that have been exhibited by foreign importers at this great Exposi-

We must take into consideration first the fact as to what is

the average rate of duty imposed on the goods, in order to determine whether we are doing any injustice to the Government or the people of the country, or to those engaged in manufacturing and producing goods of like quality within our own borders.

On textile fabrics, which are largely exhibited at this Exposition, and which will be most affected by the provisions of this bill, the average rate of duty by the present law is over 90 per

Mr. DINGLEY. You mean on woolens.
Mr. SPRINGER. I mean on all textiles.
Mr. DINGLEY. Not on all textiles, but on woolens.
Mr. SPRINGER. It will be a little over 95 per cent in faction.
Mr. SPRINGER. It will be a little over 95 per cent in faction. On some it would be 150 or 200 per cent. On all linwoolens. On some it would be 150 or 250 per cent. On all linens, for instance, the average is perhaps 60 per cent, on silk about 60, and so on. So that on textile fabrics the average rate of duty, at the half rate provided by this bill, will amount to 30, 40, or even 50 per cent. Quite enough, in my judgment, to be imposed on goods under any circumstances, but particularly so when you reflect on the fact referred to by the gentleman from Pennsylvania [Mr. DALZELL] and by the gentleman from Tennsylvania [Pennsylvania [Mr. DALZELL] and by the gentleman from Tennessee [Mr. McMillin], who has just taken his seat, that these goods have been greatly damaged, and are no longer in condition to be sold at the ordinary price or value; and they are desired in many instances as souvenirs by our people, and will not and do not enter into competition with those engaged in this country in manufacturing like products. It is not only just to do it, but it is even short of justice that we should remit only one-half of the duty.

The gentleman from Maine [Mr. DINGLEY] has referred to be

The gentleman from Maine [Mr. DINGLEY] has referred to the fact that we are establishing a new precedent in this question, and intimated that it was a bad one. I can not speak as to whether it is new or not, but whether it be new or old it is a good one. If I could have had my way, sir, in the first instance when this Fair was inaugurated, I would have provided in the law that all goods sent from abroad for exhibition should be admitted free of duty in bond, and if they were afterward returned to the foreign country from which they came, the bond should be remitted. That is the law now; but I would have gone fur-ther and provided that if they were sold in this country the necessary proof, to relieve them from duty, would be that they had been on exhibition at the Fair from beginning to end, and under these circumstances I would have admitted them to sale free of duty. Mr. RAY.

I suppose these are mainly articles of luxury, are they not? Mr. SPRINGER. No, sir.

Mr. RAY. Such as only rich people would desire or could afford?

Mr. SPRINGER. Not at all. Has the gentleman visited this

Mr. SPRINGER. Well, I am sorry that the gentleman has not been able to do so. If he has any credit left, and I know that he has, he will go to some bank and borrow a hundred dollars and leave for Chicago immediately; for the time will soon be up in which he will be permitted to visit the greatest Exposition of modern times or of any times; and I say in all seriousness, no member of this House should neglect the opportunity which he now has of visiting this cair, if he has not already done so.

I say this in his interest, and not in the interest of the manage-

ment of the Fair; because notwithstanding the financial embur-rassments to which the gentlemen have referred, this Fair has proved a financial success. More than eighteen millions of people have already passed through the gates and paid the admis-

Mr. ROBINSON of Pennsylvania. I would like to ask the gentleman aquestion. The CHAIRMAN.

Does the gentleman yield?

Mr. SPRINGER. Certainly.
Mr. ROBINSON of Pennsylvania. Did the gentleman approve
of the appropriation by the General Government for the Fair at Chicago: Mr. SPRINGER. I did.

Mr. SPKINGER. 1 did.
Mr. ROBINSON of Pennsylvania. I would like to ask the
gentleman if he was not the person who, in a former Congress,
proposed a rider to an appropriation bill, directing that the
money appropriated for the Centennial Exposition should be returned to the General Government?
Mr. SPRINGER. I did so. Is that satisfactory?

Now the contlement from Maine [Mr. Diviguey] said this was

Now, the gentleman from Maine [Mr. DINGLEY] said this was a had precedent. I take issue with him upon that point. I think it is in had taste for this Government to invite the peoples of other countries to come to our country and make an exhibition of their wares, and at the same time impose a duty upon the recedent they being a mounting in many cases to the relief of the goods they bring, amounting in many cases to the value of the goods in the country from which they were brought. I think this is in bad taste. I would have said to the world "come here and exhibit your best productions without money and without

Instead of doing that we have endeavored to make their coming here a matter of profit to us in our revenues, and have charged people for bringing their goods here, when they brought

them here for the purpose of exhibition. I want to say to those gentlemen who are members of this House, and who have not felt kindly disposed toward the Exposition in Chicago, that if they will only visit it before it is too late they will concur in the judgment of the gentleman from Tennessee [Mr. McMillin] and of others who have been there, that all the sacrifices we have made and all the appropriations that we have made, and the appropriations that have been made

by the various States have been well and profitably expended.

There never has been, in the history of the world, such an expesition, and in my judgment there will not be another opportunity of this kind offered to any people of any country in the next hundred years. We can scarcely conceive the great benefits that are to result to mankind and to posterity from this exposition. From this time forth the people of the whole world engaged in productive enterprises of any kind, will be able to utilize the methods which have been subjected and found to be best. They will be enabled to use that machinery in production which has attained the highest success and perfection. will be able to adopt those methods of production which have been approved, and which are shown by this exposition to be the very best possible. Henceforth there will be no excuse for the people in any country to pursuing ancient or unprofitable methods of production; but they can hereafter adopt and follow all the best methods that are known to mankind.

So that we had on exhibition the very best specimens of the handiwork of the people from all countries, and that exposition therefore has added greatly to the benefits and the comforts of

mankind.

Therefore I think, if the precedent is to be established, it ought to be in the direction of reducing the duties and of even remitting them entirely, upon such articles as have been brought here for that purpose, and have in good faith been exposed for

The revenues involved are very small, and in my judgment this measure is itself one of revenue, and that we will not lose any revenue by remitting one-half of these duties; but on the contrary we will increase the revenues of the Government for this reason: If we impose the full amount of this tax, where the duty is high, it will be more than the goods are now worth in this country, and the owners will be compelled to take them out of the country again; but if we allow a lower rate to be imposed by remitting half the amount which was originally assessed, they can be sold in this country so the Government will get the benefit of that amount of revenue, which we would otherwise

lose entirely.

Hence I do not concede the point made by the gentleman from Maine [Mr. DINGLEY] that we are losing anything by remitting these duties in these times of financial distress, but I believe that by reducing the duties we will be increasing the sales in this country, and therefore, by reducing the tax, we are indirectly increasing the receiver of the country.

rectly increasing the revenue.

Mr. BYNUM. If the gentleman from Maine desires to occupy any more of his time I would like him to do so; if not I would like to make some arrangement as to the conclusion of general debate.

Mr. DINGLEY. I yield ten minutes to the gentleman from

Mr. COUSINS. Mr. Chairman, I have listened to this discussion that involves, as I think a principle of our own Government, with a good deal more than ordinary interest. I believe that the position taken by the gentleman from Maine is one that is eminently correct, when we take into consideration the policy of our own Government. I believe that the position taken by my friend from Pennsylvania [Mr. DALZELL], although he is honest in his position, is incorrect, in view of that policy. I am one of those who have enjoyed this exhibit of national grandent of Chicago: and I am one of those who have enjoyed these who have be an example of these who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of those who have a six or the same and I am one of the same and grandeur at Chicago; and I am one of those who have given it a great deal of attention during the three different visits I have paid to it. I think I know something about the character of the goods on exhibition there by foreign nations

I have noticed, sir, that most of those exhibits are made by frms that are luxuriantly wealthy. They represent the wealth-iest firms of foreign powers. Those firms came here in full view and with full knowledge of the restrictions that we place at our gates. They accepted the situation. When we made ex-hibitions in times past, in foreign countries, we complied with the restrictions of those nations, and we paid our entrance fees

like men. There was no exception made in those cases. no reason, sir, although it is urged by the gentleman from Illi-nois [Mr. Springer] that it is in bad taste to charge them duty, why we should violate the fundamental policy of this Govern-

Now, what are those exhibits at Chicago that are affected by this bill? They are goods of a character that will be purchased by the wealthy. They are not goods that will be bought by the average citizens of Iowa and Illinois, and of the country, or the great West, and if they were, such average citizens who visit the Fair would not have an opportunity to buy at this late day. Those goods, if this resolution pass, will be taken in by the shopkeepers and men who will exhibit and offer them for sale as goods that are called "imported," and get prices accordingly. They are such goods as fine rugs, elegant furs, fine high-priced Swiss watches that sell for from \$300 to \$1,000. That class of swiss wateries that sell for from \$300 to \$1,000. That class of goods will be readily gathered up if your resolution pass, and the average citizen, who wants ultimately to buy these goods, will have to pay a premium that is equaled by the duty which you seek to take off.

We have, sir, in the State of Illinois a watch factory at Elgin, and in view of the promised reduction and annihilation of duty by the present Administration the wages of that factory have fallen off more than 25 per cent and one-fourth of the employes have been discharged. You propose in this resolution to take off the duty on the Swiss watch, which will put it in actual competition with the output of that Elgin factory, and that will violate the fundamental principle of this Government—that is, the fundamental principle of this Government—that is, the fundamental principle which has existed heretofore. I am opposed to that. I am opposed to violating the principles of my party and of my country in the interests of those who would buy this class of goods and who are not the average citizens of the

Do you find, sir, in that exhibit suits of clothes, boots and shoes, hats and caps, shirts and underwear exhibited by the foreign powers? Will a single ordinary citizen in this country profit by reason of your extension there, sir, of this privilege to those exhibits? No; but the one who wants to buy \$300 Swiss watch and the man who wants filagree work, which is always "im-(and made nowhere else except in Vienna and Chicago), that is the very class that will profit if your resolution pass.

us be consistent, gentlemen.

As I said before, the position of the gentleman from Maine is correct. It stands for a principle. That principle should be the policy of this Government, and is not in the special interest of the wealthy class. Not a single visitor to that Fair will, at this late day, get a single article at the price it is supposed to be reduced to by virtue of taking the duty off. Most of the visitors have been there. The day when it shall close comes very soon; but a short time and it will be closed. Who will gather up these articles there now on exhibition? The junk-dalars the short keeps the way who will advertise the property of the start dealers, the shop-keepers, the men who will advertise them as "imported" goods and sell them for enormous profits, claiming that they have paid the duty.

Mr. Chairman, let us be consistent in this; let us not fall into

the trap that has been set by the wily gentleman from Indiana [Mr. BYNUM], although I am sorry to see that one or two of our Iriends have tumbled in, and they go neck and neck with my

friends have tumbled in, and they go neck and neck with my friend from Pennsylvania [Mr. DALZELL] and my friend from Massachusetts [Mr. MORSE]. Let us not tumble into that trap, gentlemen, but stand for principle.

The CHAIRMAN. The time of the gentleman has expired. Mr. HOPKINS of Illinois. I am very sorry to disagree with my friend from Iowa as to the question of protection being involved in this case. I do not believe, as he has asserted, that by the adoption of this resolution we are going back upon the principle of protection at all. I think that was fully, fairly, and principle of protection at all. I think that was fully, fairly, and completely explained by the gentleman from Pennsylvania [Mr. DALZELL]. The sole and only purpose for the adoption of this resolution is to keep faith with the foreign exhibitors who came here upon the representations made to them by the agents of our Government.

Mr. COUSINS. The Government of the United States never promised that we would change the law for their benefit. The agent of the Government of Mr. HOPKINS of Illinois.

Mr. HOPKINS of lilinois. The agent of the Government of the United States made those representations.

Mr. COUSINS. He had no authority to make them.

Mr. HOPKINS of Illinois. Whether he had any authority or not, it is a great deal better for the Government of the United States to carry out the pledges of its representative than it is to have these foreign exhibitors believe that we authorized a person of so little character as the gentleman's doctrine would make our representative appear to be, to act on behalf of our Government in inviting them to come here with their exhibits. The question here is not whether these exhibitors are rich or poor. They have come here at great expense, and it is by their coming here with their exhibits that the Exposition has been

coming here with their exhibits that the Exposition has been made the marvelous success which all acknowledge it to be.

As has been explained by the gentleman from Pennsylvania [Mr. Dalzell], owing to a combination of circumstances not foreseen by these exhibitors or by anyone at the time they made their contracts to come here, the enterprise has been, so far as they are concerned, a failure. The financial depression which has prevailed throughout the country has greatly embarrassed them in making sales of the products which they have brought here. Now, Mr. Chairman, there is no danger that the people of this country will have any injury done to them by reason of

of this country will have any injury done to them by reason of the amount of these goods that will be placed upon the market. My friend from Iowa has grown eloquent in speaking of the effect upon the operatives of the Elgin Watch Company if the Swiss watches of which he speaks are sold in our market. The Elgin Watch Company is located in the county in which I live; I am personally acquainted with the managers of that great con-I am personally acquainted with the managers of that great concern, and with hundreds of the operatives who work there, and I am prepared to speak for them when I say that this resolution ought to be adopted. These Swiss watches do not injure the sale of the watches made at the Elgin watch factory or of those made at the great establishment at Waltham in Massachusetts. Another point made by the gentleman from Iowa is that these Swiss watches that he speaks of will be sold at junk-shops. I hardly think so

The articles that are sold there will be sold to parties who desire to keep them for their historical interest, and even if they were not, this is not so much for the benefit of the consumer as it is for the benefit of the persons who have brought these goods

Mr. CAMINETTI. If the gentleman will permit me a moment, I wish to say that it is a fact that twenty-five of the nations exhibiting at Chicago have applied for and received space in the California Midwinter Exposition, and that all of these goods referred to will be transported to California at the close of the Exposition at Chicago. At that exposition of ours we expect to have not only the people who visited Chicago, but a great many more, who will be induced to visit California by reason of the mildness of our climate to see what we can do there in mid-winter. So that these goods will have an opportunity to be sold in California and will not have to be sold as the gentleman from

In California and will not have to be sold as the gentleman from Iowa has suggested.

Mr. HOPKINS of Illinois. The statement of the gentleman from California furnishes an additional reason, Mr. Chairman, why this resolution should be adopted. Now, the fact that when the expositions were held at Vienna and at Paris no such resolution expositions were held at vienna and at Paris no such resolution as this was adopted by either of the foreign governments in our behalf is no reason why our Government should not keep faith with these foreign exhibitors. The situation is entirely different. America, in making exhibits at Vienna or Paris, was simply showing what a new and comparatively undeveloped country could do in comparison with the old countries with long estab-

lished industries.

But here the situation is reversed. In that case it was the same as New Mexico, California, or Arizona sending their exhibits to an exposition at New York or Philadelphia. They are always willing to do that even at great expense, because they expect great pecuniary benefit from the exposition which they make of their resources, whereas no corresponding benefits could be expected by New York or Philadelphia from making exhibits at expositions in those new States. So, exhibitors coming from Vienna and Paris to our American exposition could ing from Vienna and Paris to our American exposition could not expect that the pecuniary benefits resulting to them would be anything like those resulting to America making an exhibit in one of the old countries. In conclusion, Mr. Chalrman, I say that no Republican is violating any principle of protection or any of the great principles that have characterized his party by voting in favor of this resolution.

[Here the hammer feel]

[Here the hammer fell.] Mr. BYNUM. Does the gentleman from Maine desire to occupy any further time?

Mr DINGLEY. I shall occupy a few minutes.

Mr. BYNUM. Then, Mr. Chairman, I ask that general de-

Mr. BYNUM. Tate be now closed.

Mr. DINGLEY. Mr. Chairman, before that is done I wish to say a few words. In view of what has been said I desire to recall and further explain several points which seem to me to have

call and further explain several points which seem to me to have an important bearing with respect to the disposition of this bill. First, as I have already said, it is admitted that this is the first time in the history of world's expositions when any government of any country in which such exposition was held has proposed to rebate any portion of the duties upon the goods exhibited from foreign counties where they were sold in such countries. And I desire to call special attention to that, because it is a complete reply to all the suggestions that we are under

special obligations to exhibitors who have come here from Europe to exhibit their goods—obligations which they, in holding their expositions, did not suppose they owed to us when we were exhibitors. There certainly never has been a suggestion in any country where an exposition has been held—never before a suggestion as to any exposition in this country—never until regestion as to any exposition in the centry any suggestion as to exhibitors who have presented their goods at the Exposition in Chicago, that there should be, a reduction of the control o duty on their exhibits in case they should be sold here. It is absolutely new; it is a principle which no government has ever

special to us under similar circumstances.
Second, it has been suggested that some agent of our Government abroad has promised European exhibitors that if they would bring goods here and exhibit them, there would be a rebate of a part or the whole of the duty in case the goods should be sold in this country. Now, I listened to what it was said Gen. Grosvenor had stated to foreign manufacturers with reference Grosvenor had stated to foreign manufacturers with reference to the treatment they would be accorded here; and there was not in that statement a single suggestion that there would be any rebate of duty on any goods that might be brought to this country. The suggestion was simply that they should be treated liberally; and by "liberally" they must have understood that the liberality which their own governments had exercised in the past toward American exhibits—namely, the according to them all facilities for exhibition, the according to them of all the privileges of holding their goods in bond in the Exposition so that there should be no difficulties respecting them—should be extended to them as they had been to American exhibitors abroad. But there was not a single suggestion made by that agent that there would be any rebate of duty. I doubt whether the idea occurred at that time to either the agent or to any ex-hibitor that there would be done here by this Government at this time what no government on the face of the earth had pre-viously done with respect to any exhibit at any of the world's

great expositions.

Mr. SPRINGER. Is it not true that our duties are very much higher than those of any other government?

Mr. DINGLEY. As to some articles that is true; as to others

our duties are less.

Mr. HITT. As to a large part of the schedule, our duties are less than those of France.

Mr. DINGLEY. Yes, the French duties on a very large number of articles exceed ours. Yet at the Parisian exposition there never was a suggestion by the French Government that a single mill should be abated from any duty as to American exhibits sold at Paris. It was never thought of by any one, because it seemed to the French authorities, as it seems to me, that it is wrong in principle to discriminate in the imposition of duties between one class of importers and another class of importers.

The gentleman from Illinois has spoken of the fact that the average duty on these goods placed on exhibit will exceed 50 per cent. So it will. And he says that that is sufficient duty to impose upon these goods. That is not the question. The question whether we shall give this class of importers a rebate of duty which we give to no other class. We talk sometimes about class legislation. Now, I ask gentlemen of the committee whether there ever was any class legislation proposed in this House that exceeded in that direction this very bill now before us, which proposes that an American in Chicago, in New York, in any city, or in any district, represented by a gentleman on this floor, shall, when he imports a given class of articles, pay twice the duty that the foreign exhibitors are required to pay upon precisely the same articles when sold at Chicago.

It is class legislation, Mr. Chalrman—a discrimination which can not be justified.

can not be justified.

If it be said that these goods have decreased in value on account of being placed on exhibition, what is that but a claim count of being placed on exhibition, what is that but a claim (which I am ready to grant) for a reappraisement according to the value of the goods at the time of sale? If this bill proposed simply that, not a word of objection would be raised by me, because that would be simply treating these importers as we treat all other importers. And I will propose at the proper time an amendment which will apply precisely that principle—which will provide that there shall be a reappraisement of these goods and that the duty imposed shall be upon the value at the time they are sold—just the same as is imposed upon every other class of importers. Thus we shall treat these importers as we treat all others. We shall treat these goods when sold just as if they were imported in that shape. That will be justice.

Now, the suggestion has been made that we are under obligations to these gentlemen who have come from abroad and made

tions to these gentlemen who have come from abroad and made these exhibits. Granted. We are under the same obligation to every American who has brought his goods to the Exposition and placed them there on exhibit. All have done it from a consideration of enlightened self-interest. They believed that by placing these goods on exhibition at such a grand center as that, it would tend to increase the sales of them in the future to our

people.

That is expected as a result, and it is from that consideration that all of these gentlemen, not from benevolent motives, but, I repeat, from a consideration of enlightened self-interest that they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought their exhibits here for the purpose of show-they have brought the purpose of show-they have brought their exhibits here for the purpose of show-they have brought they have brought the purpose of show-they have brought they have brought the purpose of show-they have brought they have brought they have brought the purpose of show-they have brought they have brought the have been hard they have brought they have brought they have br ing them at the Fair in order to introduce them and advertise them to the people of this country. And now I repeat, sir, that I am convinced there is not a single one of all the exhibitors who ever expected any rebate of duty until it had been suggested to them after they came here.

Mr. HOPKINS of Illinois.

Will the gentleman allow me an interruption? How can he make that assertion in view of the statement made by the gentleman from Pennsylvania [Mr. Dal-ZELL], who spoke by authority of Gen. GROSVENOR on this very

Mr. DINGLEY. Ah, but the gentleman from Pennsylvania, who gave the words of the gentleman from Ohio [Mr. Grosvenor], did not undertake to say that he told these people that if they brought their goods here for exhibition there should be no duty levied upon them. He simply stated, and that was all he undertook or had the right to state, that they would be treated liberally; and I doubt if at that time there was a thought among any of these people that there was to be a rebate of duty, because there never had been before anything of the kind. The only inducement held out to them was that if they exhibited their goods they should not only be fairly treated but liberally

mr. HOPKINS of Illinois. Will the gentleman allow me a moment? I desire to put a statement right there.

Mr. DINGLEY. Very well.

Mr. HOPKINS of Illinois. I desire to state to the gentleman from Maine that after this resolution, that is presented to the House by the gentleman from Indiana [Mr. BYNUM], had been adopted by the Ways and Means Committee, and the gentleman was authorized to submit it to the House Gen GROWETWIP'S atwas authorized to submit it to the House, Gen. GROSVENOR'S attention was called to it, and he said that he was heartily in favor of it and regarded it as a very desirable measure, expressing at the same time his regret that he would be necessarily absent when it came up for consideration, because he said if he were here he would not only favor it because it was in the line of what he had represented to foreign exhibitors, but on the ground that it had

induced many of them to come.

Mr. DINGLEY. "In the line" of what we promised. That Mr. DINGLEY. In the line of what we promised. That is a very accommodating suggestion. It was not the promise we made to them that they should have the duty remitted on their exhibits, but that they should be treated liberally. That was the extent of his promise.

Mr. HOPKINS of Illinois. He said, and I desire with the

consent of the gentleman from Maine to make this statement, that he put the construction on his representation to the exhibitors abroad as being in the line of such legislation as this. Now, if it was anything different, he would have suggested it or recommended a modification of the resolution; but he said he favored this resolution for the reason that it was to carry out what

vored this resolution for the reason that it was to carry out what had been promised.

Mr. DINGLEY. But, Mr. Chairman, that does not alter the matter at all. The fact stands out unquestionably that Gen. GROSVENOR never undertook to represent abroad that there would be a rebate of duty, whatever he may have thought as to whether it was desirable or not. There was no such representation made abroad, for there was no authority to do so. And I simply add in reply to the observation of the gentleman from Illinois who said that it would be had faith on our part not to relinois, who said that it would be bad faith on our part not to rebate one-half of the duty, that there would be no act of bad faith on the part of the Government in not reducing the duties; that it has treated the exhibitors liberally all the way through, as liberally, and even more so, than any American exhibitor was ever treated abroad.

I notice on my left the gentleman from Illinois [Mr. HITT], who was secretary of legation at Paris at the time of the Exposition of 1878, and I direct his attention now to the fact, and if it be a fact he will corroborate my statement, that at the Paris Exposition of that year every American exhibitor who sold an article manufactured or produced here was obliged to pay the same duty on that article as the Frenchman who imported it for sale in

Mr. HITT. Precisely the same.
Mr. DINGLEY. So much for that.
Now, it has been said that we would increase our revenues if we pass this bill. That is a matter of opinion largely, and I wish to suggest to the House that the facts seem to prove exactly a different probable conclusion. Let us look a moment and see. Many of the articles on exhibition in Chicago will be returned. turned anyway. There are a number of valuable articles in the

fine arts department, and some other departments, that will be returned to the countries from which they came. But a large body of these articles, and all of the textiles-I repeat, all of the textiles-without exception, on exhibition by foreign exhibitors in Chicago will be sold in our market, whether this bill passes or not. There is no doubt of that. In fact, many of them have been already contracted to be sold, or large quantities, as a friend

on my left suggests.

Those goods will be sold here, whatever may come to pass.

Now, we must bear in mind that this Exposition is near its close;

and I may say in passing that the effect of this bill will not be in any degree to aid this Exposition, because it is nearly completed.

The effect of the bill will be simply to grant a gratuity to the foreign exhibitors on the ground that they have been exceedingly useful to us. They have been no more so than American exhibitors were to them at Paris and at London. There is always a mutual advantage in such cases, and there is no more call upon us for this exceptional treatment than there was on them to treat us in this exceptional way.

Certainly there can be no complaint if they are treated in precisely the same way that they treated us at their expositions. I have no doubt they were astonished when this suggestion was made to them, that they could get this appropriation of a million of dollars; for I desire to call the attention of gentlemen to the fact that this bill will, to all intents and purposes, give to foreign exhibitors at Chicago practically a million of dollars. Now if you had brought in a bill here appropriating from the Treasury a million of dollars, to be paid to these exhibitors on account of the great aid they have been to this exhibition, who would have

the great aid they have been to this exhibition, who would have voted for it? And yet gentlemen in this indirect way are going to do precisely the same thing, and it is important that they should clearly understand what they are going to do.

But gentlemen have said there will really be an increase of revenue on account of the passage of this bill. Why, Mr. Chairman, how preposterous that is! What class of articles will be sold here, if this bill passes, that would not have been sold without the passage of this bill? Not the textiles, as I have already said; and if all the textiles that are on exhibition there are sold they themselves will afford a relate of duty amounting to very they themselves will afford a rebate of duty amounting to very nearly the sum that I have suggested. They are to be sold any-

nearly the sum that I have suggested. They are to be sold anyway, and the same is true of many other articles.

My belief is that the passage of this bill will not to any material extent—especially now that the Exposition is about to close—increase the sales of these goods in this country. What were to be sold will be sold whether this bill passes or not; and it seems to me-while of course that can not be demonstrated by any one, and one man's opinion is as good as another's in that direction—it seems to me underiable that the effect of the passage of this bill will be to deprive this Government of not far from a million dollars of revenue, which it would otherwise obtain. I do not think there is any justification for our attempting this course, especially when we would not be ready to vote a million of dollars to these exhibitors.

If there is any call for it, do it by direct appropriation, and not in this indirect way, which serves to make a discrimina-tion against Americans who are themselves importers. The proposition is to allow a foreign exhibitor to import a particular article and sell it at Chicago for 50 per cent duty, while an American right alongside of him who imports the same article is obliged to pay 100 per cent duty. Is there any justice in

More than that, these goods that are to be sold in our market, especially the textiles, will unquestionably be sold at auction at the close of the Exposition. They will be sold under these reduced duties when other persons, Americans, are obliged to pay twice the duty on the same articles; they will be brought at once into competition with our own merchants and our own manufacturers; merchants who have paid twice the duty, and manufacturers who have made these goods under our laws.

Now, Mr. Chairman, I do not care to prolong this discussion further. I have felt it my duty to state what seemed to me the patent objections to such legislation as this. In doing so I have done my duty, and I leave the rest to the committee and the

Mr. BYNUM. I ask unanimous consent that general debate be now closed, and that the bill be considered by paragraphs. There was no objection.

The Clerk, proceeding with the reading of the bill by sections, read as follows:

SEC. 2. That the entire stock of each exhibitor, consisting of goods, wares, and merchandise, imported by him and now in said buildings, is hereby declared liable for the payment of duties accruing on any portion thereof, in case of removal of such portion from said buildings without the payment of the lawful duties thereon.

Mr. CAMINETTI. I offer the amendment to section 2 which I send to the Clerk's desk.

The Clerk read as follows:

Insert after the word "building," in line 3 of section 2, the following:
"Or that may hereafter be exhibited in the buildings of the California Midwinter International Exposition, as per act approved September 1, 1893."

Mr. CAMINETTI. Mr. Speaker, on the 1st of September we Mr. CAMINETTI. Mr. Speaker, on the 1st of September we passed an act permitting the transfer of goods now in bond in Chicago to San Francisco, Cal., to be exhibited at the California Midwinter Exposition. If we pass this law it may prevent the transfer of such goods in bond to San Francisco. I offer this amendment in order to allow that to be done in case this resolution is adopted.

Mr. BYNUM. I have no objection to that. I have examined

the amendment and I think it is perfectly proper.

The amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

SEC. 3. That the penalties prescribed by, and the provisions contained in, section 3082 of the Revised Statutes shall be deemed and held to apply in case of any goods, wares, or merchandise now in said buildings, sold, delivered, or removed without the payment of duties, in the same manner as if such goods, wares, or merchandise had been imported contrary to law, and the article or articles so sold, delivered, or removed shall be deemed and held to have been so imported with the knowledge of the parties respectively concerned in such said, delivery, or removal: Provided. That in the assessment of duties upon goods, wares, and merchandise, imported and now on exhibition at the World's Columbian Exposition, as authorized by the act approved April 25, 1899, antitled "An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and soa, in the city of Chicago, in the State of Illinois," the fair market value of such goods, wares, and merchandise, as determined under the provisions of the act approved June 10, 1890, entitled "An act to simplify the laws in relation to the collection of the revenues," shall be reduced 30 per cent, and the duty paid upon the reduced value when any of the goods, wares, or merchandise entered for consumption.

The CHAIRMAN. The Clerk will now report the committees

The CHAIRMAN. The Clerk will now report the committee amendment

Mr. CAMINETTI. Mr. Chairman, an amendment is now

mecessary in two places in section 3.

The CHAIRMAN. Without objection, the Chair will first submit the amendments offered by the committee.

Mr. BYNUM. Anamendment is made necessary by mistakes in the printing of the bill; and I will ask the Clerk to read the amendment from the report of the committee. The Clerk read as follows:

Strike out all after the words "State of Illinois" in line 19 of section 3, and instead thereof insert the following:

"The rates of duties shall be reduced 50 per cent from the rates now fixed by is w, when any of such goods, wares, or merchandise are entered for consumption, and upon payment of said 50 per cent said goods, wares, and merchandise shall be released from bond in the same manner as if the full rates of duties now provided by law had been paid thereon."

Mr. BYNUM. The corrections as made in the report simply change misprints. The word "release" was printed "reduced," and the word "bond" was printed "bound."

Mr. DINGLEY. These amendments may be considered as

adopted.

The amendments were agreed to.

Mr. DINGLEY. Now, Mr. Chairman—

Mr. BYNUM. If my friend will yield, the gentleman from Illinois [Mr. Aldrich] has an amendment he desires to offer; and he would like to offer it so that it may be pending.

Mr. DINGLEY. I think I will insist upon my substitute, and just go on with that. I desire to offer a substitute for the amendment proposed by the committee, to strike out all after the word "Illinois" and insert instead thereof the substitute which I offer. which I offer.

The Clerk read as follows:

Amend by striking out all after the word "Illinois," and insert in lieu thereof, as follows:

"That there shall be a reappraisement of such goods as may be sold or not returned to the countries from which they were imported, under such regulations as the Secretary of the Treasury prescribes, and the value ascertained at the time of sale, or the sale of such goods, shall be the invoice value of such goods for the imposition and collection of duties."

Mr. DINGLEY. My proposition is in lieu of remitting the duties, to provide for a reappraisement of the goods at the day of sale or the close of the exhibition, and imposing a duty, in the nature of a duty on the valuation ascertained at the time of the reappraisement

Mr. SPRINGER. Does the gentleman propose to have them exppraised with reference to their value at the place from which

they were exported?

Mr. D. NGLEY. I wish to have their actual value at the time of the sales taken into account. As it stands, these goods have all been invoiced on their entry in this country at a certain invoice value. Now, the reappraisal is simply to ascertain what the depreciation has been while the goods have been on exhibition and to deduct that tion, and to deduct that.

Mr. SPRINGER. I understood from the reading of this amendment that the reappraisement is to be made of the value of these goods at the time they were exported from the countries in which they were produced.

Mr. DINGLEY. No.
Mr. SPRINGER. That would be entirely unjust, because that would take into consideration the increased value of the goods by reason of the tariff upon them.

Mr. DINGLEY. Not at all.
Mr. SPRINGER. Then I ask that the proposed amendment may again be read. Mr. DINGLEY. If there is any doubt about that, I will modify

the substitute.

The substitute was again read.

Mr. SPRINGER. That places it at the value at the time of the sale of the goods in this country, which would be very wrong

in principle.

Mr. DINGLEY. I will modify my amendment so that it will read, "The appraisement shall be on a basis of their original invoice value, less the depreciation on account of their exhibition.

Mr. BYNUM. I suggest to the gentleman from Maine that the amendment of the gentleman from Illinois takes preceded over his amendment, because we have a right to perfect the text

of the committee amendment for which he offers a substitute.

Mr. DINGLEY. What I suggest to the gentleman from Illinois is, that this question of the substitute be decided, and then

he can offer his amendment.

Mr. BYNUM. But his amendment is an amendment to the committee amendment.

Mr. DINGLEY. But this amendment would have to be offered to the committee amendment, and if it should be adopted be

could offer his amendment to that.

Mr. BYNUM. But that is not the way the rule prescribes.

The CHAIRMAN. An amendment to the amendment offered by the committee is in order. Will the gentleman from Maine give the Chair his attention? Inasmuch as the substitute has been offered by the gentleman from Maine, will the gentleman kindly indicate the change he desires to offer, and then the Chair will recognize the gentleman from Illinois to offer his amendment. amendment.

Mr. DINGLEY. I desire to modify the substitute I offered by inserting the words "On the basis of their original invoice value, less the depreciation."

Mr. ALDRICH. Mr. Chairman, I would like to have my

amendment read.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Add the following proviso:
"And provided further, That all foreign exhibits at such Fair acquired by contribution, or purchase by the Columbian Museum of Chicago for its own use shall be wholly released from all customs duties.

Mr. DINGLEY. I suggest to the gentleman that he withhold his amendment until the question of the adoption of the substitute is determined. He will lose no right by that.

Mr. SPRINGER (to Mr. DINGLEY). If your amendment is agreed to it will not be amendable, because the House will have

adopted it in that form.

Mr. DINGLEY. He can offer it as an amendment to my sub-

stitute.

The CHAIRMAN. The question is first on the amendment to the committee amendment offered by the gentleman from Illi-

nois [Mr. ALDRICH].
Mr. ALDRICH. Mr. Chairman, is it in order to make any remarks on that amendment?

The CHAIRMAN. It is.

Mr. ALDRICH. I wish simply to say that the Columbian

Museum of Chicago has been organized solely for scientific and
educational purposes and in commemoration of the World's Fair of 1893. Its promoters are the men who have borne the brunt of the labor and the expense of making the collection for the Columbian Exposition, and I think that fact in itself is a guaranty that the institution will be conducted in a proper manner and that this amendment ought to pass. I hope there will be no objection to its from any contraction.

jection to it from any source.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Illinois.

Mr. DURBOROW. Is that the amendment of my colleague,

Mr. ALDRICH?

The CHAIRMAN. It is. Mr. DURBOROW. That is all right.

The amendment was agreed to.
The CHAIRMAN. The question now is on the substitute of the gentleman from Maine [Mr. DINGLEY] for the committee amendment as amended by the amendment of the gentleman from Illinois.

Mr. BYNUM. Mr. Chairman, I think that before that substitute is voted upon I had better offer the amendment which I propose, as it is to be a part of the same section—really an amend-

ment to the amendment. It is to exclude all goods that have been heretofore sold.

The CHAIRMAN. An amendment to an amendment is in

order at this time.

Mr. BYNUM. Then I ask the Clerk to read the amendment.

The Clerk read as follows:

Provided. That the provisions of this joint resolution shall not apply to any goods, wares, or merchandise sold prior to the passage of this resolution; and any purchaser or exhibitor, their agent or representative, making application for the release of any goods, wares, or merchandise, under and by virtue of the provisions hereof, shall, before being entitled thereto, and to the remission of duties herein provided for, take and file with the customs officer of the port an aflidavit stating that such goods, wares, or merchandise were not sold prior to the passage of the same; and any person making a false affidavit as to any fact requisite to the entry of such goods, wares, or merchandise at the reduced rates herein provided for, shall be guilty of a mistemeanor, and lable to the same punishment provided by law for making a false statement in regard to the entry of foreign merchandise.

Mr. VAN VOORHIS of New York. Let me ask the gentleman why he discriminates between one exhibitor and another? Why is a man who happens to have sold his goods before the passage of this law to pay the full duty while others who sell

passage of this law to pay the full duty?

Afterwards have to pay only half duty?

Mr. DURBOROW. Because the sales already made have been made on the basis of the regular duty.

Mr. VAN VOORHIS of New York. That does not make any difference. The price will probably be the same.

Mr. DURBOROW. Oh, no.

Mr. SPRINGER. "The consumer pays the tax." [Laughter.]

The amendment to the amendment was agreed to.
The CHAIRMAN. The Clerk will now report the substitute offered by the gentleman from Maine [Mr. DINGLEY] for the committee's amendment as amended.

The Clerk read as follows:

Amend by striking out all after the word "Illinois" and inserting in lieu thereof as follows: There shall be a reappraisement of such goods on the basis of their original value less depreciation, as may be sold or not returned to the countries from which they were imported, under such regulations as the Secretary of the Treasury may prescribe; and the value so ascertained at the time of sale or on the sale of such goods shall be the invoice value of said goods for the imposition and collection of duties.

Mr. HOPKINS of Illinois. Mr. Chairman, I desire to be heard for a moment on that substitute. I wish to say to the gentleman from Maine that the proposition he has presented by this substitute was considered by the Ways and Means Committee when this subject was originally before it. The Assistant Secretary of the Treasury of the last Administration was called in and his experience invoked to aid the committee in the consideration of this matter, and it was finally determined that the way proposed by the joint resolution reported by the gentleman from Indiana [Mr. Bynum] would be an easier and better way, and fully as beneficial to the Government. Under the substitute of the gentleman from Maine, interminable trouble will follow in making the reappraisement. Government officials say that it will be al the reappraisement. Government officials say that it will be almost impossible to do it; but even if it is done successfully, it may result in taking more money from the Government than would be taken by a reduction of 50 per cent, because in the reappraisement of many of the articles there will undoubtedly be a larger reduction than 50 per cent.

Mr. COGSWELL. That is no argument if a principle is included.

volved.

Mr. HOPKINS of Illinois. I will break off abruptly in the line of argument I was pursuing to answer my friend from Massachusetts [Mr. Cogswell], who says that such considerations as I have been urging ought to have no weight if a principle is involved. It seems to me, Mr. Chairman, there is no great principle involved here. I see no reason why any Republican can not vote for this measure just as well as any Democrat. As has been stated again and again, this resolution has been brought into the House for the purpose of carrying out the good faith of this Government to these exhibitors, and no Republican ought to be so hide bound on this question of protection as to put that principle above the honor of his country.

Mr. COGSWELL. Was anybody authorized to pledge the honor of the Government? Because if that is so, this question does not admit of debate.

Mr. HOPKINS of Illinois. I have stated, and the committee should understand, the position taken by Gen. GROSVENOR. As agent of the United States he committed this country to this action, or some similar action. That is my understanding. I believe in view of the representations made by that gentleman, we would be breaking faith with those parties if we should fail to you down the substitute of the days that the substitute of the state of the substitute of the state of the state of the state of the substitute of the state of th we would be breaking lattic with those parties if we should fam to vote down the substitute offered here by the gentleman from Maine [Mr. DINGLEY] or refuse to adopt the resolution presented by the Committee on Ways and Means.

Mr. VAN VOORHIS of New York. I would like to ask the gentleman from Illinois [Mr. HOPKINS] who authorized Gen.

GROSVENOR to make any promise as to what Congress would do

Mr. DINGLEY. He did not make any.
Mr. HOPKINS of Illinois. I am not able to state who authorized Gen. GROSVENOR, any further than he felt, as the repthorized Gen. GROSVENOR, any further than he felt, as the representative of this Government to those foreign countries, that he had implied if not express authority. He encountered great trouble in getting those parties abroad interested in bringing their exhibits to Chicago. That city being 1,000 miles inland, exhibitors would be subjected to great trouble and expense. Extra inducements had to be offered to those parties in order to get them in such a frame of mind that they would be willing to incur this expense. And it will not do now, it seems to me, for us to discredit our representative, whether he had express or implied authority, or not.

implied authority, or not.

Mr. COGSWELL. What was the promise? That we would make a rebate of duties?

make a rebate of duties?

Mr. HOPKINS of Illinois. There was not any promise as to reducing duties—only that these parties would be protected, taken care of, liberally treated on this question of import duties at the end of the Exposition. That was the representation made.

Mr. SMITH of Illinois. Is it not a fact that at the time Gen. GROSVENOR made those statements, which you say were made to other governments, he was aware of the law which had been passed in the Fifty-first Congress in reference to duties on goods brought here for the purpose of exhibition?

Mr. HOPKINS of Illinois. Gen. GROSVENOR was not only aware of that, but he states that he discussed the question of these large import duties with those parties abroad. This McKinley bill was a subject of general discussion, not only with Gen. GROSVENOR, but with Mr. Butterworth and others of our American representatives abroad. representatives abroad

Here the hammer fell.]

Mr. DINGLEY. Mr. Chairman, on the point just suggested by the gentleman from Illinois [Mr. Hopkins] that we are bound in good faith to make this rebate of duty on account of representations of Gen. GROSVENOR, our agent abroad, I simply desire to repeat what I think is well understood, that Gen. GROSVENOR only promised that the Government would deal liberally toward foreigners who should come here and exhibit their goods. He made no suggestion that there would be any rebate of duty, and he was not asked to make any such concession, because, as I have already said, there never had been any such thing done at any exposition.

exposition.

Mr. SPRINGER. This is a good opportunity (is it not) to "deal liberally" with these parties? Why not do it?

Mr. DINGLEY. If the gentleman from Illinois [Mr. SPRINGER] chooses to introduce a resolution appropriating \$1,000,000 from the Treasury for the purpose of "dealing liberally" with foreign exhibitors—which is what it is indirectly proposed we shall do here—then we will test the question what is "dealing liberally" in a matter of this kind. But this indirect method of meeting the question is what I am objecting to.

in a matter of this kind. But this indirect method of meeting the question is what I am objecting to.

Mr. VAN VOORHIS of New York. 'As the Government is running behind in its expenditues at the rate of \$5,000,000 a month, of course we can afford to be "liberal"!

Mr. DINGLEY. A single word with reference to the matter of reappraisement. In the first place there is no difficulty in having at very small expense a reappraisement of these goods that may be sold; because there are customs officials now at the Exposition; they have the original invoices: they are obliged to Exposition; they have the original invoices; they are obliged to have them for the purpose of collecting duties upon articles that may be sold; and this being so, at the very time they proceed to make an estimate of the amount of duties and collect those duties, they can under such regulations as the Secretary of the Treasury may suggest, reappraise the goods according to the present value.

Present value.

Now as to the suggestion that in the reappraisement there would be 50 per cent reduction, in which case the Government would gain nothing by the appraisement, I have simply to say that I took considerable pains at the Exposition nearly three weeks ago to examine into the condition of the articles on exhibition, and as to a large part of the goods they have not been touched by a human hand since they were placed on exhibition at the beginning of the fair. They are in glass cases, to a large extent, and not even a particle of dust has touched them. They are in precisely the same condition as when they were received, and these amount to more than three-fourths of the goods which have been admitted for that purpose, while as to the great mass. have been admitted for that purpose, while as to the great mass of them the depreciation would not exceed 10 per cent. There is no doubt in my mind that a reappraisement of the goods and a reduction of the value would not at the outside exceed 10 per

A single word further, Mr. Chairman, not to prolong the discussion. It seems to me this principle of reappraisement at the time of the close of the Exposition, and on the sale of the goods, taking into account any depreciation which may have occurred during the progress of the Exposition, is just, and fully meets

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all the suggestions made to the exhibitors abroad on the part of this Government that it would deal liberally with them. At the same time it makes no discrimination against our own citizens who have imported and are engaged in importing goods of

a similar character.

Mr. HOPKINS of Illinois. Will the gentleman allow me to ask him this question? Of course it will be very easy to appraise goods on which the duties are ad valorem, but how would you regulate the matter of specific duties?

Mr. DINGLEY. Almost all of these goods bear ad valorem duties.

Mr. HOPKINS of Illinois. Oh, no.

Mr. DINGLEY. Well, the great bulk of them do, and those that bear specific duties, mainly metal goods, are not liable to Well, the great bulk of them do, and those depreciation.

Mr. DALZELL. Oh, yes; some of them depreciate largely. But if we concede that your principle will work out all right so far as the ad valorem duties are concerned, how about the goods, I repeat, that bear exclusively specific duties?

Mr. DINGLEY. I am not aware of any goods that bear an ex-

Mr. DINGLEY. I am not aware of any goods that bear an ex-clusively specific duty that would be subject to any injury when

inclosed in glass cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYNUM. I ask for a vote on the substitute.

The CHAIRMAN. The question is on agreeing to the substitute proposed by the gentleman from Maine.

The crossion was taken; and one division there were a vos 21.

The question was taken; and on a division there were-ayes 21,

Mr. BARNES. I make the point that no quorum has voted. Mr. DINGLEY. I hope the gentleman will not do that. There is a decisive vote against the substitute, and it is unnecessary to prolong the matter.

The CHAIRMAN. The Chair will appoint tellers. Mr. BARNES and Mr. BYNUM were appointed tellers. Mr. BARNES. I withdraw the point of no quorum.

So, no further count being demanded, the substitute was re-

Mr. CAMINETTI. Now, Mr. Chairman, I offer this amendment to come in in section 3, made necessary by reason of the adoption of the first amendment to section 2.

Mr. BYNUM. This does not affect the amendment already adopted; it affects a previous section.

The CHAIRMAN. The first question recurs on the commit-

tee amendment as amended.

The amendment as amended was agreed to.
The CHAIRMAN. The Clerk will now read the amendment proposed by the gentleman from California.

The Clerk read as follows:

Insert after the word "sold," in line 5, section 3, the words, "or that may hereafter be exhibited in the building of the California Midwinter International Exposition, as per act approved September 1, 1803."

The amendment was adopted.

Mr. CAMINETTI. There is another amendment, Mr. Chairman, to this same section.

The Clerk read as follows:

Insert after the word "Illinois," in line 19, section 3, the words, "or that may hereafter be exhibited in the buildings of the California Midwinter International Exposition, as per act approved September 1, 1893."

The amendment was adopted.

Mr. DINGLEY. It seems to me scarcely worth while to make the suggestion, Mr. Chairman, but are you not opening a pretty wide field when you say all articles that may hereafter be exhibited?

Mr. BYNUM. It only applies to those now in bond as exhibits at Chicago

Mr. DINGLEY. I do not think the amendment is confined

exclusively to that class.

Mr. BYNUM. I move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having had under consideration the joint resolution H. Res. 22, had directed him

to report the same favorably to the House with amendments.

Mr. BYNUM. I demand the previous question upon the

amendments, and the bill to its passage.

The previous question was ordered.

The SPEAKER. Unless there be a demand for a separate vote upon any amendment, the vote will be taken on all the amendments together.

Mr. DALZELL. I would like to have the amendment of gentleman from California [Mr. CAMINETTI] reported again. I would like to have the amendment of the

The amendment was again read.
Mr. BYNUM.. That simply allows exhibits now at Chicago

to be transferred to the California Midwinter Exposition, under

to be transferred to the California Midwhiter Exposition, under the same conditions.

Mr. DALZELL. It does not say so. That is the point.

Mr. BYNUM. That law has been passed, and the provisions of this bill would probably work a repeal of the law affecting the San Francisco exposition. This is simply to allow that law to operate as to the goods that may transferred.

Mr. DALZELL. Then this amendment does not permit goods that may have taken to California and that may be taken to California and the california and the provisions of this provision.

Mr. DALZELL. Then this amendment does not permit goods that may hereafter be imported, and that may be taken to Callfornia, to come in under 50 per cent of the regular duty?

Mr. CAMINETTI. Oh, no.

Mr. BYNUM. Not at all.

The amendments reported by the committee were agreed to, The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. BYNUM, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Sickles, for five days, on account of important busi-

To Mr. DANIELS, to allow him to register as a voter.

PUBLIC PRINTING AND BINDING.

Mr. RICHARDSON of Tennessee. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering bills on the Union Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 2650) providing for the public printing and binding, and the distribution of public documents, with Mr.

DOCKERY in the chair.

The CHAIRMAN. At the time the committee rose the point of no quorum had been made against the amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], which amendment the Clerk will report.

The Clerk read the pending amendment, as follows:

And the Public Printer is further authorized and directed to furnish a complete set of the Rebellion Records to each Senator and Member of the resent Congress not already by law entitled to receive the same.

The CHAIRMAN. The question now is upon the amendment just read.

The question being taken, the Chairman announced that the noes seemed to have it.

On a division, demanded by Mr. BAKER of New Hampshire, there were-ayes 55, noes 50.

So the amendment was agreed to.
Mr. RICHARDSON of Tennessee. I give notice that I shall ask for the yeas and nays in the House on this amendment.
The CHAIRMAN. The Clerk will proceed with the reading

The Clerk, proceeding with the reading of the bill by sections,

read as follows:

The Secretary of the Interior shall cause the Official Register to be edited, indexed, and published by the appointment clerk of the Interior Department, on the 1st day of December following the 1st day of July above men

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the Clerk's desk. The Clerk read as follows:

In lines 377 and 378 strike out the words "appointment clerk" and insert he words "superintendent of documents," The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 88. The Vice-President, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail all public documents printed by order of Congress; and the name of the Vice-President, Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named therein until the 1st day of December following the expiration of their respective terms of office.

The Vice-President, members and members-elect of and Delegates and Delegates-elect to Congress shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official.

My HAYES. In offer the award members which I could to the

Mr. HAYES. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to section 88 the following:
"Or to any person, correspondence not exceeding 2 ounces in weight, upon official or departmental business."

Mr. HAYES. Mr. Chairman, it is well known that the franking privilege formerly existed to an almost unlimited extent, and that by reason of abuses of that privilege it was practically en-

tirely done away with. Since then it has been allowed to send letters to Government officials, but no provision has been made for sending what we get from the Departments to the persons to whom the letters or documents are to be sent, and it is by no whom the letters or documents are to be sent, and it is by no means universal that penalty envelopes are sent for that purpose by the Departments. It seems to me this ought to be made to cover that deficiency, and it is so worded as to guard it against abuses, limiting it to departmental and official business, and also limiting the weight to 2 ounces.

Mr. RICHARDSON of Tennessee. I can not hear the gentlement from Iowa [Mr. HAYES] and I am quite sure other centlements.

man from Iowa [Mr. HAYES], and I am quite sure other gentlemen are unable to hear what he has said. I will ask the gentleman to repeat the substance of what he has said.

Mr. HAYES. Let the amendment be again read. That will

explain itself. The amendment was again read.

Mr. HAYES. I do not care about the question of weight; but I thought that would be small enough.

Mr. RICHARDSON of Tennessee. I move to strike out "two"

and insert "one."

Mr. HAYES. I accept the amendment. That is entirely sat-

isfactory.

The CHAIRMAN. The Chair understands the gentleman from Iowa to modify his amendment?

Mr. HAYES. I do.

Mr. McMILLIN. I was going to ask the gentleman where it varies from the present law? We now have the right to send letters to the heads of Departments.

Mr. HAYES. Yes; but there is no provision made in the law Mr. HAYES. Yes; but there is no provision hade in the law for sending what you get from the Departments to those for whom you make the inquiry; and the return letters are not sent in all instances. They are generally from the Pension Office, but not from the other Departments.

Mr. McMILLIN. But we have a stationery account now. That was given originally in lieu of the franking privilege, as I

understand it.

Mr. HAYES. That is very true; but this does not give full franking privilege. It simply gives a very limited amount, so far as weight or bulk is concerned, and refers entirely to de-

mr. McMILLIN. But what I was calling the attention of the gentleman to was that when the franking privilege was abolished the present stationery account was given in lieu of that, as I have been informed, although I have not made an examina-

tion of the fact. Mr. HAYES. There is no doubt about that.

Mr. McMILLIN. And the stationery account remains still if

this amendment is adopted.

Mr. HAYES. There is no reason to change that, because this only relates to letters from the Departments; and the franking privilege was for all purposes. I do notknow how true it is: but to illustrate what was said about the franking privilege, I have heard it said a dozen times that members used to send their washing home under the franking privilege. [Laughter.] Perhaps that was really meant as an illustration of the extent to which it was used.

Mr. McMILLIN. Congress cut off the washing, but gave \$150 of stationery account. Now, are we to add the washing? [Laugh-

ter.] Mr. HAYES. Mr. HAYES. No; it simply applies to letters such as relate to departmental and official business; and it seems to me that

Mr. OATES. If the gentleman from Iowa will permit me.
As I understand, the franking privilege was abolished by Congress because it was very much abused. It had been carried to a ridiculous extreme; then we have gone to the other extreme, and

Allowed \$150 on stationery account.

Mr. HAYES. I think the gentleman is right in both propositions, and this is just to rectify the matter.

The CHAIRMAN. The Chair will direct the attention of the gentleman from Iowa to the reading of the amendment. The Clerk read as follows:

Or to any person, correspondence not exceeding an ounce in weight.

Mr. HAYES. That is as I want it.

Mr. McMILLIN. This would not include a letter addressed to a constituent in connection with that business

Mr. HAYES. Yes, sir.
Mr. McMILLIN. It is intended only that when you get a response from a Department to inclose it in an envelope and send it to the party? Mr. HAYES.

Mr. HAYES. That is the way I illustrated it; that it was governmental and official business.

Mr. SIBLEY. Would it preclude me from inclosing a letter in respect to the official and departmental business?

Mr. HAYES. I think it would not, under the ruling that was

made in the case of the gentleman from Massachusetts, by the Assistant Attorney-General Mr. McNAGNY. He he

Mr. McNAGNY. He held just the other way. Had the Commissioner of Pensions the

right to make that rule?

Mr. HAYES. I am speaking of the ruling of the Assistant Attorney-General, in which he held that he had the right to send that letter

Mr. HERMANN. Is it under that clause of the law that permits members of Congress to avail themselves of this particular

The CHAIRMAN. The question is on the amendment offered

the gentleman from Iows

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HAYES. Division.

The committee divided, and there were—ayes 42, noes 40; so

the amendment was agreed to.

Mr. BELTZHOOVER. I offer the amendment which I send

The amendment was read, as follows:

Add to section 90 the following: "And all blanks, blank books, and printed or engraved matter of every kind whatsoever supplied by the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Postmaster-General, and the Attorney-General, to any of the employés or bureaus under them, or used by them in their Departments, shall be obtained from the lowest responsible bidders for furnishing printed and engraved matter respectively, under separate advertisements calling for proposals to furnish the same for a period of four years under such conditions as such Secretaries and the Postmaster-General and the Attorney-General may prescribe: Provided, That the Public Printer and the Chief of the Bureau of Engraving and Printing of the Treasury Department shall submit respectively estimates of the cost of printing such printed and engraved matter as may be required for use in the said Departments of the Government, and they shall furnish such printed and engraved matter whenever, upon their estimates of the cost of the expenditure thereof will be less than upon proposals made as above provided for."

Mr. BELTZHOOVER. The bill now under consideration, it would seem from the statements made by its friends all along the line of the present discussion, was born of the spirit of economy and reform. The distinguished gentleman [Mr. RICHARDSON of Tennessee], who has it in charge as his particular protégé, has nursed and supported it with laudations of the unprecedented way in which it will reduce the expenditures for Government way in which it will reduce the expenditures for Government printing. The amendment which I propose and which has been just read will see his bluff of \$200,000 of proposed saving and go him at least \$600,000 better in the grand effort at reform. The act of March 3, 1883, authorized the Postmaster-General to invite competition between the Public Printer and all other printers in doing the work required for the Money-Order Bureau of his Department. That experiment, which was begun in 1884 and has been continued down to this time in the Post-Office Department, this amendment proposes to extend to all the other Execu-

tive Departments of the Government.

The experiment of making the Public Printer compete as to departmental work with private printers has been proven to insure a wonderful saving, as was shown in the exhaustive investigation conducted on the subject by the joint committee of the House and Senate a few years ago. In that examination, among numerous witnesses examined, was Postmaster-General Wanamaker, one of the best business men that ever held an executive portfolio in the history of the Government. The committee did not require him to appear and subject his statements to cross-examination, as he would cheerfully have done, but they addressed him written interrogatories on the subject of the expenditures for public printing, and requested his views as to what could be done to promote economy as well as efficiency in that service. He replied in writing, and his testimony will be found in the printed volume containing the proceedings of that investigation, from which the gentleman [Mr. RICHARDSON of Tennessee] has quoted so frequently. He states that prior to 1884 the annual cost of printing for the Money-Order Bureau was \$62,000, but that under the act of 1883 a perfectly responsible private printer was found who readily took the contractat \$48,000, and kept it at that figure until 1891, thus saving the Government on the face of the prices the sum of \$98,000.

But he further testifies that this was not the only saving, because during those seven years the money-order offices increased 58 per cent and the postal money orders 35 per cent, while the cost of printing did not correspondingly increase from year to year, as it would have done under the practice of the Public Printer. Making allowance for these increases and the further fact that in this time the postal notes increased from seven million to thirteen million, Mr. Wanamaker testifies that the saying to the Government during the seven years would be fairly

stated at \$125,000. He then goes on to state that when the letting of the same work came to be made in 1891 he got from the Public Printer a

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careful estimate as to what he would do it for from 1891 to 1895. The Public Printer replied to this request that the lowest figure at which he could do the work specified was \$90,900. The bid of a responsible private printer who took the contract and gave a perfectly good bond, and has since done the work with entire acceptability to the Department, was \$45,800. The bid of the Public Printer was therefore just 100 per cent above that at which the Government was able to have the printing done under the act of 1883. There has, therefore, been in the last four years under which this law has been in execution a further saving to the Government of at least \$180,000. eleven years the Government will have saved in one single bureau under this law the sum of \$305,000. Why should not this salutary and effective law, which has worked thus well in one bureau, not be extended to all the others in the Executive Departments of the Government? It has been demonstrated as clearly as human experience can do so that a saving of 50 per cent has been made in one Department with entire safety and convenience to the public service. Why shall not the same saving be enlarged by widening the operations of the law? The appropriation for departmental printing for the present fiscal year is \$1,423,500. Why shall not the effort be made by an extension of the act of 1883 to save 50 per cent of this vast sum, which will amount to \$711,750? What do all the petty economies promised, and only promised, by the present bill amount to when compared to this vast aggregate of almost three-quarters of a million

Mr. CLARK of Missouri. Will the gentleman permit me to ask him a question?
Mr. BELTZHOOVER. With pleasure. But I shall have to

have my time extended if I am to reply.

Mr. CLARK of Missouri. I will ask the House to extend it for you. You seem to know a good deal about this business, and I would like to ask you, or the chairman, or some one who knows, how it happens that it costs more to get work done at the Government. You seem to know a good deal about this business, and ernment Printing Office than it does at any other printing office on earth?

Mr. BELTZHOOVER. If the House will give me the time I

shall be glad to answer the gentleman.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. Mr. McMILLIN. I ask unanimous consent that the gentle-

man from Pennsylvania have five minutes longer.

There was no objection, and it was so ordered. Mr. CLARK of Missouri. Before you start I want to give you one fact. I bought a well-bound copy of the Koran for 3 cents, brand new out of the publishing house, and you can buy books large as the reports of the Department of Agriculture from John B. Alden & Co., or from Funk & Wagnells, bound and printed just as well as they are bound and printed at the Gov-

ernment Printing Office, for from 25 to 50 cents a volume.

Mr. BELTZHOOVER. The reason that printing costs so much at the Government Printing Office is because of the extravagant and unbusinesslike methods of that office. They employ too many useless hands, they pay too high prices for their

stock, they squander too much money.

Mr. CLARK of Missouri. How are you going to stop them?
Mr. BELTZHOOVER. By the amendment I propose, to some extent at least. The appropriation bills provide—I take it from the report of the gentleman from Tennessee—33,674,759.50 for printing for the year 1891. Of this sum \$1,973,784.50 is for printing for Congress and \$1,346,000 for the Executive Departments.

For the year 1893 the total appropriation is \$3,543,784.00 for the For the year 1893 the total appropriation is \$3,543,764. Of that sum \$1,423,500 was for the printing of these Executive Departments, and \$1,547,164 for the printing for Congress. If you will examine the figures you will find that while the printing for Congress has been cut down half a million dollars on the last appropriation bill, the printing for the Executive Departments has been increased almost \$100,000. This amendment of mine applies exclusively to the Executive Departments. If you will allow these Cabinet officers—the Secretary of State and all the other Secretaries and the Postmaster-General and the Attorney-

General—to bring about this competition, you will save thoreby 50 per cent of that \$1,423,500, or \$711,750.

I make my statements on the authority of the late Postmaster-General—Mr. Wanamaker—whose testimony on this subject has never been controverted. Notwithstanding all the witnesses that the gentleman from Tennessee called, and notwithstanding all that he knows about the matter, no man has ever pretended that the statement of Postmaster-General Wanamaker is not the fact.

the fact.

Why should there be a difference of 100 per cent between the cost of printing at the Government Printing Office and the cost at the best private printing establishments of the United States? That question can only be answered as I have answered it—be-cause, as I believe upon investigation, the methods of the Government Printing Office are extravagant beyond measure.

employés are too numerous; they are not put on for the purposa of working, although I do not want to say that in any offer

Mr. McKAIG. Who puts them on?

Mr. MCKAIG. Who puts them on?
Mr. BELTZHOOVER. The Government Printer.
Mr. McKAIG. Do not Congressmen put them on?
Mr. BELTZHOOVER. The gentleman perhaps knows whether

Mr. BELTZHOOVER. The goal and you that is the fact. I have not put any on.

Mr. McKAIG. You keep the Congressmen away, and you would not have the place filled up as it is.

Mr. BELTZHOOVER. That may be one reason why gentle. men ought not to interfere with that establishment. I have not done so. I have not spoken to the Public Printerfor years. But no matter how these employes get there, Con-s ought to devise a method by which the present condition two years. of things shall not exist. Gentlemen talk about economy; and they undertake to cut off a few Agricultural Reports, a few ethnological reports, or a few copies of the Rebellion Record, cost ing altogether less than \$100,000. Here is a plain way by which we can save three-quarters of a million dollars.

I have been connected, to a greater or less extent, with a printing office for twenty years, and I can not but remark that it is unfortunate that there is not a practical printer on this committee in the House, nor is there one on the Senate committee. While the members of these committees are elegant gentlemen. they do not seem to understand the question of printing.

The gentleman from Tennessee will remember that during the last Congress I called his attention to the fact that the Cox-GRESSIONAL RECORD was printed on paper absolutely unfit for I said it was damaged paper the moment I saw it. the purpose. How it got into the paper wareroom, or how it passed through the hands of the superintendent, I do not know. But it got there; and I believe it got there by bad business methods in some way—perhaps without criminality or neglectful fault of

anybody, but it got there.

Now, I do not want to prolong this debate, but simply to test this question. Mr. Wanamaker has further testified that the printing done by private parties was done more promptly and if anything better than that done at the Government Printing Office. He also stated that it could be done in this way without notice; that he could have the work done at any time that he ordered it, whereas, as he says, the Government Printing Office is so constituted that he could never get printing of any kind done for his Department without sixty days' notice. Here we have a bureau of this Government spending \$3,600,000 a year, or more than it costs to run one of the great Executive Departments of the Government. The Agricultural Department does not cost much if any more than \$3,000,000 for all its annual expenditures. I think that as a mere question of economy, based on undisputed testimony, this amendment ought to be adopted. Let us have the question tested whether this enormous saving of three-quarters of a million dollars can not be made.

[Here the hammer fell.]

Mr. BRETZ. If I can be recognized I will yield my time to the gentleman from Pennsylvania [Mr. BELTZHOOVER].

The CHAIRMAN. The gentleman can not yield his time; but if there be no objection the time of the gentleman from Pennsylvania will be extended for five minutes.

Mr. RICHARDSON of Tennessee. I hope the gentleman will

be allowed five minutes longer.

There was no objection. Mr. BELTZHOOVER. I do not know that I care for more than a minute. As will be seen, my amendment proposes that these different heads of Departments shall ask the Government Printer for his estimate of the matter required to be printed by the Department; and the Public Printer is to give the very lowest cash figure at which he can do the work. Then the head of the Department is to obtain from some good responsible private printer a statement of the price at which he will do the work. Unless the private printer will do the work for less he is not to

have it; it will go to the Government Printer.

Mr. SAYERS. Will the gentleman allow me one question on

that point?

Mr. BELTZHOOVER. With pleasure.

Mr. SAYERS. As I understand, the gentleman proposes, in this amendment, that whenever one of the heads of Departments desires any printing to be done he shall first go to the Public Printer for his estimate?

Mr. BELTZHOOVER. No; that he shall make his own statement of the amount of public printing—blanks or other printing which may be required—and send it to the Government Printer. Mr. SAYERS. And then goes to the Public Printer for an estimate as to the cost of the printing?

Mr. BELTZHOOVER. Certainly.
Mr. SAYERS. Now, if after demand it is found that a private contractor can do the work better and at less cost to the The Government, your proposition is to let this printing to the pri-

vate contractor. The question I desire to ask, then, is this: How do you propose to maintain the printing establishment? You will readily see, if your amendment is adopted, that it will necessarily dispense with the force at the Government Printing

Mr. BELTZHOOVER. I can not yield for a speech.

Mr. SAYERS. I do not wish to make a speech. I will get you the time if you want more. But the committee should thoroughly understand this matter.

You will see, if your proposition is adopted, that a large pro-

You will see, if your proposition is adopted, that a large proportion of the Government printing will go to private contractors. In that event what is to become of the present force in the Printing Office? Suppose you have a certain amount of printing to do, and the private contractors can not do it? Will you keep a large force of men in reserve? Will not there be a danger that you will be compelled to maintain a large force at the Printing office in any event, notwithstanding the fact that a large proportion of the printing may be done by private parties? I would like the gentleman to take into consideration that question, and

explain how his amendment would affect it.

Mr. BELTZHOOVER. The Government Printing Office did 81.973,000 worth of printing in the last Congress for Congress alone. In the present Congress it is estimated that \$1,500,000 worth of printing will be done. This amendment of mine perworth of printing will be done. This amendment of mine permits all of that printing to remain with the Public Printer, and will supply a nucleus around which he can build up the force he needs for additional printing to meet emergencies. There is no necessity for the Government Printer at any time to keep a superfluous force on hand or to keep too many men around the office. Under my proposed amendment these contracts are all to be made only every four years, so that the Public Printer will not meet the contingency which the gentleman from Texas suggests more than once during each Administration. He can do then as he has always done heretofore, discharge those he does not want, and when he needs them again with a new Administration will find applicants for work, wastin hereof his power to tion he will find applicants for work vastly beyond his power to employ.

Mr. COOPER of Indiana. Will the gentleman allow an in-

terruption?
Mr. BELTZHOOVER. Yes.
Mr. COOPER of Indiana. Does not the Government pay higher wages to its printers than private contractors pay?

Mr. BELTZHOOVER. I have heard that statement be-

Mr. COOPER of Indiana. Now, if it does that, how can the Government compete with private contractors in the matter of bidding for this work?

Mr. DINGLEY. And in view of the fact that the Government

Mr. COOPER of Indiana. Will we not be obliged to discharge all of the hands, and hawk the Government printing around to anybody who will take it?

anybody who will take it?

Mr. BELTZHOOVER. Why, I do not intend to intefere with the almost \$2,000,000 of Congressional printing, I only propose to regulate the departmental printing. If the Government is paying too much, or paying more than it needs to pay, to employ the very best printers in the country, then we ought not to do it. It is not fair; and that is a question that should be taken into consideration before any appropriations are made for such

Mr. McKAIG. Will the gentleman allow a question in that

connection?

Mr. BELTZHOOVER. In a moment. If the Government is paying more than they can get good hands for—and I know they are flocking here by the thousands, making applications, and are flocking here by the thousands, making applications, and unable to get work, the best printers in Pennsylvania and elsewhere—why should we not put it in the hands of private contractors to bid for this work, and in that way allow fair and honest competition? If the private contractors get this work, they will find competent and willing hands who are satisfied to work for less, if we are paying too much. Why not leave the question to the law of supply and demand, establishing a fair, honest competition? Why not? And if the Government can get its men at a less rate, not a starvation rate, but a fair living rate—and let me say that the printers' unions all over this country desired. and let me say that the printers' unions all over this country demand everywhere reasonable and fair rates now—why should it not have the right to do so? These men all ought to have reasonable and fair compensation. But there are hundreds of poor printers in the country, worthy and deserving men, who get

Now, it has been said by the gentleman from Maine [Mr. DING-LEY] that the Government printers work but eight hours aday. To that I reply that if the difference between a ten-hour law and an eight-hour law, which is just one-fifth of the time, or 20 per cent, between the price the Government charges and the price a private competitor charges, I say if that was all the difference there would be little ground of complaint. I certainly would

find no fault, for I never complain where the money goes to the people who do the work, but instead of that we find a difference of 100 per cent between the price of the work done by the Government Printing Office and that done by private parties. The eight-hour law only accounts for one-fifth of this. Who gets the

four-fifths?

When you find, then, that the Government Printer says, over his own signature, that he can not do the work for less than 100 per cent above what is charged by a good private contractor, and complains of the law as it exists, fixing eight hours a day as the reason, I say that that is not a justification for the difference. That law would make but one-lifth difference. If there was a reasonable difference we could very well understand why it should exist under these circumstances; but where it amounts to 100 per cent difference, then it is time that we should begin to be economists.

I want to make this change in the interest of economy at a time when we are threatened with a deficit in the public Tres ury, when hard times are prevailing in the country; and I think that this side of the House, which is pledged to the people of this country to practice economy, ought to see to it that these three-quarters of a million dollars annually is saved to them. If we are to be governed by our purpose to prevent class legislation and paternalism in the Government I beg you not to argue in favor of a proposition here such as this bill embodies, which entails such an unneces

ils such an unnecessary expense upon our people. Mr. HAINER of Nebraska. Will the gentleman allow a ques-

tion?

Why do you limit your amendment to departmental printing,

and not extend it to all?

Mr. BELTZHOOVER. There are two reasons. One is, as my friend says, the law fixes the Congressional printing, and you can never make an estimate of what we want in that direction

we have ordered printing to-day that we did not know we would have occasion for yesterday. We may order some to-morrow that we do not know of to-day; but if I could make my amendment apply, I will warrant you that, with a careful examination and study of this law, I would make it apply.

Mr. HAINER of Nebraska. You could amend the law, could you not?

Mr. BELTZHOOVER. No, it is difficult to amend the law so Mr. BELIZHOOVER. No, it is difficult to amend the law so that you can make a general rule apply; but a Department like the Post-Office or Treasury Department can estimate the vast preponderance of its work on the 1st day of April in one year just as well as on the 1st of April in the following year. Mr. McDEARMON. If this amendment is adopted, is there any assurance that any of the employes now in the Public Printing Office will be discharged, and that the Government will save

anything by this amendment?

Mr. BELTZHOOVER. I have only the assurance that if the Public Printer has only half as much work to do, he will not employ twice as many hands as are necessary. There is an honest man there now, I hope and believe; and I am sure, if a Demo-crat is appointed to succeed him, Mr. Cleveland will appoint an honest man; and when he finds he has no work to do, he will cut down his force, as they always do.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Chairman, there is a good deal of justice in the criticism which the gentleman from Pennsylvania [Mr. BELTZHOOVER] has made in respect to extrav-

agance in governmental printing.

Mr. SAYERS. Now, I want to ask the gentleman just one question. Is not the larger portion of that extravagance, which the gentleman says is justly chargeable against the Printing Office, to be attributed to Congress and the legislation of Con-

gress, and does not the gentleman know that that is the cause of it?
Mr. BELTZHOOVER. I want to answer that.
Mr. RICHARDSON of Tennessee. I think that is true, that

a good deal of it is due to Congress and to our own extravagance; but in the very nature of things, when you consider the organibut in the very nature of things, when you consider the organization of the Government Printing Office, you must see that the Public Printer can not compete with a private individual or the owner of a private printing office on every little job that is submitted. Now, the gentleman from Pennsylvania [Mr. Beltz-Hoover] seeks to create the impression that the committee called Mr. Wanamaker before them and took his deposition, or submitted him to an examination. That is not so.

Mr. Beltzhoover. I did not say that.

Mr. RICHARDSON of Tennessee. The gentlemen certainly gave that impression.

gave that impression

Mr. SAYERS. Will the gentleman allow me to interrupt

Mr. RICHARDSON of Tennessee. Yes, certainly

Mr. SAYERS. I only want to say, with the indulgence of the gentleman, that if Mr. Wanamaker's estimates as to the public printing are no more reliable than his estimates as to the profits that the Government would make out of the Columbian postage stamps, I would not rely with confidence upon his statement.

Mr. RICHARDSON of Tennessee. Mr. Chairman, there is a good deal of truth in that also; but I am not going to criticise Mr. Wanamaker, further than to say this: Mr. Wanamaker is a Mr. Wanamaker, further than to say this: Mr. Wanamaker is a business man, and I have no doubt he desired to make a favor-able showing upon the matters that came under his administration as Postmaster-General. He was not submitted to an examination; and gentlemen who are lawyers, and those who are not lawyers, can realize that there is a very great difference be-tween the mere ex parte statement of a man, and the facts as they will appear when he is submitted to examination and crossexamination upon the facts and figures. My friend the gentleman from Pennsylvania [Mr. Beltzhoover] seeks to create the impression that he knows all about printing because he is a printer, and he reflects upon the committee, and charges us with

Mr. BELTZHOOVER. Oh, no.

Mr. RICHARDSON of Tennessee (continuing). Because he says none of us are printers. Now, I read in the Congressional Directory that my friend from Pennsylvania [Mr. BELTZHOOVER] is a lawyer; that when he was about 21 years of age he got a license and went to practicing law, and he says he has been practicing ever since. Now, I can not see why he would know much more about the practical work of a printing office than other lawyers who are upon this committee and who have given six years of public life to the investigation of these questions.

But I do not care about that. As to Mr. Wanamaker, I simply wish to say that he was not called before the committee and examined in the ordinary method in which witnesses are usually examined, but he sent to the committee a letter, in reponse to a letter which was addressed to him. In that letter he did state something about the saving to the Post-Office Department on this matter of the printing and binding of these documents, such s are covered by these amendments, under his administration. He says that in seven years under that system there had been saved \$125,000, or about \$16,000 or \$17,000 per year.

Mr. TURPIN. I have just come into the Chamber and do not

know what has been said, but I wish to ask the gentleman from Tennessee if it is not a fact that the Postal Guide is filled up with advertisements? I have a faint recollection of looking over those advertisements, and most of them are well-boring machines manufactured by some firm in Pennsylvania. If advertisements

manufactured by some firm in Pennsylvania. If advertisements are to go into these publications why not let all go in alike, and all have an opportunity to advertise in them?

Mr. RICHARDSON of Tennessee. I would be willing that the gentleman should have time to express himself upon that subject, but, if you will take the Postal Guide, and were to follow that policy that is pursued in it, I do not think it ought to cost the Government a cent. I say, if that is to be the policy, it ought to cost nothing. If we are going to make our publications on one page of a document and on the other side insert an advertisement of patent medicines, or Cheap John goods, it seems to tisement of patent medicines, or Cheap John goods, it seems to me that we could get all the Government publications for noth-

ing; but I do not want to get into that issue.

Mr. McMILLIN. Before the gentleman departs from that subject, I desire to ask, for information simply, is there any law which authorizes the publication of advertisements of private firms in a Government publication that is to be franked all over the country? If there is any law that authorizes it, that law ought to be repealed right now.

Mr. RICHARDSON of Tennessee. There is no such law, and never has been; but the Postal Guide is full of advertisements, as the gentleman from Alabama has suggested. The Postmaster-General (Mr. Wanamaker) in that letter does say if you will give him the power and the authority to make these contracts for the printing of these blank books and so on of the Post-Office Department, that he can save a vast amount of money. That is prophecy. I believe there might be some saving in that way, and for the reason that the Government Printing Office is not or

ganized in order that Congress may get its printing more cheaply than it might have it done by private contract.

Mr. Chairman, it may not be improper to state that many, many years ago Congress started out on this idea of farming out the publications and printing of Congress to private individuals. They soon found that they were swamped in the matter. I have before me in this publication to which I have alluded the whole history of that matter; and if you will refer to it you will find the history of the methods by which Congress originally let out to private individuals and private concerns all the printing of the Government; but they abandoned it and determined it was best to organize a printing office. Now, I am not responsi-ble for that. I found it there, and I have attempted to do the best I could to regulate it and reduce the cost of Government

Mr. Chairman, I would like to have a few minutes longer.

Mr. BELTZHOOVER. I hope the gentleman's time will be extended as long as he wants.

There was no objection.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I was going on to say that there are reasons why it is necessary to keep up the Government Printing Office. The gentleman from Texas struck the point exactly when he spoke of the way we increase the Government printing. I do not see any reason why you should not let out all the printing to private parties if you are to should not let out all the printing to private parties if you are to let out this printing for the Departments. Why not take the Congressional printing and authorize the Clerk of the House and the Secretary of the Senate to let it out to private individuals, just as we did many years ago, and as this report shows we did with respect to all publications and printing.

Why stop at one of the Departments? Why do you want to put in charge of each head of the Executive Departments, of each publications that is, to be done for the

independent bureau, the printing that is to be done for that Department. You would have to give to the Superintendent of the Fish Commission, to the Chief of the Smithsonian Instituthe Fish Commission, to the Chief of the Smithsonian Institution, and every chief of every other bureau of the Government
authority to make contracts for the printing for his own little
bureau or department. Where would it stop?

Mr. McMILLIN. Right there, will my colleague allow me to
ask him a question?

Mr. RICHARDSON of Tennessee. Yes, sir.

Mr. McMILLIN. I think it will be conceded that the printing by the Departments has overleaped all proper bounds?

Mr. RICHARDSON of Tennessee. It has; and that is what

Mr. RICHARDSON of Tennessee. It has; and that is what we are trying to remedy; we are trying to stop it in this bill.

Mr. McMILLIN. It is utterly appalling. Is there no means
by which we can cut it down?

Mr. RICHARDSON of Tennessee. This bill puts a limitation

upon departmental printing.

Mr. McMILLIN. I understood that the gentleman in his opening statement said that this bill would save two or three hundred thousand dollars

Mr. RICHARDSON of Tennessee. Yes, sir; over that. Mr. McMILLIN. I do not think there is a member here and I do not say this in criticism of the committee, because I know their work has been very painstaking and laborious; but there is not a member within sound of my voice who will not concede that we might cut the printing down a million dollars without detriment to the public service. The idea of spending three and a half million dollars for public printing!

Mr. REED. We could save a great deal by ceasing to print the Congressional Record.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I must inwould say that you can not reduce it a million dollars unless you change the laws. The printing of this Government will be largely reduced in this bill.

Mr. McMILLIN. I do not want what I have said to be considered as reflecting on the work of the committee, nor on the efficiency of the Public Printer, for so far as I have been able

to see he is a painstaking and laborious man; but there ought to be some means by which we can greatly reduce the cost of publie printing

Mr. RICHARDSON of Tennessee. I can not yield further to my colleague. He says that he does not reflect on the committee. Why, Mr. Chairman, no man of intelligence could reflect on the Committee on Printing. I have said—and I want to emphasize it here and now, and I beg gentlemen of the committee to listen—the Committee on Printing in the Senate and in the House do not report on resolutions to print exceeding \$250,000 of the \$3,600,000 spent for printing.

Now gentlemen may reflect on the committee—
Mr. McMILLIN (interposing). I do not want my friend to misunderstand me. My statement was that in making the assertion that I thought there might be so large a cut made in the public printing without detriment to the public service I did not mean to criticise the Committee on Printing for not reporting it

in this bill.

Mr. RICHARDSON of Tennessee. And I mean to say that the gentleman could not justly reflect on the Committee on Printing for the great expenditure of printing, because we report only about \$250,000 worth of the \$3,600,000 that is expended, so that even if we did not report a dollar's worth of printing, if we refused to report a single one of the resolutions introduced here. still you would save only \$250,000 a year and you would spend \$3,350,000 for printing.

Mr. TURNER. I have understood the gentleman to say that his committee had reported certain reforms in the methods of

ordering printing to be done for the Departments.

Mr. RICHARDSON of Tennessee. We have.

Mr. TURNER. But has not the Committee of the Whole taken the matter out of the hands of your committee and put the old provisions back?

Mr. RICHARDSON of Tennessee. Not at all. The Committee of the Whole have not touched in the least degree the provisions of this bill which relate to the reforms in the departmental printing. The propositions which have been added to the bill in the Committee of the Whole are simply to print some translent publications which otherwise would probably be added to appropriation bills or be provided for by separate resolutions. Putting them in this bill simply obviates the necessity of bringing them up in the shape of concurrent resolutions or amendments to appropriation bills. The amendments put on by the Committee of the Whole, I repeat, do not apply to the reforms in methods and the economies presented in this bill.

Mr. TURNER. Adding together 100,000 additional Agricultural Reports provided for, the increased number of Congressional Records, the increased number of volumes of the records of the late war, will the gentleman tell us how much they

ords of the late war, will the gentleman tell us how much they

will make Mr. RICHARDSON of Tennessee. I will. But the gentle-man must first eliminate the 100,000 Agricultural Reports, be-cause that is not an increase. That simply makes the number Mr. RICHARDSON of Tennessee. the same that was printed last year, and therefore it is not an increase this year.

Mr. TURNER. But it is an increase upon the number recommended in the gentleman's report.

Mr. RICHARDSON of Tennessee. No; it is not. My report Mr. RICHARDSON of Tennessee. No; it is not. My report was based upon the number printed last year, which was 500,000

Mr. TURNER. I had supposed from what the gentleman stated that he proposed to reduce that number.

Mr. RICHARDSON of Tennessee. I did; and it would have been a further saving of \$60,000, and I stated to my friend that I was willing to divide that in two, and use it for an increase of the CONGRESSIONAL RECORDS, but I did not say that that was to be included in the estimate I had made of the saving provided for in this bill.

Now, in response to the argument of the gentleman from Pennsylvania [Mr. BELTZHOOVER], I believe that if we could get some competent man in any special case to go to the private printers of competent man in any special case to go to the private printers of the country with any particular piece of work, he could probably get it done by them cheaper than the Government Printer will do it. Why? The gentleman from Texas [Mr. SAYERS] has stated the reason. We maintain that office; we work the men only eight hours a day; we are not allowed by law to work them exceeding that. Not only so, but we give them a month's leave of absence in every year with full pay, and, in addition, we give them every public holiday during the year with pay, and also other holidays on special occasions. So it must not be understood that the Public Printer can in every little contract compete with private printers. It is not so intended. But if you are going to maintain the Government Printing Office, you must give it the printing, and throw around it such regulations as Congress may had necessary to prescribe from time to time.

Mr. KYLE. Does this bill provide for aggregating the printing of the various Departments under the supervision of the Public Printer?

Public Printer?

Mr. RICHARDSON of Tennessee. This bill is intended to regulate the departmental printing, to prevent the abuses which my colleague from Tennessee and the gentleman from Mississippi have called attention to. It limits the discretion of Cabinet officers and bureau officers to expend the money set apart in the average appropriation, bills for printing.

the annual appropriation bills for printing.

Mr. SAYERS. Let me ask the gentleman a question, and let me take the Treasury Department to illustrate it. How will the gentleman be able to prevent the excessive expenditure of the appropriation within a given time? For instance, suppose \$200,000 or \$250,000 is appropriated for printing for the use of the Treasury Department during the year, only one-half of which can be expended during the first half of the fiscal year? Now the Treasury Department, we will suppose, consumes more than its share of the allotment. How will the gentleman prevent the Department from exceeding its appropriation?

Mr. RICHARDSON of Tennessee. The gentleman from Texas asks me a question which he himself is an competent to answer as I am, because he has been on the Committee on Appropria-

tions.

Mr. SAYERS. I want to say to the gentleman that if he is no better able to answer the question than I am, it can not be answered, because we have not yet been able to prevent that

kind of thing.

Mr. RICHARDSON of Tennessee. I will show the gentleman how it would be impossible under this bill for the Secretary of the Treasury to expend more than the amount allowed by Congress, unless he violates the plain written law. If the gentleman the contract of the contrac man still asks me whether we can prevent a Department officer from violating the law, I simply answer you may provide by law

that a man shall not kill another; but you can not prevent his

that a man shall not kill another; but you can not prevent his doing so if he chooses to violate the law.

Mr. SAYERS. My understanding of the proposition of the gentleman from Tennessee is that we shall be able, through the instrumentality of this bill, if passed, to prevent deficiencies occurring for printing of documents required by the different Executive Departments of the Government.

Mr. RICHARDSON of Tennessee. Yes, sir. Not only that, but I ask the attention of the gentleman from Texas to the provision which I am about to read; and I ask also the attention of

vision which I am about to read: and I ask also the attention of the gentleman from Georgia, because it bears upon a question which he addressed to me the other day. This provision of the bill is new; and if it becomes law it places upon Cabinet officers such limitation as will prevent them, I believe, from spending money extravagantly in the printing of documents. The language of the provision is this:

No report, publication, or document shall be printed in excess of the number of 1,000 of each in any one fiscal year—

This is departmental printing-

without authorization therefor by Congress, except that of the annual report of the head of the Department, without appendices, there may be printed in any one fiscal year not to exceed 5,000 copies, bound in pamphlet form; and of the reports of chiefs of bureaus, without appendices, there may be printed in any one fiscal year not to exceed 2,500 copies, bound in pamphlet

Now, without such a provision, one of the heads of the Departments may go to work and print 40,000 copies of a given book, and in three months afterward may print 40,000 copies more of the same book. He may have these volumes elegantly bound, paying for them out of the money set apart by the Committee on Appropriations annually for the printing of that Department. That is what has been done. Some gentlemen may say it was wisely done. But at the last session of Congress the Senate and House, upon the recommendation of the Committee on Printing, passed a bill containing this provision embracing this limitation upon departmental officers. There should be such a limitation

upon them.

Why, sir, I have seen a time when the introduction in this House of a resolution to expend \$1,000 for printing would bring dozens of gentlemen to their feet to protest against the extravagance of the Printing Committee. Yet under the law as you now have it you put half a million dollars, or \$300,000, in the hands of a bureau officer or a Cabinet officer of this Government and allow him to expend the whole of it—that is, you give him the discretion to do so—in the printing of a single book. That is the law now. This bill seeks to establish a restraint in that

matter: to prevent money being used in this way.

Here the hammer fell.]

Here the hammer fell.]

RELTZHOOVER. In order to answer some of the sug-Mr. BELTZHOOVER. gestions of the gentleman from Tennessee [Mr. RICHARDSON], I move to amend by striking out the last word.

Mr. CLARK of Missouri. Does the gentleman from Pennsylvania wish to close the debate on his amendment?

vania wish to close the debate on his amendment?

Mr. BELTZHOOVER. That was my idea.

Mr. CLARK of Missouri. I would like to occupy the floor a few minutes before the debate closes.

Mr. BELTZHOOVER. Of course I have no objection to that.

Mr. RICHARDSON of Tennessee. Before gentlemen proceed with further debate, I would like to raise the question whether there is to be a session this evening. If not, the committee ought to rise, that the House may dispense with the evening session.

Mr. BELTZHOOVER. I will give way for that purpose.
Mr. RICHARDSON of Tennessee. I move that the committee
rise, in order that the question of an evening session may be settled by the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Dockery reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. LESTER, indefinitely from Monday next, on account of important business

To Mr. TALBOTT of Maryland, until Monday next, on account

of important business To Mr. LAWSON, indefinitely, on account of important busi-

To Mr. SICKLES, for five days, on account of important busi-

MINORITY REPORT ON BANKRUPTCY BILL.

Mr. BAILEY, by unanimous consent, submitted the views of a minority of the Committee on the Judiciary upon the bank-ruptcy bill; which were ordered to be printed.

ORDER OF BUSINESS.

Mr. RICHARDSON of Tennessee. I desire to ask the gentleman from Indiana [Mr. Martin] whether there is any business on the Private Calendar for to-night? If not, I will move that the House adjourn.

The SPEAKER. The Chair is informed that a night session is not desired.

Mr. RICHARDSON of Tennessee. I move, then, that the

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. FYAN, from the Committee on Invalid Pensions, reported the bill (H. R. 3309) to pension Ambrose Giseburt (Report No. 124); which was ordered to be printed, and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the petition for the relief of Martha A. Holt, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the fol-

lowing titles were introduced, and referred as follows:

By Mr. LUCAS: A bill (H. R. 4178) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota—to the Committee on

Public Buildings and Grounds.

By Mr. MEREDITH (by request): A bill (H. R. 4179) for the relief of aged and infirm colored people—to the Committee on Military Affairs

By Mr. SOMERS: A bill (H. R. 4180) to protect the owners of bottles and other vessels used in the sale of beverages, medicines, and other articles in the District of Columbia—to the Com-

cines, and other articles in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MERCER: A bill (H. R. 4181) to establish an assay office in the city of Omaha, Nebr.—to the Committee on Coinage, Weights, and Measures.

By Mr. CUMMINGS: A bill (H. R. 4182) providing for an international maritime conference for the better protection and care of animals in transit—to the Committee on Interstate and

Foreign Commerce.

By Mr. BRODERICK: A bill (H. R. 4183) granting increase of pensions to soldiers of the Mexican war and their widows—to the

Committee on Pensions.

By Mr. BRYAN: A bill (H. R. 4184) to increase the penalty for embezzlement by directors, officers, or agents of national

By Mr. BELL of Colorado: A bill (H. R. 4185) to repeal the twelfth subdivision of section 2238 of the Revised Statutes of the United States-to the Committee on the Public Lands.

United States—to the Committee on the Public Lands.

By Mr. BAILEY: A bill (H. R. 4186) to regulate the fees of the clerk of the United States court for the Indian Territory—to the Committee on the Judiciary.

By Mr. OATES: A bill (H. R. 4187) to amend an act to establish circuit courts of appeal, approved March 3, 1891—to the Committee on the Judiciary.

By Mr. BRYAN: A bill (H. R. 4188) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Siouxs in 1890 and 1891—to the Committee on Claims

the Committee on Claims.

By Mr. PICKLER: A resolution asking report of board of managers of the National Home for Disabled Volunteer Soldiers, as to the investigation of the medicinal qualities of the waters of the hot springs at Hot Springs, S. Dak., with reference to the location of a branch of said home at that point, and for other purposes—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD (by request): A bill (H. R. 4189) granting a pension to John Weimer—to the Committee on Invalid Pensions.

By Mr. BELL of Colorado: A bill (H. R. 4190) for the relief

By Mr. BELL of Colorado: A bill (H. R. 4190) for the relief of P. B. Monell—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 4191) for the correction of the records of the War Department in the case of Edward Fisher—to the Committee on Military Affairs.

By Mr. ENLOE: A bill (H. R. 4192) for the relief of estate of H. S. Simmons—to the Committee on War Claims.

By Mr. FUNSTON: A bill (H. R. 4193) granting a pension to David C. Allen—to the Committee on Invalid Pensions.

By Mr. HAINER of Nebraska: A bill (H. R. 4194) granting a pension to Guy W. Gibson-to the Committee on Invalid Pen-

By Mr. HARTMAN: A bill (H. R. 4195) for the relief of C. J., Baronett, of Gardiner, Mont.—to the Committee on the Public

By Mr. STOCKDALE: A bill (H. H. 4196) for the relief of Mrs. Hannah Waters, of Horn Island, in Mississippi Sound—to the Committee on War Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 4197) for the relief of Linco n S. Jones—to the Committee on Military Affairs. By Mr. TERRY: A bill (H. R. 4198) for the relief of W. Jasjer Blackburn—to the Committee on Claims.

By Mr. McRAE: A bill (H. R. 4199) for the relief of Charles W. Russey—to the Committee on Claims.

Also, a bill (H. R. 4200) for the relief of the estate of James M. Gee—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and pa-

pers were laid on the Clerk's desk and referred as follows:

By Mr. SHELL: Petition of Lavinia D. Buckner, Caroline A.

Peeples, Adelaide E. Lawton, heirs of Richard Reynolds, deceased, asking payment of proceeds of sale of cotton taken and sold by the United States—to the Committee on War Claims.

SENATE.

SATURDAY, October 21, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.]

The Senate met at 10 o'clock a. m., at the expiration of the

HOUSE BILLS REFERRED.

The VICE-PRESIDENT. The Chair lays before the Senate

The VICE-PRESIDENT. The Chair tays before the Senate sundry bills from the House of Representatives for reference. The bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government, to establish stations and depots at all town sites on the lines of said roads established by the Interior Department,

was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

Mr. CULLOM. The bill probably ought to go to the Committee on Railroads, as it does not seem to apply to Indian reservations.

The VICE-PRESIDENT. The Chair will state that the bill

came from the Committee on Public Lands in the other House.
Mr. CULLOM. I think the Committee on Public Lands have not been in the practice of taking charge of railroad bills. We have a Committee on Railroads and a Committee on Interstate Commerce, and one of those committees generally takes charge

of such bills, unless the act proposes to interfere with Indian reservations. I see the Senator from Mississippi [Mr. Walthall] is on his feet, and he may have some suggestion to make.

Mr. WALTHALL. It occurs to me that the bill ought to go to the Committee on Public Lands, but in the absence of the chairman of the committee I ask that it lie on the table for the

Mr. CULLOM. I have no objection to the reference suggested, but I think it has not been the custom to refer such bills to that committee

The VICE-PRESIDENT. The bill will lie on the table for The Chair will follow the suggestion of Senators the present. in regard to it.

The bill (H. R. 3627) granting certain lands to the Territory of Arizona was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, was read twice by its title, and referred to the Committee on Apprepria-

The joint resolution (H. Res. 55) for the reporting, marking, and removal of derelicts was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER. I suggest that there is not a quorum of the

Senate present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Higgins, Hill, Hunton, Irby,

llen.	Cockrell,	Gallinger,
late,	Cullom,	George,
Berry,	Faulkner,	Gorman,
arey,	Fryo,	Harris,

Proctor, Roach, Shoup, Smith, Peffer. Perkins Stewart. Teller, Vest, Vilas

Washburn, Wolcott.

Mr. CULLOM. The Senator from Iowa [Mr. Allison] is abent. He is paired with the Senator from Missouri [Mr. Cockcont.

The VICE-PRESIDENT. Thirty-three Senators have answered to their names. There is no quorum present,

the pleasure of the Senate?

Mr. DOLPH entered the Chamber and answered to his name. Mr. HARRIS. In this condition of affairs there is but one of two things to be done, to direct the Sergeant-at-Arms to request the attendance of absent Senators or to adjourn. Those are the only two motions in order, and I select the former, that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HAWLEY and Mr. STOCKBRIDGE entered the Chamber

and answered to their names.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee, that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

VICE-PRESIDENT. The Sergeant-at-Arms will execute

the order of the Senate.

After a little delay, Mr. McMillan, Mr. Davis, Mr. Ran30M, Mr. Mills, Mr. Manderson, Mr. Sherman, Mr. Coke, and Mr. BUTLER entered the Chamber and answered to their

The VICE-PRESIDENT (at 10 o'clock and 17 minutes a. m.). Forty-four Senators have answered to their names. A quorum

Mr. HARRIS. I move to dispense with all further proceed-

ings under the call.
The VICE-PRESIDENT. Without objection it is so ordered. Mr. BERRY. There was a bill which came over from the House of Representatives requiring railroads to arect depots within a quarter of a mile of town sites in Territories where they are operating over land grants made by the Government of the United States. There is some question whether the bill ought to go to the Committee on Public Lands or the Commit-tee on Railroads. I have no particular desire to obtain jurisdiction of any larger number of bills for the Committee on Public Lands than we have, unless the bill should properly belong there. I am not sure in my own mind whether the bill should go to the Committee on Public Lands or the Committee on Rail-The Senator from Illinois [Mr. CULLOM] is inclined to think that it ought to go to the Committee on Railroads, and I submit the matter to the Chair to determine as to the reference of the bill.

Mr. CULLOM. I have no interest in this matter. The only reason why I made the suggestion is because it seems to me in the reference of bills there ought to be some little care taken to have them referred to a committee having proper jurisdiction of the subject. Sometimes bills are referred to committees, and of the subject. Sometimes oills are referred to committees, and they thus get jurisdiction when it was not really the intention of the Senate to give it. It occurred to me on hearing the title of the bill read that it ought to go to the Committee on Railroads, and upon further investigation I am still inclined to that opinion. That is all I desire to say. I should be glad to hear the Senator from Tennessee [Mr. HARRIS] on that question.

Mr. HARRIS. The bill, I understand, does not deal with public lands at all but simply impressed that warm railroad council.

lic lands at all, but simply imposes a duty upon railroad corporations which have obtained a right of way through the public lands. The right of way is already granted; the interest of public lands has already been dealt with; but the bill imposes a duty upon such railroad corporations as have obtained the right of way through public lands to construct certain depots within a given distance of county seats. I think the Committee on Railroads is unquestionably the committee to which the bill should be referred

be referred.

The VICE-PRESIDENT. The Chair thinks the bill should be referred to the Committee on Railroads, and it will be so referred, without objection on the part of the Senate. The Chair lays before the Senate the unfinished business, which is House bill No. 1, upon which the Senator from Kansas [Mr. Peffer] is entitled to the floor.

Mr. HARDER, Will the Senator from Kansas allow me to

HARRIS. Will the Senator from Kansas allow me to

introduce a bill out of order?
Mr. PEFFER. Certainly.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 1115) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of

the Treasury of any amounts found by the Attorney-General to belegally or equitably due; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims

Mr. WALTHALL introduced a bill (S. 1116) for the relief of Mrs. Hannah Waters, of Horn Island, in Mississippi Sound; which was read twice by its title, and referred to the Committee

AMENDMENT TO URGENT DEFICIENCY APPROPRIATION BILL.

Mr. DOLPH. I submit an amendment intended to be pro-

posed by me to the urgent deficiency appropriation bill.

It is an amendment proposing to give two months' pay to clerks of the Senate after the long session two years ago, under a resolution of the Senate. I move that the amendment be re-ferred to the Committee to Audit and Control the Contingent Expenses of the Senate, and that it be printed.

The motion was agreed to.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed the consid-14. Isonato, as in Committee of the whole, resumed the consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the amendment proposed by Mr. PEFFER to the substitute reported by the Committee on Finance

Mr. PEFFER addressed the Senate in continuation of the speech begun by him on the 13th instant. After having spoken

nearly two hours,
Mr. TELLER. I ask the Senator from Kansas to yield to me that I may submit a report.
Mr. PEFFER. Certainly.

MORMON CHURCH PROPERTY.

Mr. TELLER. I am directed by the Committee on the Judiciary, to whom was referred the joint resolution (H. Res. 34) providing for the disposition of certain personal property and money now in the hands of a receiver of the Church of Jesus Christ of Latter Day Saints, appointed by the supreme court of Utah, and authorizing its application to the charitable purposes of said church, to report it with an amendment; and as it is a matter of some importance and will not take any time, I ask that the joint resolution be put on its passage.

By unanimous consent, the Senate, as in Committee of the

Whole, proceeded to consider the joint resolution.

The amendment of the Committee on the Judiciary was, in line 9, after the word "thereof," to add:

That is to say, for the payment of the debts for which said church is legally or equitably liable, for the relief of the poor and distressed members of said church, for the education of the children of such members, and for the building and repair of house of worship for the use of said church, but in which the rightfulness of the practice of polygamy shall not be inculcated.

Mr. DOLPH. I do not at the present time object to the consideration of the joint resolution, but I will withhold any objection until the Senator from Colorado will make a brief statement in regard to what the measure is. I should like to know how much money is involved, and precisely what the money is derived

Mr. TELLER. I understand that the sum involved is about Mr. TELLER. I understand that the sum involved is about \$300,000. This is the personal property of the Mormon Church that went into the hands of the receiver, which, under the decision of the court, goes to the church. When the receiver took possession of the property he claimed that about \$75,000 should come to him, which the church had collected in the way of tithes and paid out. Although the church had disposed of it to such an extent that it could not recover it, the church was compalled in order to have no trouble with the receiver, to have no such an extent that it could not recover it, the church was compelled, in order to have no trouble with the receiver, to borrow that amount of money out of bank, and it turned over to the receiver instead of property that amount of money. This is for the purpose of enabling the church to pay back the \$75,000 which it borrowed, which it could not pay out under the ruling of the court except on the passage of this measure. The joint resolution has the approval of the Judiciary Committee, with the amendment reported. I believe it has the approval of the Department and everybody who has any interest in it.

Mr. DUBOIS. I ask the Senator from Colorado whether the joint resolution stands as passed by the House of Representatives?

Mr. TELLER. It is the same, except that under the joint resolution as passed by the other House it may be uncertain whether the church could pay the \$75,000. It is not desired that it shall pay it, because that is a debt the church is not able to pay, and Mr. TELLER. which in equity it never ought to have been required to pay over to the receiver. It is the money handed to the receiver which is to be paid back to the church; that is all.

Mr. DOLPH. But the amendment of the committee goes fur-

ther, I think, and authorizes the money to be expended in part

for the erection of houses of worship.

Mr. TELLER. The whole matter is charitable. The Supreme Court of the United States practically declared that it was to be turned over to the church for charitable purposes, and edly it could use it without this provision being put in, but the committee, or rather the subcommittee, which had it in charge, thought it best to put it in. Really, the measure is for the purpose of enabling the church to receive back \$75,000 in cash that it advanced to the receiver.

The PRESIDING OFFICER (Mr. GALLINGER in the chair).
The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. TELLER. After the word "church," in line 16, I move to insert the words "as aforesaid."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States relating to mining claims, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEADOCK, Mr. COCK-RELL, and Mr. NEWLANDS managers at the conference on the part of the House.

The message also announced that the House had passed a joint resolution (H. Res. 22) to amend an act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition; in which it requested the concurrence

of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 824) granting settlers on certain lands in Oklahoma Territory the right to commute their homestead entries, and for other purposes.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition, was read twice by its title and referred to the Committee on Finance.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other

[Mr. PEFFER resumed and concluded his speech. See Ap-

Mr. JONES of Nevada addressed the Senate in continuation of the speech heretofore begun by him. After speaking for over

Mr. VOORHEES. Will it be agreeable to the Senator from Nevada to stop at this point in his argument? I understand he does not expect to conclude this evening.

Mr. JONES of Nevada. I can not conclude for two or three or more days.

will state now that I have not the slighest desire to occupy I will state now that I have not the signest desire to occupy the time of the Senate. Our side of the question has been presented in various phases, and I wish to present in consecutive form the argument which impels the side to which I belong, in the most serious and earnest manner, to present their views to the country, and I hope I shall have an opportunity at a subsequent period to continue my argument on this question.

With that statement, I yield with pleasure to the Senator from Indiana.

Mr. VOORHEES. Before making the motion I contemplate, I yield to the Senator from Tennessee.

Mr. HARRIS. Mr. President, the occasions have been very few during the sixteen years I have had the honor of serving here on which I have consumed a moment of the time of the Senate in respect of any matter personal to myself; but the ut-terances of one of the great newspapers of the country on yester-day causes me to ask the indulgence of the Senate for only two or three minutes in order that I may respond.

Some two or three days ago, stepping into my committee room, I met a reporter of the New York Sun and had two or three I met a reporter of the New York Sun and had two or three minutes' conversation with him at his instance. He first asked me, "What is the status of the repeal bill?" "Oh," I said, "it is the unfinished business in the Senate; it has the rightof way; it is open to debate and to amendment." He then asked, "Why does not the Vice-President call a vote and demand a vote upon the direct passage of the bill?" I said, "Simply because he has the direct passage of the bill? I said, "Simply because he has no power under the rules of the Senate or the parliamentary law which controls it to do any such thing." He said, "How are the rules amended?" I said, "Just as the Senate proceeds to perform any other one of its duties. When a proposition to amend the rules is presented, it is considered by the Senate under the rules is presented, it is considered by the Senate under the rules is presented. der the existing rules and it is disposed of according to the will of the Senate under the rules that exist." He said, "Why can not the Vice-President order a direct vote upon the passage of the bill regardless of the rules and the parliamentary law?" "Oh," I said "I do not think that you or I or the Vice-President will live long enough to see any man who ever reaches the high position of President of the Senate and presides over that august body undertake to usurp such a power or to exercise any power which is not given him by the rules of the body and the par-liamentary law which controls it."

I noticed a somewhat confused report in the Sun of the next

day as to what I had said about the parliamentary status, which satisfied me that I had made a very bungling statement of the parliamentary situation, or that the reporter had failed utterly to comprehend the idea which I had intended to express. One clause of the report rendered the construction possible that I had indulged in the language of threat as to the Vice-President in the event that he should rule in a given way upon a given

Yesterday the New York Tribune takes the matter up, and I think puts a forced construction upon the clause in the Sun, and puts me in the absurd and brutal attitude of declaring that the Vice-President would be killed here in his seat if he dared to rule a given way upon a given question. I simply desire to say that no conclusion could be more absurd and untrue than any such construction put upon any language ever used by me to reporters or to other people.

The contests here are contests of reason, not of the prize ring, not of brutal force; they are contests of intellect and of reason, and have no other character.

I simply desire to disclaim uttering the brutality attributed to

me by the New York Tribune article of yesterday.

I am happy to be able to say that the relations, both personal and official, between the Vice-President and myself have been of the kindest character from the beginning of our acquaintance down to this moment. That much I deemed it due to myself to say, and it was for that purpose, and for that purpose alone, that I have asked the Senate to indulge me a moment.

EXECUTIVE SESSION.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. Call in the chair). The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spentin executive session the doors were reopened; and, on motion of Mr. VOORHEES (at 3 o'clock and 45 minutes p. m., Saturday, October 21), the Senate took a recess until Monday, October 23, 1893, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate October 21, 1893. ASSOCIATE JUSTICE SUPREME COURT OF NEW MEXICO.

Needham C. Collier, of New Mexico Territory, to be associate justice of the supreme court of the Territory of New Mexico, vice William D. Lee, to be removed.

POSTMASTERS.

Robert M. Foster, to be postmaster at Marion, in the county of Perry and State of Alabama, in the place of Charles W. Childs,

Charles De Groff, to be postmaster at Tucson, in the county of Pima and Territory of Arizona, in the place of J. Knox Corbett,

George M. Floyd, to be postmaster at Malvern, in the county of Hot Springs and State of Arkansas, in the place of Enoch H.

Vance, jr., removed.

William R. Kelley, to be postmaster at Texarkana, in the county of Miller and State of Arkansas, in the place of Walter

W. Shaw, removed.

John W. Puckett, to be postmaster at Rogers, in the county of Benton and State of Arkansas, in the place of William C. Chynoweth, resigned.

James H. Dodson, to be postmaster at San Pedro, in the county of Los Angeles and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

Clarence Beebe, to be postmaster at Lewes, in the county of Sussex and State of Delaware, in the place of S. S. Bookham-

mer, deceased.

mer, deceased.

John W. Garwood, to be postmaster at Monticello, in the county of Jefferson and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

Duff Post, to be postmaster at Tampa, in the county of Hillsboro and State of Florida, in the place of Harvey J. Cooper, whose commission expired April 1, 1893.

Emmet W. Elder. to be postmaster at Barnesville in the

Emmet W. Elder, to be postmaster at Barnesville, in the county of Pike and State of Georgia, in the place of Joshua G. Harris, removed.

Amos Fox, to be postmaster at Atlanta, in the county of Ful-ton and State of Georgia, in the place of John R. Lewis, re-

Samuel M. Sullivan, to be postmaster at Covington, in the county of Newton and State of Georgia, in the place of Harvey D. Bush, removed.

Davis G. Cantner, to be postmaster at Monticello, in the county of Platt and State of Illinois, in the place of Americus B. Tin-

Albert Gilmore, to be postmaster at Sheldon, in the county of Iroquois and State of Illinois, in the place of Josiah Baker, re-

Benjamin W. Pope, to be postmaster at Duquoin, in the county of Perry and State of Illinois, in the place of Edward M. Har-

ris, removed.
William T. Wallace, to be postmaster at Assumption, in the county of Christian and State of Illinois, in the place of John

W. Moore, removed. Charles A. Bline, to be postmaster at Corydon, in the county of Harrison and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

Robert J. Gardner, to be postmaster at Aurora, in the county of Dearborn and State of Indiana, in the place of John H. Den-

ton, deceased.

John H. Howell, to be postmaster at Eagle Grove, in the county of Wright and State of Iowa, in the place of Omar H. Brooks, re-

Frank M. Chapline, to be postmaster at Peabody, in the county of Marion and State of Kansas, in the place of Louis M. Knowles, resigned.

Marcus D. Case, to be postmaster at Manchester, in the county of Washtenaw and State of Michigan, in the place of John F. Nestell, deceased.

Robert Mooney, to be postmaster at Ontonagon, in the county ontonagan and State of Michigan, in the place of L. D.

Mitchell, removed.

E. L. Schwartz, to be postmaster at Worthington, in the county of Nobles and State of Minnesota, in the place of Frank

Lewis, resigned.

Reese W. Crockett, to be postmaster at Albany, in the county of Gentry and State of Missouri, in the place of George W. Shoemaker, removed.

Lysander D. Ramsey, to be postmaster at Rockport, in the county of Atchison and State of Missouri, in the place of John D. Dopf, removed.

Alfred G. Corey, to be postmaster at Fairfield, in the county of Clay and State of Nebraska, in the place of George M. Pren-

tice, resigned.

William Macfarlan, to be postmaster at Merchantville, in the county of Camden and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893. Garrett Bassett, to be postmaster at New Comerstown, in the

county of Tuscarawas and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1893. David A. Clark, to be postmaster at St. Mary, in the county of Auglaize and State of Ohio, in the place of Charles Hipp, re-

Raby Shinkle, to be postmaster at Lockland, in the county of Hamilton and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

John F. Haden, to be postmaster at Tyler, in the county of Smith and State of Texas, in the place of George W. Dawson,

removed

A. L. Hamilton, to be postmaster at Comanche, in the county of Comanche and State of Texas, in the place of Arthur L. Kemper, removed.

S. H. Horton, to be postmaster at Whitesboro, in the county of Grayson and State of Texas, in the place of Jacob Mayfield, removed

P. E. Truly, to be postmaster at Ballinger, in the county of Runnels and State of Texas, in the place of George W. Smith,

removed.

Charles P. Jenness, to be postmaster at Barton, in the county of Orleans and State of Vermont, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

Robert J. Noell, to be postmaster at East Radford, in the county of Montgomery and State of Virginia, in the place of Benson H.

Smith, removed.

W. C. Robinson, to be postmaster at Big Spring Gap, in the county of Wise and State of Virginia, in the place of John M.

Goodloe, removed.

J. M. T. Smith, to be postmaster at Shenandoah, in the county of Page and State of Virginia, in the place of John W. Cover-

Hugh B. McCracken, to be postmaster at Mannington, in the county of Marion and State of West Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

Lee H. Vance, to be postmaster at Clarksburg, in the county of Harrison and State of West Virginia, in the place of Daniel

W. Bougher, removed.

Michael G. McGeehan, to be postmaster at Hurley, in the county of Iron and State of Wisconsin, in the place of Frank B. Hand, removed.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Leonard A. Lovering, Fourth Infantry, to be captain October 15, 1893, vice Bailey, Fourth Infantry, dismissed.

Second Lieut. Dwight E. Holley, First Infantry, to be first lieutenant October 15, 1893, vice Lovering, Fourth Infantry, pro-

moted.

To be second lieutenants to fill existing vacancies, to rank from October 7, 1893

Sergt. Joseph R. Binns, Company D, Seventh Infantry.

Sergt. Maj. Frank E. Bamford, Second Infantry. First. Sergt. Fredrik L. Knudsen, Company F, Thirteenth In-

Corpl. Frank H. Lawton, Company F, Fourteenth Infantry.

Cavalry arm. To be second lieutenants to fill existing vacancies, to rank from

October 7, 1893: Sergt. Allyn K. Capron, Troop B, Fourth Cavalry. Corpl. William H. Mullay, Troop A, First Cavalry.

HOUSE OF REPRESENTATIVES.

SATURDAY, October 21, 1893.

The House met at 12 o'clock m. Prayer by the Rev. ISAAO 7. CANTER, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

MINING CLAIMS.

The SPEAKER laid before the House the bill (H. R. 3545) to amend section 2334 of the Revised Statutes of the United States relating to mining claims, with Senate amendments and request for a conference thereon. Mr. WEADOCK. Mr. Speaker, I ask that the Senate amendments be read.

The Senate amendments were read at length. Mr. WEADOCK. I move that the House nonconcur in the Senate amendments and agree to the conference asked by the

Senate. The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. WEADOCK, Mr. COCKRELL, and Mr. NEWLANDS.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. REILLY, on account of sickness in his family.

REQUEST FOR LEAVE TO PRINT.

The SPEAKER. The gentleman from South Carolina [Mr. TALBERT] desires unanimous consent to print in the RECORD some remarks on the bill (H. R. 384) to enlarge the volume of cur-

rency and the distribution of the same.

Mr. DINGLEY. That is a bill that has not yet been reported by the committee and is not before the House. It seems to be a rather unusual request, since it has not been reported for consideration.

The SPEAKER. The Chair understands that objection is made to the request.

ORDER OF BUSINESS.

The SPEAKER. The committees will be called for reports. The committees were called, there being no reports submitted. WILLIAM M'GARRAHAN.

The SPEAKER. The morning hour begins at 11 minutes past 12 o'clock, and the call rests with the Committee on Private Land Claims, which had a bill pending at the expiration of the last morning hour, the title of which the Clerk will now report.

The Clerk read as follows:

A bill (H. R. 415) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarra-han to the Rancho Panoche Grande, in the State of California, and for other

The SPEAKER. The gentleman from West Virginia [Mr. PENDLETON] had moved that the House resolve itself into Committee of the Whole to consider this bill, on which motion no quorum voted. The Chair had appointed as tellers the gentle-man from West Virginia [Mr. PENDLETON] and the gentleman from Minnesota [Mr. BOEN]. The tellers will resume their

Mr. PENDLETON of West Virginia. I ask unanimous consent that this bill may be permitted to go over until Monday, with the same privileges as to-day.

Mr. DINGLEY. I must object to that.

The SPEAKER. The tellers will take their places.

Mr. VAN VOORHIS of New York. Mr. Speaker, it is evident that there is no quorum here, and, if in order, I move that the House do now adjourn. the House do now adjourn.

The SPEAKER. The House is now dividing, and the motion

would not be in order at this time.

Mr. DINGLEY. We will have a quorum after an hour.

Mr. PENDLETON of West Virginia. I ask unanimous consent to withdraw the bill for the present.

The SPEAKER. The gentleman can withdraw the bill.

Mr. PENDLETON of West Virginia. Then I withdraw it.

PRINTING, COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES. Mr. BLAND. Mr. Speaker, I ask leave of the House that the Committee on Coinage, Weights, and Measures may be permitted to print such matters as are necessary for the proper consideration of subjects before that committee.

The SPEAKER. In the absence of objection that order will

be made.

There was no objection.

DIVISION OF EASTERN DISTRICT OF MICHIGAN.

The SPEAKER. The Chair will resume the call of committees under the second morning hour.

The Committee on the Judiciary was called.
Mr. CULBERSON. I call up for consideration the bill (H. R. 3713) to provide for the division of the eastern district of Mich-

The SPEAKER. The bill will be read.

The Clerk read as follows:

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, etc., That the eastern district of Michigan be, and the same is hereby, divided into two divisions, to be known as the northern division and the southern division, respectively, and that the following-named countes shall be and constitute the northern division: Checoygan, Presque Isle, Otsego, Montmorency, Alpena, Crawford, Oscoda, Alcona, Roscommon, Oge, maw, Iosco, Clare, Gladwin, Arenac, Isabella, Midland Bay, Tuscola, Huron-Gratiot, Saginaw, Shlawassee, and Genesse; and the following-named counties shall constitute the southern division: St. Clair, Lapeer, Sanilac, Macomb, Oakiand, Livingston, Ingham, Clinton, Jackson, Washtenaw, Wayne, Branch, Hillsdale, Lenawee, Calhoun, and Monroe.

SEC. 3. That there shall be at least two regular annual sessions of the circuit and district courts begun and held at Bay City in said northern division, commencing on the first Tuesdays of May and October in each year; and all issues of fact shall be tried at the terms of said courts to be held in the division where such suit shall be hereafter commenced. There shall also be held a special or adjourned term of the district court at said Bay City for the hearing of admiralty causes, beginning in the month of February in each year. The time and terms of court at Detroit and Port Huron in the southern division of said district shall remain as now fixed by law.

SEC. 3. That all suits and proceedings hereafter to be tried in said circuit and district courts, not of a local nature, shall be brought in the court of the division of the district when the charman and part in another of the district, the plaintiff may sue in either division, and part in another of the district, the plaintiff may sue in either division, and part in another of the district, the plaintiff may sue in either division, and part in another of the district, the plaintiff may sue in either division, and part in another of the district, the plaintiff may sue in either division and p

had upon the res.

SEC 4. That the clerks of the circuit and district courts for the eastern district of Michigan shall each keep his office at the ctpy of Detroit and shall each appoint a deputy clerk for said courts held at Hay City, who shall reside and keep his office at that place, and such deputy clerk or clerks shall keep in his office dockets and full records of all actions and proceedings in said circuit and district courts for the northern division of said circuit held at that place, and shall have the same power to issue all processes from said courts and perform any other duty that is or may be given to the clerks of other circuit and district courts in like cases.

SEC 5. That the district judge for the eastern district of Michigan, who, in pursuance of the provisions of this act, shall attend the sessions thereof

at any place other than where he resides, shall, upon his written certificate be paid by the marshal of said district his reasonable expenses for travel and attendance, not to exceed \$\frac{4}{5}\$ per day, and such payments shall be allowed the marshal in the settlement of his account with the United States. Sec. 6. That the district attorney and marshal of said eastern district of Michigan shall respectively perform the respective duties of district attorney and marshal for the southern and northern divisions of said district accounty marshal at Bay City in the northern division of said district, and mileage on service of process in said northern division of said district, and mileage on service of process in said northern division shall be computed from Bay City.

SEC. 7. That any person charged with violating any of the penal or criminal statutes of the United States in which said circuit or district courts have jurisdiction shall be proceeded against by indictment or otherwise within the division of said district where the alleged offense or offenses shall be committed, and shall have his or her trial at a term of said court heid in said division, unless, for cause shown, the judge shall otherwise direct; and one grand and one petit jury only shall be summoned, and serve in both said courts at each term thereof; jurors shall be selected and drawn from the division of said district in which they reside and in which the terms of said circuit and district curts to which they are summoned are held.

Sec. 8. That this act shall not affect or in any wise interfere with causes of action now pending in the circuit or district courts for the eastern district of Hichigan, but the same may be proceeded with in the same manner as though this act had not been passed.

The committee recommend that said bill be amended by striking out all

peased.

The committee recommend that said bill be amended by striking out all of section 5, and that the word "circuit" in line 8 of page 3 of said bill be stricken out and the word "district" be inserted in lieu thereof: and with these amendments the committee report the bill back and recommend that the same do pass.

Mr. CULBERSON. I yield to the gentleman from Illinois

[Mr. LANE]. Mr. LANE. Mr. LANE. Mr. Speaker, I presume there can be no objection to this bill, and unless some gentleman desires to ask a question in reference to it, I ask a vote. I will state that it in-

curs no expense. In fact, it curtails the cost to the Government. It provides for the holding of the court at two places instead of one. There are public buildings there and everything ready for the court.

Mr. SAYERS. Without additional expense to the Government?

Mr. LANE. It will not cost a cent, as I have already stated. The bill was considered, the amendments recommended by the committee agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LANE, a motion to reconsider the last vota

was laid on the table.

STEAM REVENUE CUTTER, NEW ENGLAND COAST.

Mr. MALLORY. Mr. Speaker, I call up from the Committee on Interstate and Foreign Commerce the bill (H. R. 3421) pro-viding for the construction of a steam revenue cutter for the New England coast.

The bill was read, as follows:

Be if enacted, etc. That the Secretary of the Treasury be, and he hereby is, authorized to have constructed a steam revenue cutter of the first class for service on the New England coast; and for said purpose the sum of \$175.000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MALLORY. I have an amendment striking out the appropriation.

The SPEAKER. The gentleman will send up the amend-

Mr. SAYERS. I would like the gentleman in charge of the bill to explain to the House whether or not he has any communi-

or of the Asplan to the House whether or not he has any communication from the Secretary of the Treasury—

Mr. McMILLIN. This is a bill which will have to be considered in Committee of the Whole.

Mr. MALLORY. The report contains the views of the Secretary of the Treasury. He states that such a revenue cutter is absolutely necessary to take the place of the Gallatin, which was wrecked in 1892.

Mr. McMILLIN. A pertinent inquiry, Mr. Speaker, would be as to whether there is any money in the Treasury to build one with.

Mr. REED. Oh, we are going to issue some bonds.
The SPEAKER. This bill is on the Calendar of the Committee of the Whole.
Mr. MALLORY. I ask that the amendment be read. It

The SPEAKER. The bill would still create a charge upon the Treasury. The gentleman might ask unanimous consent to consider the bill in the House as in Committee of the Whole.

Mr. MALLORY. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

Mr. SAYERS. Mr. Speaker, let it go to Committee of the Whole.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] objects.

Mr. MALLORY. I move that the House resolve itself into the Committee of the Whole for the consideration of the bill. The motion was agreed to.

The House accordingly resolved itself into the Committee of

the Whole House on the state of the Union for the consideration of the bill, Mr. DOCKERY in the chair.
The CHAIRMAN. The House is in Committee of the Whole

The CHAIRMAN. The House is in Committe to consider the bill, which the Clerk will report.

The Clerk read the bill.

Mr. MALLORY. I will read the recommendation of the Secretary of the Treasury in response to a request from the Committee on Interstate and Foreign Commerce. He says:

TREASURY DEPARTMENT, September 27, 1893.

SIR: I have respectfully to acknowledge the receipt of a communication, dated the 23d instant, from the Committee on Interstate and Foreign Commerce, transmitting for the views of this Department H. R. bill 343t, providing for the construction of a steam revenue cutter of the first class for service on the New England coast, and appropriating therefor the sum of \$175,000 in reply, I have the honor to state that the vessel provided for in the bill inceded for service on the coast of New England between Portsmouth, N. H., and Gay Heed, Mass., including Massachusetts Bay and Nantucket Shoats, and to take the place of the revenue steamer Galiatin, weeked January 6, 1852, on a sunken ledge of Manchester, Mass., during a blinding anowstorm. In my opinion the sum named will construct a vessel of the class required for this duty, and Fearmestly recommend that the bill receive favorable consideration. The paper is returned.

Respectfully yours,

C. S. HAMLIN, Acting Secret

Hon. GEORGE D. WISE, M. C., Chairman Committee on Interstate and Foreign Commerce, House of Representatives.

It has been suggested to me that I offer an amendment striking out the appropriation and limiting the expense to be in-curred to the amount named in the bill. I ask that the amoundment be placed before the committee, to be acted upon.
The CHAIRMAN. Without objection, general debate will

be considered as closed, and the gentleman can offer his amend-

There was no objection.
The amendment was read, as follows:

Strike out all after the word "coast" in line 5 of the bill, and insert in lieu thereof the words "at a cost of not exceeding \$175,000."

Mr. McMillin. Is there any report accompanying the bill?
Mr. SAYERS. The gentleman from Florida [Mr. Mallory]
has read the letter from the Acting Secretary of the Treasury, which is embodied in the report.

Mr. McMILLIN. Mr. Chairman, I do not wish to needlessly take up the time of the committee, nor to speak so particularly of this bill as of the general policy that I think it is time to enter

upon in the beginning of this session.

We have a rather difficult and altogether embarrassing situation confronting us. By reason of extravagant legislation here-tofore passed, raising the expenditures of the Government to about \$500,000,000 per annum, and then imposing an excessive rate of duty, preventing imports and cutting off revenues, we have to-day a constantly increasing difficulty in the fact that there is less money being collected than is being expended, if I understand the situation.

I do not remember that there has been anything paid on the sinking fund for a considerable time. Nothing could be paid for lack of money. This is an open secret. If we further increase appropriations we may have to pay a part of the current expenses of the Government out of the \$100,000,000 gold reserve that has been knot in the Taylorus for remembers. been kept in the Treasury for years as a fund to redeem the out-standing paper obligations of the United States. Therefore, when we make new appropriations here, it might as well be un-derstood that these appropriations are to come out of the gold reserve that has been held as a fund to redeem the paper obligations of the Government.

Mr. CULBERSON. By what authority can that be done?

Mr. McMILLIN. I am not talking about the authority. If it is met we have nowhere else for it to come from. I am not talking about whether it can be done; but, as I understand, we have had to pay current expenditures from that fund. believer in the doctrine that this may be done under the law.

Now, I am not discussing in that the propriety of doing it. That is another thing; but as a legal question it seems to me it may be done. I know it has been reported that we paid the ourrent expenses of this Government out of the gold fund. I know at the same time there was a great deal of discussion whether more or less silver should be coined; there was a good deal of high kicking all over this city because they had to take gold. I submit we had as well face the fact that the expenditures are in excess of the receipts.

This condition is not new to-day, was not new last week, or last month; and it is not likely to cease to-morrow, next week, or next month. Why, the deficiency in the Post-Office Department alone for the year will be over \$12,000,000.

This may be a very proper measure. I know the painstaking way in which the gentleman in charge of the bill does the work intrusted to him by the House. I am not antagonizing this bill. But in all of our legislation here this state of facts confronts us. and we may as well prepare to meet it in all our legislation, and make the appropriations as slight as possible.

Mr. O'NEIL of Massachusetts. Will the gentleman from Tennessee permit me a question. Is he aware that this bill provides for the construction of a boat to take the place of one lost in a blinding snowstorm on the Atlantic coast in January, 1892?

Mr. McMILLIN. That fact had escaped me, and is pertinent

Sir, let us make no needless expenditure. Let us retrench expenditures, revise the tarif, and watch not only that too much money is not collected, but also that that which is collected shall

be judiciously appropriated.
Mr. SAYERS. Mr. Chairman, I desire to supplement what has been said by the gentleman from Tennessee with the statement that this Congress will be called upon to make a much larger appropriation for deficiencies for the postal service than for many years past. I am informed that the postal receipts are falling off very rapidly.

Mr. BRETZ. Why?

Mr. SAYERS. Because of the stagnation in business. In my

judgment, instead of Congress being required to make an appro-priation of from \$5,000,000 to \$7,000,000 deficiencies for the postal service, it will exceed \$15,000,000, unless there should be a very great change for the better in the matter of receipts during the next eight months.

I have no objection to this bill, but only avail myself of the opportunity to call the attention of members of the House to this

Mr. DINGLEY. Mr. Chairman, as to this bill, providing authority for the construction of a revenue vessel for the first revenue district, I will state that it will take the place of the one which has been wrecked. Of course, it is essential that this vessel should be constructed in order to protect the collection of the revenue. It is therefore in the line of one of the necessary things for us to do regardless of other conditions, or else there will not be so much revenue collected as there would otherwise be. So much for that.

A single word further in reference to the suggestion of the gentleman from Tennessee [Mr. McMillin] who has just addressed the committee as to the cause of the condition of things which we find to-day, in which the revenue is less than the ex-

The gentleman omitted to state the one actual cause of this The gentleman omitted to state the one actual cause of this condition of our financial affairs, while naming several alleged reasons which have nothing to do with the situation. The revenues of last year and the year before, under the existing tariff, were sufficient to meet all the expenses under the legislation to which the gentleman has referred. The revenue for the current fiscal year has fallen off in consequence of the fin incial and industrial condition of the country in the past six months. Our revenue has declined in three months to the extent of about \$21,000,000, as compared with the same months of last year, and in consequence of this falling off we have failed to meet our expenditures by the sum of \$19,000,000; and the estimate of the Sec etary of the Treasury is that the deficit on the 1st day of July next will be not less th in \$50,000,000.

This is not owing to any material increase of expenditures, but to the loss of revenue; and therefore it is true, as has been sug-gested by the gentleman from Tennessee, that we are providing to day for an excess of expenditures above the revenue by taking money from the gold redemption fund, pledged for the redemption of the notes which have been issued by the Government, and are using it as current funds to meet expenditures.

Now, my judgment is, without reference to whether there is authority for doing this, that this course is unwise in the highest degree. The gentleman from Texas [Mr. CULBERSON], in a report presented in the last Congress, took the ground, and I agree with him, that there is no authority of law to use that money called the gold redemption fund, especially the ninety-five and a half millions purchased for the specific purpose of redemption by the sale of bonds, for anything but the redemption of United States legal-tender notes; but there being no specific provision of law absolutely setting apart this as a trust fund, except the inferential provision in the act of 1882, it has been done, done from a seeming necessity, perhaps, on the idea that it was the only means we had to meet a deficit.

Yet we are as truly contracting a debt which must be paid by

Yet we are as truly contracting a debt which must be paid by making good so much of the redemption fund as we use to pay current obligations; that it would be much wiser to borrow the amount of the deficit at once rather than make use of a fund

amount of the deneit at once rather than make use of a rund established for another purpose, a fund which must be maintained if we would not invite greater evils.

Now, we ought not, I agree with my friend from Tennessee, to be using this gold redemption fund, as we are to-day, to meet the current expenditures of the Government. There is no doubt about that. It is likely to cause serious trouble for us financially if this shall go on. The gold redemption fund has already been reduced to \$82,000,000, and it is inevitable, if this depletion goes on, it will cause a want of confidence, not only here, but expeon, it will cause a want of confidence, not only here, but espe-

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cially abroad, that will again provoke a return of the difficulties

which we have already had.

Of course there is but one way to meet the difficulty. That is the way that was suggested by the action of the Senate at the last session of Congress—an issue of bonds—and if the last House had concurred with the Senate at that time in reaffirming the authority to issue bonds given by the act of 1875, I have no doubt that the mere expression of the will of the Nation that we intended to maintain that redemption fund would have preserved our credit, and we should not have seen the financial revulsion although we should have seen the industrial depression that we have already had. It was a mistake not to arm the Secretary and Treasurer with authority which he recognized and which the world recognized as an authority which would be used, and if we had reaffirmed that authority last February, I do not believe that there would have been a necessity for selling a single bond; but we refused to reaffirm authority and the Secretary subsequently declined to act under the authority of the act of 1875, and thus notice was given to the world that we also not in 1875, and thus notice was given to the world that we did not intend to replenish that redemption fund.

The result was what we have seen; and if we go on depleting this gold redemption fund much longer we shall see trouble again, arising from precisely the same cause. I think that we should not continue to deplete this fund.

I concur with the gentleman from Tennessee that wherever

we can, wherever the expenditure is not necessary for carrying on the Government, maintaining its revenue and enforcing its laws, and otherwise carrying on the Government, we should limit expenditure. There is no doubt but that is the duty which is upon us at this time; but there are some expenditures absorbed. is upon us at this time; but there are some expenditures absolutely necessary to the maintenance of the Government, and the preservation of the revenue by providing revenue vessels is one of them, and this bill, therefore, seems to come within the lines of necessary objects of government.

Mr. MALLORY was recognized.

Mr. VAN VOORHIS of New York. I wish to ask the gentleman from Maine a question.

The CHAIRMAN. The gentleman from Florida [Mr. MALLORY] has the floor.

Mr. MALLORY. Mr. Chairman, if this bill proposed to add anything to the Revenue Marine Service, if it was a new departure providing for a vessel that had never existed, I can underare providing for a vessel that had never existed, I can understand why objection might be urged against it. But the bill simply proposes to replace a vessel which has been destroyed, to replace it by a suitable vessel for the important service rendered by the one that was wrecked. I do not think it will be disputed that it is absolutely necessary for the administration of our revenue service along our coast that there should be a revenue cutter equipped for the revenue service heretofore rendered by the

Mr. FITHIAN. What is the proposed cost of this vessel?
Mr. MALLORY. Not exceeding \$175,000. That is a large sum of money I admit, but you can not build a sea-going vessel to cruise along that coast, which in many months of the year is

very tempestuous, for a less sum.

The Secretary of the Treasury, who, I take it for granted, is as well informed as to the financial condition of the country as any one else, heartily indorses this measure and earnestly the language of his letter-recommends the passage of the bill

I do not propose, Mr. Chairman, to go into a discussion of the nancial condition of the country. Whatever differences may I do not propose, Mr. Chairman, to go into a discussion of the financial condition of the country. Whatever differences may exist among us as to the best financial policy to be pursued I am satisfied that we all agree that this machinery shall be kept oiled, shall go on, and be permitted to work for the benefit of the Government; and this is one of the instrumentalities of that machinery which the Secretary of the Treasury says is absolutely necessary, and which I think every member on this floor will admit is necessary if the Revenue Marine is a necessary adjunct of our service. junct of our service.

junct of our service.

Mr. BRICKNER. Mr. Chairman, I agree with the gentleman from Tennessee [Mr. McMillin], and the gentleman from Texas [Mr. Sayers], that we should be very careful about appropriating money for any purpose. We are all aware that the Treasury is substantially empty. But we can not overlook the great necessity that exists for protecting commerce and life and property. When you cripple commerce you cripple the income of the Government. Now, there are three of these cutters that are absolutely necessary. Being on the committee, and having examined the matter quite closely, I find that these cutters have saved more lives than have been saved by any other equal expenditure on the partof the Government. We have one on the great lakes which is now worn out, having been built in 1856. All the above-mentioned steamers answer a double purpose, for preventing smuggling and assisting vessels in distress.

Mr. LIVINGSTON. Do I understand the gentleman to say that this is a life-saving boat, or is it a revenue boat?

that this is a life-saving boat, or is it a revenue boat?

Mr. BRICKNER. They are always used for the purpose of saving life and property wherever commerce or those engaged in it are in danger. The purpose of these vessels is to enforce the revenue laws, but also to assist vessels that are stranded where life or property is in danger, and they have always done that. Looking over the list I find that the Andy Johnson has that. Looking over the list I find that the persons. It is true saved the lives of four hundred and fifty-six persons. It is true saved the lives of four hundred and fifty-six persons. The vessel which this bill proposes to replace has an equally good record in proportion to the time that she was in the service.

Now, I have no objection if you stop work on some of the

cruisers on which we are wasting money by the millions—for I can not see what good they are—but it is not possible that we can wisely curtail expenditure on these vessels which are an absolute necessity to enforce our revenue laws, and to save life and property when they are in danger.

The CHAIRMAN. The question is on the amendment of the gentleman from Florida, which the Clerk will report:

The amendment was read, as follows:

Strike out all after the word "cost" in line 5, and insert in lieu thereof, "at a cost not exceeding \$175,000."

Mr. LIVINGSTON. As I understand, this amendment strikes

out the appropriation.

The CHAIRMAN. It does.

Mr. LIVINGSTON. It seems to me if that is to be done we might as well strike out the whole bill. As a member of the Committee on Appropriations I should feel, if this bill passes, that it would be appropriation of the committee on appropriation of the committee on appropriations.

Committee on Appropriations I should feel, if this bill passes, that it would be the duty of our committee to report an adequate appropriation to carry it out. Why not let the appropriation stay in the bill and be done with the matter at once?

Mr. SAYERS. The reason is this, Mr. Chairman: that instead of appropriating \$175,000 for one year we shall appropriate but a portion of that sum at the present session of this Congress.

Mr. LIVINGSTON. Well, one question in my mind is whether this vessel ought to be built at all.

Mr. SAYERS. That is another question.

Mr. LIVINGSTON. I would like to know what part of the coast this vessel is intended for. Is it coming down our way?

Mr. MALLORY. No; it will not come down the gentleman's way. It is intended for the New England coast—the coast of Maine and Massachusetts.

Mr. LIVINGSTON. Well, they have plenty of people up there to look after the interests of those who may be in danger of shipwreck, while the southern coast is very sparsely settled. It

there to look after the interests of those who may be in danger of shipwreck, while the southern coast is very sparsely settled. It seems to me it is partiality to appropriate \$175,000 to take care of people who may be in danger of drowning on the eastern coast, unless we do something for that part of the coast where there is equal danger and more need of this kind of service.

Mr. MALLORY. The gentleman is under a misapprehension. This vessel is not for the life-saving service, but for the revenue service. It is to supply the place of a revenue cutter which was lost a year ago.

which was lost a year ago.

Mr. LIVINGSTON. I suggest, Mr. Chairman, that instead of a revenue cutter we get some United States marshals to operate upon the land in collecting the revenue; that would be a great deal cheaper. That is the way we do in Georgia. revenue cutter down there. We have no

Mr. MALLORY. Oh, yes; the gentleman has a revenue cutter on the coast of Geergia.

The question being taken on the amendment of Mr. MALLORY,

was agreed to.

Mr. MALLORY. I move that the committee rise and report the bill, as amended, to the House with a favorable recommenda-

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of sumed the chair, Mr. Dockery reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 3421) providing for the construction of a steam revenue cutter for the New England coast, had directed him to report the same back with an amendment, and with the recommendation that the bill be passed as amended.

The SPEAKER. The first question is on agreeing to the amendment reported from the Committee of the Whole.

The amendment was agreed to.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER (having put the question on the passage of the bill). The ayes seem to have it.

Mr. VAN VOORHIS of New York. I call for a division.

The question was again taken; and there were—ayes 80, noes 0. So the bill was passed. So the bill was passed

On motion of Mr. MALLORY, a motion to reconsider the last vote was laid on the table.

REVENUE CUTTER FOR LAKE SERVICE.

Mr. MALLORY. On behalf of the Committee on Interstate

and Foreign Commerce, I desire to call up the bill (H. R. 3297) providing for the construction of a steam revenue cutter for

providing for the construction of a steam revenue cutter for service on the Great Lakes.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union. Is there objection to the consideration

the state of the Union. Is there objection to the consideration of the bill in the House as in Committee of the Whole?

Mr. SAYERS. Let it go to the Committee of the Whole.

Mr. MALLORY. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill.

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. DOCKERY in the chair) and proceeded to the consideration of the bill (H. R. 3287) providing for the construction of a steam revenue cutter for service on the Great Lakes.

The bill was read, as follows:

Reti enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized to have constructed a steam revenue cutter of the first class for service on the Great Lakes; and for said purpose the sum of \$175,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment reported by the Committee on Interstate and Foreign Commerce was read, as follows:

Amend by striking out all after the word "Lakes," in line 5, down to the had of the bill, and inserting in lieu thereof the words: "Provided, That the stof said construction shall not exceed the sum of \$175,000."

Mr. MALLORY. I ask that a letter from the Acting Secretary of the Treasury in reference to this bill be read. The Clerk read as follows:

TREASURY DEPARTMENT, September 27, 1893.

TREASURY DEPARTMENT, September 17, 1893.

SIR: I have respectfully to acknowledge the receipt of a communication, dated 22d instant, from the Committee on Interstate and Foreign Commerce, transmitting, for the views of this Department, H. R. bill 3297, providing for the construction of a steam revenue cutter of the first class for service on the Great Lakes, and appropriating therefor the sum of \$175,000.

In reply, I have the honor to state that the vessel provided for in the bill is required to take the place of the revenue steamer Johnson, stationed at Milwaukee, Wis., with cruising grounds covering lakes Michigan and Surveyor.

Milwankee, wis., with cruising grounds covering takes michigan and superior.

The Johnson is an old side-wheel vessel, built nearly thirty years ago, and requires frequent and expensive repairs. Her hull is nearly worn out and her machinery is of obsolete type. A new vessel of modern construction is needed to take her place.

I consider the amount named in the bill sufficient to construct the class of vessel required, and I carnestly recommend the passage of House bill 3297, which is herewith returned.

Respectfully, yours,

C. S. HAMLIN, Acting Secretary.

Hon. George D. Wise, 'M. C.,

Chairman Committee on Interstate and Foreign Commerce,

House of Representatives,

Mr. SAYERS. Mr. Chairman, I would be glad if the gentleman in charge of this bill would inform the committee whether there is an absolute and immediate necessity for the construction of this cutter. We would be glad to know how many of these vessels there are now in active service; and whether the vessel of which this new cutter is intended to take the place on the lakes could not be used for three or four years longer without danger. It does seem to me that in providing for the construction of one new revenue cutter Congress is going just as far as it ought to go at the present time. I have no objection to putting the Revenue Cutter Service into good condition; but I believe that in view of the certain deficiency in the Treasury it is the duty of Congress not to make provision during the present ses-

Mr. Chairman, if this bill be passed, although it carries no appropriation, and it should become a law, then when the sundry civil appropriation bill is before the House for consideration it will be in order to offer an amendment to appropriate the money necessary for the construction of this vessel. If the Democrats of this House desire to make this an extravagant Congress, let them understand that a vote for this bill will be on the line of extravagance, and such measures will contribute to swell the

regular annual appropriation bills.

regular annual appropriation bills.

Now, I wish every member to understand that when he votes for a measure of this character, on his own shoulders must rest the responsibility for the large regular appropriation bills. If the gentleman from Florida will withdraw the bill and present it at the next session I will have no objection, so that we may build one vessel a year for the Revenue Cutter Service.

Mr. MALLORY. Mr. Chairman, I am not personally specially interested in the passage of this bill, but as a member of this House and a member of the committee reporting the bill, I feel that it is one which ought to be passed. I heartily joined with the recommendation of the committee to that end. The vessel now depended upon to carry on the business of guarding the now depended upon to carry on the business of guarding the coast of Wisconsin, Michigan, and our lake borders up along the coasts of Minnesota and Lake Superior, has been reported

on time and again as being inadequate for the service and a dangerous vessel, to the extent that it exposes the lives of those on board of her to constant risk. She is an old vessel; she is out of date; her machinery is obsolete and is practically condemned, although she is still in the service. The Department has called attention to the fact and state that-

the vessel provided for in the bill is required to take the place of the revenue steamer Johnson, stationed at Milwaukee, Wis., with cruising grounds covering Lakes Michigan and Superior.

The Johnson is an old side-wheel vessel, built nearly thirty years ago, and require frequent and expensive repairs. Her hull is nearly worn out, and her machinery is of obsolete type. A new vessel of modern construction is needed to take her place.

Mr. SAYERS. Can the gentleman inform the House how many vessels are now being used in the Revenue Cutter Service?
Mr. MALLORY. No, sir; I have not the information.
Mr. SAYERS. Then I submit that until the House can get such information it will be hardly wise to make provision for

building another vessel.

Mr. MALLORY. Do you mean the entire number of vessels

mployed in the revenue service?

Mr. SAYERS. Yes; the whole number of vessels in the service. We have already a vessel engaged in the service which is performing duty; and with all due deference to the gentleman, I do not think from the language of the report just read that it is in as bad a condition as he seems to believe. If there is a number of these vessels engaged in different parts of the country, and it is necessary to replace the vessel at this point, why not take a vessel from some other service, on some other part of the coast, and send it there, at least temporarily?

Mr. MALLORY. The reason, I presume, is because they are just as much needed in the places where they are located as they

are at this point.

Mr. SAYERS.

man state the fact.

Mr. MALLORY. That is a presumption. Can not the gentle-

This bill, I will state, has been before the committee on previous occasions. This vessel is asked for, and a bill providing for the building of another vessel to take her place was before the Committee on Interstate Commerce in the last Congress, received its approval, and, if I remember correctly, it passed this House. At that time, over a year ago, it was then urged as a reason for action in the matter that this old vessel on the lake was absolutely unfit for the service, that it was unseaworthy, was dangerous, and I should not be at all surprised if we continue to require this vessel to perform the service in

the stormy season on the lakes, that we will some day receive the intelligence that she has gone down with all on board.

It was stated before the committee, during our inquiry into it, that she is absolutely unfit for the service, and the facts are demonstrated that she was built thirty years ago, that she is so old that constant and expensive repairs are required all the time, that her machinery is of an obsolete type, and it seemed to the committee that in consideration of all of these facts they were justified in providing for the construction of a new v

to take her place

Now, as to sending a vessel from another district to take her place, as the gentleman from Texas suggests, it will not be possible, I take it, to do that. There is a vessel, I think, on Lake Erie, and I think that that is the only one in this region of country. But there are members here who are familiar with the facts and can state positively whether that is the condition

But this bill simply proposes to replace an obsolete type of vessel, a vessel dangerous to life, not sultable for the purposes, by a new vessel which when completed will be good for at least thirty

years, and require no further expenditure.

I will state further to the committee and to the gentleman from Texas, particularly, that these two bills are the only two bills of that character that the committee has had before it or will probably have before it.

will probably have before it.

Mr. SAYERS. Mr. Chairman, I wish to say just this to the gentleman from Florida, and to the members of this committee. It is well known that there will have to be an increased appropriation for the support of the light-house establishment. Of course the Committee on Interstate Commerce, I take it, will report a bill providing for the construction of new light-houses. Now, it does seem to me that this is the time, and it is the part of wisdom while we intend to improve the revenue and cutter service and the light-house service, that we ought to do so very earsefully keening ourselves within rigid lines and causeful lines. carefully, keeping ourselves within rigid lines and careful limits of the revenues we now have. If no appropriation is to be made during the present Congress for the construction of this ship I shall have no objection to the passage of the bill, for I would put the Revenue Cutter Service of the country on the best possible basis. The objection I have to the passage of the bill now is the deficiency of the revenues, and the immense size of the appropriations if hills of this character reas without chication the control of the service of the country of the service priations, if bills of this character pass without objection.

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Mr. BRICKNER. I will try to answer some of the gentle-There are two revenue cutters on the Great man's questions. which have to perform the service on the entire chain of lakes, including several thousand miles of coast. One of these revenue cutters is the Fessenden and the other the Johnson. The Johnson was built in 1856. The report states her character. She was rebuilt some twenty years ago, and to-day she is in a worse condition than at that time.

This boat was considered last year by the committee. The committee were not satisfied whether the vessel was really in the condition stated in the report received from the Secretary of the Treasury. We called the captain of the service before the committee, and he made the statement that the vessel certainly was not sufe, that she was wholly unserworthy at that time, two years ago. Very slight repairs have been made on her, and cer-

years ago. Very slight repairs have been made on her, and cortainly she has grown no better.

If we should neglect to replace this vessel with something more secure and more suited for the purpose, in my opinion it would be a matter of sheer neglect. We know how well guarded our Canadian borders should be to prevent smuggling. At present any craft that has any speed at all, can run away from this vessel. It is of no value for that purpose. A little while ago there was a severe storm on Lake Michigan. There were fifteen men at work on the in-take crib two miles out from Milwaukee, and the crib and the lives of the men were in danger, but the and the criband the lives of the men were in danger, but the unseaworthiness of the Johnson prevented the captain from started to go there, but got there too late, and fourteen of the fifteen men had drowned. Had the Johnson been a seaworthy boat, she could have saved every one of them.

Mr. SAYERS. Is not the re son for desiring the construction of a new vessel rather in order to get one of a modern type than

of a new vessel rather in order to get one of a modern type than to replace one that is dangerous?

Mr. BRICKNER. No; I know the vessel well. I have been on board of her and I have been on steamers a great many times in the last thirty years. I have never been on one about which I had such grave fears as about this one, two years ago.

Mr. OUTHWAITE. I would like to make a suggestion to the chairman of the Committee on Appropriations.

chairman of the Committee on Appropriations. As was stated a few moments ago, it is not necessary that the whole sum to build one of these revenue cutters should be appropriated at one Here are but two of these vessels proposed to be con-

structed; and instead of appropriating the whole amount, a wessel, which is in the employment of the Government, a versel on which the lives of the officers and orew are continued by an appropriate of \$100,000.

Now, when you come to reflect upon it, it is stated that this is a dangerous vessel, which is in the employment of the Government, a versel on which the lives of the officers and orew are continued by independent of the continued by i continually in danger. If during the time that we are hesitating about building a vessel to replace this tub, as it has been called, it should go to the bottom, there is not one of us who would not feel but it would have been better to appropriate the whole amount than that the lives upon the vessel should have been lost. I think it might be well not to object to this. As the gentleman in charge of the bill [Mr. MALLORY] says, there are only two of them

Mr. MALLORY. There may be a misapprehension. is another bill also, providing for a boarding boat for San Francisco Harbor. That is not a large vessel, however.

Mr. OUTHWAITE. Is that a revenue cutter?

Mr. MALLORY. A small boat, a boarding vessel, not a reve-

nue cutter for sea service.

Mr. OUTHWAITE. There seems to be a necessity for the vessel which is now asked for.
Mr. KYLE. I want to ask the gentleman from Florida a ques-

Mr. MALLORY.

Mr. KYLE. Has there been any investigation as to the necessity for replacing this vessel since the last session of Congress?
Mr. MALLORY. No, I think not. The information furnished us at the last session of Congress was such as to convince the committee-

Mr. KYLE. Then this boat has done two years' service since

she was investigated before?

Mr. MALLORY. About a year's service, yes.

The CHAIRMAN. The hour having expired, the committee

The committee accordingly rose; and the Speaker having re sumed the chair, Mr. DOCKERY, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes, and had come to no resolution thereon.

secretaries, announced that the President had approved and signed joint resolutions of the following titles:

On October 21, 1893:

Joint resolution (H. Res. 14) authorizing the State of Wisconsin to place in Statuary Hall at the Capitol the statue of Pere Marquette; and

On October 17, 1893:

Joint resolution (H. Res. 65) fixing the qualifications to vote and to hold office in the Cherokee Outlet, Oklahoma Territory, at the first municipal elections.

PUBLIC PRINTING AND BINDING.

On motion of Mr. RICHARDSON of Tennessee, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 2650) to provide for the public printing and binding, and the distribution of public documents.

The CHAIRMAN. The pending amendment is that offered

by the gentleman from Pennsylvania [Mr. BELTZHOOVER].
Mr. RICHARDSON of Tennessee. Mr. Chairman, on yesterday the gentlem in from Pennsylvania [Mr. BELTZHOVER] of

fered an amendment providing that-

All blanks, blank books, and printed or engraved matter of every kind whatsoever supplied by the Secretary of State, the Secretary of the Treasury, the Secretary of the Navy, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Postmaster-General, and the Attorney-General, to any of the employes or bureaus under them, or used by them in their Departments, shall be obtained from the lowest responsible bilders for furnishing printed and engraved matter respectively, under separate advertisements calling for proposals to furnish the same.

Now, that means to destroy the Printing Office, while the amendment provides also that the Government Printing Office shall be made a competitor for this work with private concerns. It says that if the Government Printing Office will do the work more cheaply than the private concern it shall have the contract. It therefore forces the maintenance of the Government Printing Office, and does not give them the work unless they underbid the private contracto a; and if they underbid them they get the work; and if they do not get the work you still maintain the Public Printing Office.

Public Printing Office.
But this amendment not only takes the work of the Government Printing Office, it takes the work from the Bureau of Engraving and Printing. That does not come under the Public Printer, and he has nothing to do with that Bureau. The printing bill has nothing whatever to do with the work of the Bureau of Engraving and Printing.
Unless we want to incur a very great expense, it seems to me we ought not to adopt this amendment. We tried it a number of years, and Congress unanimously abandoned it. As I have said before, I have the facts here. They proved that a man was smalled to give \$100.001 for a managen purposes for his party out enabled to give \$100,000 for campaign purposes for his party out of these contracts; and they said we must abandon that or it will swamp the Government. They went to work and changed the system; not that getting the work done at the Government Printing Office is any cheaper than by having it done by private parties, but it is done quickly and expeditiously, and done at cost, when the Government deals fairly with its employés. That is all I desire to say; and I hope the genteman will allow the debate to be closed and that we may proceed to a vote on the question

Mr. BELTZHOOVER. Mr. Chairman, I shall not detain the House long in the brief reply which I shall make to the argument of the gentleman who answered me yesterday. The reasons in behilf of this amendment seem to me to appeal with overwhelming force to the considerate judgment of all intelligent men who want economy in the administration of govern-

mental affairs. mental affairs.

In the reply which the gentleman from Tennessee made he dragged in a large number of collateral and absolutely irrelevant matters, which obscure the question upon which I want the committee to act intelligently. The issue is a plain, clear, and unmistakable one. The Government printing costs \$,500,000 per year, and is composed of two great parts; what are properly called Congressional printing, amounting to \$1,500,000 a year, and departmental printing, amounting to \$1,400,000.

Now, you perceive they are entirely distinct appropriations, and devoted to entirely distinct fields of labor. I do not propose to interfere with both. The giant Hercules, when he cleaned the Augean stable, turned in two rivers, the Alpheus and Nepheus. I do not propose to correct but one of these great

and Nepheus. I do not propose to correct but one of these great and complicated departments of the Government, where it is admitted by the gentleman himself, and all persons, that there

dding for the construction of a steam revenue cutter for service a the Great Lakes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his reason that the gentleman says it was. To let the entire print-

ing of this Government to private contractors leads to having no competition, and hence to collusion and corruption between bidders, as was shown in former times, when it came to be understood that he who contributed most to campaign funds would get the contracts. When private parties compete for work they combine together and prevent competition. But the Government Printing Office, having been established, is a public competitor without interest of any kind, so that it stands honestly in competition with private contractors, and competes fairly, as it will be compelled to under the amendment I propose.

This question of how to reduce the public printing is not a new

This question of now to reduce the public printing is not a new one. It began away back in 1855, when the Government Printing Office was established. But in 1883, at the suggestion of the Postmaster-General and other persons interested in the question, an experiment was made. In that year an act was passed, under which the Postmaster-General was allowed to have competition the received to all printing in the postal memory order, busen by which the Postmaster-General was allowed to have competition in regard to all printing in the postal money-order bureau between the Government Printing Office and private contractors in such a way as not to interfere with the management of the Government Printing Office, but to see whether money could be saved to the Government. That experiment began in 1884 and has continued now for ten years, and is no longer an experiment. It is a demonstration. It has been tried four years under a Democratic Administration, four years under a Republican Administration and now continues under the present Administraministration, and now continues under the present Administra-tion, and has proven an emphatic and undoubted success. The Government has saved by that system in one bureau alone \$305,

Why should it not be applied to the other departmental printing? Why should we not have the right to try it—because that is all my amendment proposes. The gentleman objects that it will bring about conflict and confusion between the Government Printing Office and private contractors. Notatall. The amendment provides that every four years, with the coming in of a new Administration, the heads of each Department shall call upon the Government Printer for his estimates for the work required by each, and advertise for proposals from private printers for the same work

Upon the bids made by the Public Printer and by the private printers in competition the contracts are to be entered into with those which are cheapest. At the beginning of his administra-tion the Government Printer knows how much help he will retion the Government Printer knows how much help he will require, and no confusion need necessarily result at all. There is thus a binding, valid contract under the law for each of the Departments for all work that is required to be done during the four ensuing years. The Public Printer does not need to break up or disarrange the Printing Office in any way. He employs at the beginning only such help as he requires after these contracts are mide, and so on from time to time; in short, he goes on as he goes on now. This will not have any effect upon the Government Printing Office except that it will save the Government the countries of a million dollars a year in the cost of dement the ee-quarters of a million dollars a year in the cost of departmental printing.

The gentleman from Tennessee says that Mr. Wanamaker was The gentleman from Tennessee says that Mr. Wanamaker was not examined under outh. That is true. No oath was required. The gentleman's committee sent Mr. Wanamaker the questions which they asked other witnesses, and he replied to them.

Mr. RICHARDSON of Tennessee. What I said was that Mr. Wanamaker was not called as a witness before the committee.

Others were called as witnesses, but he simply made a state-

Mr. BELTZHOOVER. He was called just exactly as you call any other distinguished witness.

Mr. RICHARDSON of Tennessee. Yes; but not as we called

forty or fifty other witnesses.

Mr. BELIZHOOVER. He was called just as you wanted him. If any one had intimated that he was desired to come before the committee to be examined in any other way, he would have gone with great pleasure. If any one had intimated that what he said was not true, he would have gone there and established its truth. No man intimated that there was any doubt about the truth of his statement, or that any one desired to cross-examine him. Why, then, should it be said now that he was not called as a witness, when his testimony was taken on interrogatories, and was assented to and uncontradicted?

Why are not the statements made by him to be taken as established conclusively, and why should not this House avail itself of the information contained in those statements, in this hour when, as the chairman of the Committee on Appropriations and as the Secretary of the Treasury tell us, we are threatened with a deficiency of more than \$90,000,000 in the revenues next Under such circumstances, why should we not at least try to economize to the extent of three-quarters of a million dollars, Why not make the experiment, which as we can doin this way? is no longer an experiment, but a matter of demonstration from the experience of eleven years? One word more. Mr. COOPER of Indiana. Will the gentleman allow a ques-

tion?
Mr. BELTZHOOVER. Certainly, if it does not come out of

my time.
Mr. COOPER of Indiana. Just a short question. With ref-

erence to the saving which you say will result upon the adoption of your amendment. I will ask you, with a view of testing whether it is really in behalf of economy that you oppose this bill, whether you did not the other day, during the pendency of this measure, favor an amendment to put upon it an extra item for the printing of the war records, to furnish those volumes to each member of the House not already supplied with them, at a cost of \$220

of the House, not already supplied with them, at a cost of \$220 for each member? And was not that done with the view of trying to break down the bill?

Mr. BELTZHOOVER. I voted for those amendments because they were just and proper, and he ought to hesit ite to criticise me or any man for voting here, unselfishly, to give him and other members the books which, I understand, he voted to supply himself with in the last Congress, and which I have voted now to give to the new members of the present Congress.

Mr. COOPER of Indians. I did not vote for the item, and if a set was allowed to me I gave it away, so that I have not got it, and I do not desire to have any voted to me now.

Mr. BELTZHOOVER. I did the same with mine.

Mr. RICHARDSON of Tennessee. Will the gentleman from Pennsylvania call attention to the point in this bill which, as he says, repeals the law of 1883 of which he speaks?

Mr. BELTZHOOVER. The provision that all laws inconsistent with this act are repealed.

Mr. RICHARDSON of Tennessee. But my friend wants to be fair.

Mr. BELTZHOOVER. I am fair. [Laughter.]
Mr. RICHARDSON of Tennessee. This section 90, which we are now discussing, provides that "all printing, binding, and blank books for the Senate or House of Representatives and for the executive and judicial departments shall be done at the Government Printing Office, except in cases otherwise provided by law," thus making a direct exception of the case referred to

Mr. BELTZHOOVER. Will the gentleman agree, then, that that provision shall say, "except as provided by the act of March

Mr. RICHARDSON of Tennessee. I will, undoubtedly.
Mr. BELTZHOOVER. Then it is understood, Mr. Chairman,
that I need not address myself further to that particular question.

In further reply to the gentleman from Indiana [Mr. COOPER] I wish to say that I did vote for the amendment to which he has referred, and I said that this cheese-paring economy invited the derision and contempt of the country, when you vote appropriations, as you do here frequently, right in the face of facts which show that they are grossly extravagant and unnecessary. I voted to give the farmers of this country the usual number of Agricultural Reports—I say the usual number because the gentleman's bill proposed to cut down the number a hundred thousand and to give a few more books on the Diseases of the Horse to the 30,000 voters of my district, and to the voters of the 355 other districts of this country, and to give each member of Congress who was not in previous Congresses certain volumes of the Rewhich I received in a prior Congress—the whole thing not aggregating a hundred thousand dollars.

When a gentleman criticises me for that criticism, and then

stands up here and opposes an amendment which will save this Government three-quarters of a million of dollars, I think he does not occupy a very enviable position. If this amendment is to be rejected, I appeal to gentlemen to give us some better reason for rejecting it than any that has yet been assigned.

Mr. RICHARDSON of Tennessee. Now, if the gentleman from Pennsylvania will indicate the provision of law which he

desires to specify so that it shall not be repealed by this act—the law of 1873 authorizing the Postmaster-General to contract for the work which has been mentioned—I will make no objec-

for the work which it is been mentioned—I will make no objection to an amendment of that kind.

Mr. BELTZHOOVER. Oh. I will wait until this amendment is voted on. I hope we shall adopt the amendment, and that will settle the question.

Mr. RICHARDSON of Tennessee. I hope we shall not adopt

the amendment

the amendment.

Mr. DINGLEY. Mr. Chairman, I would like to say a few words on the general question of Government printing. As has been said by the gentleman who has just taken his seat [Mr. Beltzhoover], the printing of this Government costs in the neighborhood of three and a half million dollars annually. That is a large sum, and undoubtedly, if the situation were such that this work could be done entirely by a private printing office or

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offices, in the same way that a private concern does its work, there could be some saving. But a large part of this work is exigency work, work which must be done immediately, whether by night or by day, and it must be done in this city. Now, as to that class of work, it has been proved by experience that it is absolutely necessary to have a Government Printing Office, notwithstanding that the work done in this way costs more than it would if we could let the work out by contract to outside parties and could wait for the work, sending it to other places, if contractors in other cities offered us advantageous terms. But we can not do this, because of the situation as to that class of work.

an not do this, because of the situation as to that class of work.

The reason that the work costs more when done by the Government than it would if done in private offices lies very largely in the legislation of Congress. First, we provide that one-fifth less time shall constitute a day's work in the Government Printing Office than is usual in all offices outside. Secondly, we provide by law that the price per thousand for composition shall be in the neighborhood of 10 to 20 per cent more than the prices prevailing outside. Thirdly, we provide for vacations for employes; and during those periods we continue regular pay. Those three reasons (and they are reasons not dependent at all upon the conduct of that office) necessarily involve a somewhat increased expenditure.

And I desire to say in passing that as a member of the Committee on Appropriations it became my duty in the last session of Congress to make some examination of the Government Printof Congress to make some examination of the Government? This ing Office, and, having some practical acquaintance with the business, I was enabled, I think, to draw very correct conclusions. I desire, therefore, in justice to the Government Printer and the officials connected with the Government Printing Office, to say that more efficient men can not be secured than they are. The business of the office is conducted as faithfully and as efficiently as is possible in any great establishment like that, subject to such laws as Congress has imposed for its management.

And we must maintain the establishment for exigency work. And by exigency work I mean all the work ordered by Congress, or nearly all of it, which must be done immediately. I include, too, not only the work done for Congress, but a certain portion of the Department work.

of the Department work.

Now, as to a large portion of the Department work, outside of blanks and blank books, nearly all of it is exigency work, which must be done on the spur of the moment, by night or day, as the occasion may be. And this must be done in our Government Printing Office. Now, I would have no objection at all—indeed I would like to see the experiment tried—to having that portion of the Department work which is not exigency work—namely blanks and blank books, and nothing more, to start with—done by contract.

by contract.
Mr. BELTZHOOVER. Will the gentleman allow me to interrupt him?

Mr. DINGLEY.

Mr. DINGLEY. Yes, sir.
Mr. BELTZHOOVER. Will you offer an amendment covering that class of work and providing that it be done outside of the Government Printing Office?

Mr. DINGLEY. I am offering no amendments now; I am mak-

ing suggestions. Mr. BELTZHOOVER. I will be glad to have the gentleman

cooperate with me in that matter.

Mr. DINGLEY. But as to blanks and blank books, used regularly from year to year in all the Departments-the blanks the custom-houses, for internal-revenue offices, for the Post-Office, indeed all blanks and blank books which are fixed in their character and may be printed in large quantities—that work might be done just as well outside the Government Printing Office as in it. I have not a particle of doubt that there could be some saving effected by giving this work to the lowest bidder.

Of course, as gentlemen remember, and as the gentleman from Tennessee has reminded us, we tried before the war the experi-Tennessee has reminded us, we tried before the war the experiment of having all our printing done by contract, and maintaining no Government Printing Office; and, as the gentleman from Tennessee well said yesterday, that system was a failure. Contracts were given out for political purposes, and, as gentlemen very well understand who have read the testimony taken by the Joint Committee on Printing, the result was that the Government expended, proportionately, a larger sum for work done than is expended under the present system, and there were frauds in connection with it that reflected upon the Government of the Government expended under the present system.

Therefore I say in the first place we must maintain a Government Printing Office for exigency work; there is no escape from that. The only question is whether, as to certain classes of work called for by the Departments, namely, blanks and blank books, we might not advantageously give out the work by contract to the lowest hidder just as we have given out the minimum for the the lowest bidder just as we have given out the printing for the money order division of the Post-Office Department since 1883 to the lowest bidder. There is no question that there can be some

saving in that direction. I think that this in a nutshell is a statement of the whole case.

[Here the hammer fell].
Mr. RICHARDSON of Tennessee. Does the gentleman desire

more time? If so, I will submit the request.

Mr. DINGLEY. No; I think I will not occupy more time.

Mr. BLACK of Georgia. I would like to ask the gestleman from Maine a question.

Mr. DINGLEY. I am perfectly willing to answer, so far as I

in, if I may be allowed the time.

Mr. BLACK of Georgia. The gentleman seems well-informed on this subject; and there are others of us who have not had as much experience as he has. I understood the gentleman to say that the Government pays 20 per cent more than is paid by private partie

Mr. DINGLEY. As wages?
Mr. BLACK of Georgia. Yes, sir.
Mr. DINGLEY. Nearly that—certainly 10 per cent more.

Mr. DINGLEY. Nearly that—certainly 10 per cent more. And the fact that so many printers come here to obtain situations—just as they come for Government positions—indicates that the pay is better than elsewhere.

Mr. BLACK of Georgia. Why is that?

Mr. DINGLEY. By reason of the enactments of Congress. Congress has passed a law providing what shall be the compensation of employés in the Government Printing Office. It has also provided that the hours of labor shall be but eight hours daily, while in the private offices of the country the hours of daily labor are ten. daily labor are ten.

Mr. BLACK of Georgia. Well, can not we correct that? I beg leave to ask the gentleman from Maine this question as a learner altogether. He has had much experience, and I ask him

if in his judgment we ought not to correct that?

Mr. DINGLEY. Well, the gentleman may undertake it, but I am afraid he would fail. I have seen some efforts of that kind made in the House, and I know their practical result.

Mr. BLACK of Georgia. I understand you to state, however,

Mr. BLACK of Georgia. I understand you to state, nowever, as a fact that we pay 20 per cent more than the private establishments pay for this work?

Mr. DINGLEY. Ten per cent at least. I give that as my opinion, without having carefully compared the compensation.

Mr. BLACK of Georgia. I understand that, of course; it is an estimate.

Mr. DINGLEY. When I undertake to make a statement of that kind I mean that I give what I regard as a fair estimate, or what might be called a rough guess. I should say it was substantially that. It is, however, but just in that connection that I should say the Government Printing Office requires a class of expert workmen of a higher grade on the average than those required in any private establishment. It has no apprentices. They can not have, from the necessities of the case, any poor workmen; and, of course, experts in any branch of mechanical employment command higher prices. This office employs the very best. I will not undertake to say that private establishments employing a like grade of operatives do not pay nearly as much, but as a matter of fact, I take it for granted that the Government Printing Office employs only the very best class of workmen—those whom you might call experts—and I doubt if

that is the case in any private printing establishment.

There has been some reflection on the character of the work done at the Government Printing Office. I have had some ex-perience myself in the matter of printing and know something about it. I say then that the character of the printing done at the Government Printing Office, in general, can not be surpassed by any office in this country—as might be expected from an office employing experts. I have had speeches printed in private offices here in this city and also in the Government Printing Offices here in this city and also in the Government Printing Offices and the private of the pri ing Office, and any gentleman who has an eye for good typography must understand that the work done at the Government Printing Office is very far superior to that done at ordinary offices where cheaper workmen are employed. There is no doubt

We have no cause to complain of the character of the work done We have no cause to complain of the character of the work done there. The office is managed efficiently by good men, thoroughly understanding their duty, and I do not believe it is possible to have it managed better than it is managed now. It is just and proper that I should say that much. We have never had a more efficient Government Printer and superintendent of the office than we have to-day.

Mr. SPRINGER. Mr. Chairman, for the purpose of submit-

Mr. SPRINGER. Mr. Chairman, for the purpose of submit-ting some remarks on the pending question I move to strike out the last word.

I had the honor during one session of Congress to serve on the Committee on Printing of this House, and during that Congress—the Forty-seventh—I had occasion to examine into the workings of this great office of the Government.

Ordinarily I am in favor of letting Government work out to

the lowest responsible bidder, but the Government Printing Ofthe lowest responsible bluder, but the Government Printing Office is an exception to all rules, and I will venture to assert that if we undertake to do the public printing by letting it out to private parties, to the lowest bidder, that it will cost us very much more money than we are now paying, and we will get, in my judgment, far inferior work. It is impossible in the very my judgment, as that private individuals can do this Govern-nature of things that private individuals can do this Govern-nature of things. It is an utter impossibility. There is no private ment work. It is an utter impossibility. There is no private printing establishment on this continent that can take hold of the Government printing and under the rules that prevail in private offices do that work for the Government, and do it as well or as cheaply as it is now done.

Take the CONGRESSIONAL RECORD for instance. we have both Houses adjourn on account of the death of a member or from other causes, and there is nothing to be done. Another day the Senate will meet and be in session late at night, and the House will also hold a night session running until 10 or 11 o'clock, an immense mass of work is thrown on the office to be discharged, and yet it comes to the mambers' tables before 8 o'clock in the morning, efficiently executed in a style which surpasses all of the highest achievements of the printing art known to mankind under such circumstances. There is no such establishment in the world, and the work can not be done anywhere else but in the Government Printing Office. Why? Because when there is a great pressure of work on the Record they can Because do it by taking the book and job men and putting them on duty. do it by taking the cook and job men and putting them on ditty. When there is little work on the RECORD they can go back to the other branches of the service, and by this means have a great establishment always employed, but with a force of men capable of being used for any class of work that may be presented. They can be transferred from one department of the work to the other as their services are required.

Mr. BELTZHOOVER. Will the gentlemen allow a question?

Mr. SPRINGER. Yes.
Mr. BELTZHOOVER. Do you know that the employés of
the RECORD have nothing to do with the other departments of the Printing Office?

Mr. SPRINGER. I know that the employés in the other parts of the Government Printing Office can be turned to this work

when necessary.

Mr. BELTZHOOVER. Do you not know that they are not? Mr. SPRINGER. I know that the printers can be transferred in sufficient numbers to do the work in any department of the Printing Office at the time that their services are required. I say there is a force of men who can be always used in this way that no private establishment could afford to employ. It would be impossible for them to do so, having so large a reserve force

to call on to meet an emergency.

It is known that this is work, as a rule, that must be done promptly, and in the best style of workmanship. That is one of the things that Congress must have done. We can not afford de-lay; we can not afford to be kept out of the public printing from day to day. If Congress is deprived of the printing necessary for the discharge of its duty it would greatly delay and embar-

rass the public business.

We are never delayed. This work is done promptly and efficiently, and in the very best style known to the art. If we depart from this system, and undertake to beat contractors by getting them to do work for less than the Government is doing it, the Government will be the loser in every instance, and these contracts will be let as a matter of patronage and favoritism to

contracts will be let as a matter of patronage and favoritism to individuals, and will be a fruitful source of public scandal.

Let us let well enough alone. This Printing Office is well enough. The real complaint, if any can be offered, is that we have been printing many kinds of documents in too great excess. That is the fault of Congress, and not of the Printing Office.

Mr. RICHARDSON of Tennessee. And that is largely remaided by this bill

edied by this bill.

Mr. SPRINGER. And that very objection is being overcome

Mr. SPRINGER. And that very objection is being overcome by the legislation covered in the pending bill.

Mr. RICHARDSON of Tennessee. That is it exactly.

Mr. SPRINGER. And we are indebted to the gentleman from Tennessee [Mr. RICHARDSON], the chairman of the Committee on Printing, for inaugurating and bringing nearly to completion in this House, one of the greatest and most beneficent reforms that Congress has entered upon for many versus cent reforms that Congress has entered upon for many years; and I hope the gentleman will be successful in passing this bill in substantially the shape in which it has been introduced.

Mr. RICHARDSON of Tennessee. Now, I hope we may have yote on the amendment of the gentleman from Pennsylvania

[Mr. Beltzhoover].
The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Add to section 90 the following: "And all blanks, blank books, and printed rengraved matter of every kind whatsoever supplied by the Secretary of tate, the Secretary of the Treagury, the Secretary of the Navy, the Secre

tary of War, the Secretary of the Interior, the Secretary of Agriculture, the Postmaster-General, and the Attorney-General, to any of the employes or bureaus under them, or used by them in their Departments, shall be obtained from the lowest responsible bidders for furnising printed and engraved matter respectively, under separate advertisements calling for proposals to furnish the same for a period of four years under such conditions as such Secretaries and the Postmaster-General and the Attorney-General may prescribe: Provided, That the Public Printer and the Chief of the Bureau of Engraving and Printing of the Treasury Department shall submit respectively estimates of the cost of printing such printed and engraved matter as may be required for use in the said Departments of the Government, and they shall furnish such printed and engraved matter whenever upon their estimates of the cost of the expenditure thereof will be less than upon proposals made as above provided for."

Mr. DINGLEY. Mr. Chairman, I did not quite understand whether the gentleman from Pennsylvania [Mr. BELTZHOOVER] has modified this, so as to cover simply blanks and blank books.

Mr. RICHARDSON of Tennessee. It has not been modified. Mr. RICHARDSON of Tennessee.

Mr. DINGLEY. That never will answer. If it was confined simply to blanks and blank books, it would be less objectionable.
Mr. BELTZHOOVER. I intend to offer that amendment next.

The amendment was rejected. Mr. BELTZHOOVER. Now Now I offer the amendment which I

send to the Clerk's desk

The Clerk read as follows:

The Clerk read as follows:

Add to section 90 the following: "And all blanks and blank books of every kind whatsoever supplied by the Secretary of State, the Secretary of the Treasury, the Secretary of the Navy, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Postmas er-General, and the Attorney-General, to any of the employed; or bureaus under them, or used by them in their Departments, shall be obtained from the lowest responsible bidders for fornishing printed matter under separate advertisements calling for proposals to furnish the same for a period of four years under such conditions as such Secretaries and the Postmaster-General and the Attorney-General may prescribe: Provided, That the Public Printer shall submit estimates of the cost of printing such blanks and blank books as may be required for use in the said Departments of the Government, and he shall furnish such blanks and blank books whenever upon his estimates of the cost of the expenditure thereof will be less than upon proposals made as above provided for.

The CHAIRMAN Theorems in the said to the cost of the co

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Pennsylvania.

Mr. BELTZHOOVER. Just a word. The amendment as I now offer it, meets the request of the gentleman from Maine [Mr. DINGLEY] exactly, and provides only for blanks and blank

I want to say but a word in answer to what the gentleman said in reply to me. While it seems to me that it ought to be the rule that the gentleman who maintains the affirmative of a proposition ought always to have the right to conclude, this body is an exception to that rule, and the gentlemen who oppose a propo-

sition invariably have the conclusion.

But let me say to the gentleman from Maine [Mr. DINGLEY] that in what I offered yesterday I had not the slightest intention to reflect upon the administration of the Government Printing Office. I am in favor of maintaining that intact. I am in favor of maintaining it in perfection, so as to compute as entirely and or maintaining it in perfection, so as to compare as entirely and fairly as possible with private printers. I want the Government Printing Office to do all the Congressional printing, the printing which comes by exigency, which we can not estimate for, which we can not provide for in advance; but I intended my amend-

ment only to cover departmental printing.

It will not interfere with the Government Printing Office. The great bulk of the departmental printing consists of blanks and blank books, which can be printed a year in advance just as well as not; and experience has shown that they can be printed by competition without interfering with the Government Printing

This does not interfere with the wages of the Government printers. It does not interfere with the management of the Government Printing Office. It does not in any way destroy the Government Printing Office, as the gentleman from Tennessee [Mr. Richardson] contended it would. On the contrary, it simply supplements their work by putting that which can be done outside in the hands of parties who will do it without the expensive surroundings and environments of the Government Printing Office.
Mr. RICHARDSON of Tennessee. Mr. Chairman, the gentle-

man has now modified his amendment, and I am free to say that he has cut off some of what were the most objectionable features of the amendment he offered; but he must now, it seems to me, concede, after the statement he has just made, when he says that it will not interfere with the Printing Office, that if it is not to interfere with the Printing Office he can not accomplish that great work of reform he desires.

Mr. BELTZHOOVER. I can not see why it will interfere any

more with the Government Printing Office than the action of the Postmaster-General for eleven years under the act of 1883. At the beginning of the term of the Public Printer for four years this work is let out, and he would not have to provide for performing this character of work.

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Mr. RICHARDSON of Tennessee. I did not understand the gentleman from Maine [Mr. DINGLEY] to request that such an amendment as this should be offered, but he suggested that it would be less objectionable. Now, Mr. Chairman, if such a reform as this is to be instituted, it ought to be done in some separate measure. It should be done in a bill to be referred to some committee, I care not which; it may be to the committee of which the gentleman is chairman, or to the Committee on Public Printing, or to any committee that will hear expert testimony. And if they should deem it wise to report such a bill, let it be reported back to the House, and if such a measure is to be adopted, let it be discussed properly, and not put in under the five-minute debate a matter that is of so much importance as that in this

I would rather that my friend should institute his reform in some measure introduced separately. If it be a reform, let it stand upon its own merit, and let us have time to examine and consider it closely; because if we are going to endeavor to secure cheaper preparation of blank books than can be done at the Government Printing Office, it ought to be done in some wise legislation, not passed hurriedly, so as to prevent fraud and corruption, if there be any, or if there be any temptation to commit fraud, it should be considered in such a way as to give ample op-portunity to throw the proper safeguards around it. Therefore I hope the Committee of the Whole will not vote this amend-

ment upon this bill.

Mr. BELTZHOOVER. Will the gentleman yield to a ques-

tion?

Mr. RICHARDSON of Tennessee. Yes, sir.
Mr. BELTZHOOVER. Was not this testimony upon which I
am relying before your committee on your investigation?
Mr. RICHARDSON of Tennessee. No, sir; we did not investigate this question. That matter was put in the report; that tigate this question. That matter was put in the report; that is, the letter of the Postmaster-General was put in the report, and the question was not investigated. We did not undertake to see whether we could institute a reform in that direction or not

Mr. BELTZHOOVER. You are not answering my question. Mr. RICHARDSON of Tennessee. I am trying to do so.
Mr. BELTZHOOVER. I desire to know if the letter or testi-

mony of Postmaster-General Wanamaker was not before your committee when you were making this investigation.

Mr. RICHARDSON of Tennessee. Certainly it was.
Mr. BELTZHOOVER. Now, was not this question brought
up in the last Congress and elaborately debated, just as it is now,

Mr. RICHARDSON of Tennessee. I think not. Mr. BELTZHOOVER. On the same amendment? Mr. RICHARDSON of Tennessee. I think not.

Mr. BELTZHOOVER, And consumed about a whole day?
Mr. RICHARDSON of Tennessee. I do not know that it did.
If the gentleman says so I will accept his statement. It has not It has not been considered by a committee of this House. No measure which contemplated providing for the reforms he claims will re-No measure sult from this amendment have been considered by any committee of this House

Mr. BELTZHOOVER. Pardon me; that you have already

Mr. RICHARDSON of Tennessee. Yes

Mr. BELTZHOOVER. You were considering this question before you reported the present bill to this Congress. This question was discussed here the last Congress for half a day. Why did you not consider it when you were bringing in a genral printing bill?
Mr. RICHARDSON of Tennessee. It is very easy to ask ques-

tions

Mr. BELTZHOOVER. It is very easy to answer them. Mr. RICHARDSON of Tennessee. We have considered almost everything in connection with this matter, and we have omitted to consider this in the connection that the gentleman speaks of it. I am sorry if we have not considered anything that we ought to have considered. I agree that there is much to be considered in the matter of details concerning printing reforms, and it may be that we have passed over something that should be considered, but I promise that if any such measure as the gentleman suggests is reported it shall receive close scrutiny and careful attention, and if there can be a reform made in that direction and a dollar saved I am in favor of it, but I am not in favor of attempting it hurriedly here.

Mr. BELTZHOOVER. I will ask the gentleman if this prin-

ciple has not been in operation since 1884 down to this hour suc-

cessfully and for the benefit of the Government?

Mr. RICHARDSON of Tennessee. Perhaps so. The gentle-man says it has been in operation in some degree for the Post-Office Department; but it is one matter for one little Department, or one big Department, of this Government to make a contract

for certain blank books that it may require and quite another thing for all the great Departments and bureaus of this Govern-ment to undertake to do the same thing. The difficulty becomes magnified eight times or ten times over when you undertake to apply this plan to all the printing required for all the Departments. I trust that the amendment will not be adopted.

Mr. RAY. Mr. Chairman, I can not see how there can be pos-

sible reform or saving by the adoption of this amendment. As I understand the working of the Government Printing Office, we have there a large number of men, several hundred, engaged and paid by the Government. As has been said by the gentleman from Illinois [Mr. SPRINGER], some days they have emergency work which occupies the entire force actively night and day, and overhours; then, again, Congress is not in session, or is in session for so short a time that the work on the CONGRESSIONAL RECORD and on the documents that are nec sary to be printed when Congress is in session, is greatly reduced.

Now, it seems to me, that on such occasions the same men who otherwise would have been employed upon Congressional work can be employed in working upon these blanks for the use of the different Departments, and if their labor were not used in that way, either the men would be thrown out of employment at such times, or they would be idle, though paid by the Government, and at the same time we should be paying some contractor for the work which they might have done. That is how the matter strikes me

Mr. BELTZHOOVER. Has the gentleman ever made inquiry as to the basis of fact for the hypothesis on which he argues? Does he know that those who work on departmental work and those who work on the CONGRESSIONAL RECORD are separate and independent forces?

Well, if it be true that in the Government Printing Office the men who work on the CONGRESSIONAL RECORD

do not do anything else-Mr. BELTZHOOVER.

That is the fact.

Mr. RICHARDSON of Tennessee. No, that is not the case.

Mr. BELTZHOOVER. Yes, it is.
Mr. RICHARDSON of Tennessee. No. It is so, of course,
while they are working on the RECORD, but not at other times.
Mr. RAY. Well, I want to say that if the Printing Office of this great Government is carried on upon any such basis as that suggested by the gentleman from Pennsylvania, the whole thing ought to be abolished, and the managers of it, instead of being wise and good men working in the interest of the Government,

are simply idiots, so far as that business is concerned.

Mr. BELTZHOOVER. Do you know that the skilled workmen employed on the documents and those employed on the RECORD require different kinds of knowledge and experience?

Mr. RAY I have that it does not be a superience?

Mr. RAY. I know that it does not require any different kind of knowledge or skill to set type for the printing of a blank or a blank book from that which is required to set type for a page in the CONGRESSIONAL RECORD. The man that can do the one can do the other if he is fit to be employed in the Government Printing Office. Mr. SPRINGER.

Mr. SPRINGER. And they do both kinds of work.
Mr. BELTZHOOVER. Does not the gentleman know the fact
that they are not transferred from one work to the other?
Mr. RICHARDSON of Tennessee. Mr. Chairman, I assert
here as fact, which I know to be correct, that the men who
work on the RECORD do work in the document room when the

Mr. BELTZHOOVER. Occasionally.
Mr. RICHARDSON of Tennessee. When the RECORD is not being printed. When the RECORD is being printed of course they do not.

Mr. BELTZHOOVER. They do occasionally; but the rule is

just as I say.
Mr. RICHARDSON of Tennessee. Oh, no.

Mr. BELTZHOOVER. Yes it is.
Mr. RAY. I would like to ask the gentleman from Tennessee whether it is not the intention of the Public Printer to keep all of the employes at work all the time-that is, the usual working

Mr. RICHARDSON of Tennessee. Unquestionably; and they transfer the employés of one division to another in order to do

Mr. RAY. So I supposed.

The question being taken on the amendment of Mr. BeltzHOOVER, the Chairman declared that the noes seemed to have it.

Mr. BELTZHOOVER. I ask for a division.

The committee divided; and there were—ayes 7, noes 45.

So the amendment was rejected. The Clerk read as follows:

SEC. 03. The heads of Executive Departments, and such executive officers as are not connected with the Departments, respectively, shall cause daily

examinations of the Cognessional Record for the purpose of noting documents, reports, and other publications of interest to their Departments and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use, not to exceed, however, the number of bureaus in the Department and divisions in the office of the head thereof. The Public Printer shall send to each Executive Department and to each executive office not connected with the Departments, as soon as printed, 5 copies of all beils and resolutions. When the head of a Department desires a greater number of any class of bills or resolutions for official use, they shall be furnished by the Public Printer on Equisition promptly made.

Mr. RICHARDSON of Tennessee. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend section 93 by adding after the word "resolutions" in line 13, the following: "except the State Department, to which shall be sent 10 copies of bills and resolutions."

Mr. RICHARDSON of Tennessee. That is simply to make the number 10 for the State Department instead of 5.

The amendment was adopted. The Clerk read as follows:

SEC. 99. The Postmaster-General shall contract for all envelopes, stamped or otherwise, designed for sale to the public, or for use by his own or other Departments, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making requisition therefor: Provided, That no envelope furnished by the Government shall contain any business address or advertisement.

Mr. LOUD. I move to amend by striking out the proviso to this section

Mr. RICHARDSON of Tennessee. I do not object to that amendment.

The amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

SEC. 102. All future orders or requisitions for printing or binding shall be governed by the provisions of this act; and all printing, binding, and other work required for the Senate and House of Representatives, or the committees and officers thereof, together with the material necessary to such work, shall be turnished by the Public Printer on requisition of the Secretary of the Senate and the Clerk of the House of Representatives: Provided, That each Senate and Representative shall be entitled to the binding in halfmorocco, or material no more expensive, of but one copy of each public document to which he may be entitled, an account of which, with each Senator and Representative, shall be kept by the Secretary and Clerk, respectively: And provided further, That in printing preliminary reports and other papers for the use of committees no more than fifty copies shall be ordered unless expressly authorized by the Committee on Printing of each House, respectively. No Government publications shall be delivered to officers and employées of Congress except for the use of members thereof, unless authorized by this act or upon requisition approved by the Joint Committee on Printing.

Mr. BRODERICK. I move to amend by inserting as section 103 the provision which I send to the desk.

The Clerk read as follows:

SEC. 103. That there shall be printed and bound at the Government Printing Office 30,000 extra copies of the Compendium of the Eleventh Census in three parts; 10.000 for the use of the Senate, and 20,000 for the use of the House of Representatives.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I make against this amendment the same point of order that I made the I do not think it is in order to provide for the printing of a temporary publication on a bill which is intended to provide for the printing of the permanent annual reports of the Departments. I must insist that this bill is not intended to pro-

vide for temporary publications of the Government.

I ask attention further to this point: The Committee on Printing has not jurisdiction of this question of the publication of matters connected with the census; they are not germane to this bill. I beg the attention of the Chair to the fact that the this bill. I beg the attention of the Chair to the fact that the House has deliberately referred this question of printing for the census to the Committee on Appropriations. This very proposition by the action of the House has been referred to that committee. The House settled this question more than a week ago by referring without objection to the Committee on Appropriations a proposition to print the Compendium of the Eleventh

Mr. BRODERICK. That is very true— Mr. RICHARDSON of Tennessee. This matter does not belong to this bill; it does not belong to the Committee on Printing: it belongs to the Committee on Appropriations by a vote of

We ought not to do this additional printing at any rate. received notice this morning-and I presume other gentlemen received similar notice—that there are 81 copies of this Compendium of the Eleventh Census standing to my credit. Those are as many as I want—enough, it seems to me, for any member of the House. But here comes a proposition for an increased number of the House.

ber, although each of us has already 81 copies for distribution
Mr. SAYERS. Has the gentleman made a point of order upon

Mr. RICHARDSON of Tennessee. I have made a point of order. I insist that this is a matter belonging to the Committee on Appropriations, and ought not to be offered as an amendment to this bill.

Mr. SAYERS. I desire to suggest to the Chair that there be-

ing no committee on the census and the Appropriations Committee having been charged with the making of appropriations in connection with the census, any proposition affecting the publication of matters connected with the census ought to go to the Committee on Appropriations.

Mr. BRODERICK. I would like to say a word—
The CHAIRMAN. The Chair will hear the gentleman on the

point of order

Mr. BRODERICK. Mr. Chairman, I assented to the reference of a proposition on this subject to the Committee on Appropriations; but because that reference has been made and the proposition is pending before that committee, there is no reason why an amendment should not be submitted to this bill so as to make proper provision in the matter. Doubtless the publication proposed in the amendment is going to be made. The Government has expended nearly \$10,000,000 already in gathering data for the Eleventh Census. The volume on the subject which has been most demanded by the people throughout the country is the compendium of the census, which is being published in Is the compendium of the census, which is being published in three parts. So far as I have been able to ascertain (and I have made inquiry) no member has enough copies of this work to supply the demand. I believe that extra copies will be provided; and if they are to be, why not authorize the publication now?

I was perfectly willing the matter should go to the Committee on Appropriations: but the question involved here is a question of time. To facilitate the publication of this work I now ask that this amendment be incorporated in the bill as a new section. So far as the point of order is concerned. I believe the Chair

So far as the point of order is concerned, I believe the Chair ruled the other day that any matter relating to printing was germane to this bill. I am willing to submit the question of order without further discussion.

Mr. RICHARDSON of Tennessee. The House having taken jurisdiction of this matter and solemnly referred it to the Committee on Appropriations, it is one which does not belong here. The Committee of the Whole, it seems to me, has no right to reverse the action of the Hous

Mr. BELTZHOOVER. Did the gentleman say he received a notice that 81 copies of this work stand to his credit?
Mr. RICHARDSON of Tennessee. Yes, sir.

One gentleman here received a notice Mr. BELTZHOOVER. that he had 69 to his credit; the number belonging to me according to my notice is 77

Mr. RICHARDSON of Tennessee. I presume you have sent

Mr. BELTZHOOVER. No; this notice purports to give the whole number to which I am entitled.
Mr. RICHARDSON of Tennessee. I do not know how that

can be, unless there has been a mistake in the count.

Mr. BELTZHOOVER. This is a question of some import-

Mr. RICHARDSON of Tennessee. I have no doubt the division has been equitably made.

Mr. BELTZHOOVER. But the question is, How many copies are we entitled to?

Mr. RICHARDSON of Tennessee. Eighty-one, I believe, was

Mr. Richardson of Tenlessee. Engaryone, restere, was the number stated on my notice.

Mr. BELTZHOOVER. A gentleman near me says that he received a notice naming 71 copies.

Mr. RICHARDSON of Tennessee. I may be mistaken in my

recollection of the number named in my notice.

Mr. Chairman, I hope my friend from Kansas [Mr. BRODER-ICK] will not insist on his proposition to insert this amendment. He knows the vast work which our committee has bestowed on this bill, and I appeal to him as a colaborer in this great work

to withdraw his amendment.

Mr. BRODERICK. Mr. Chairman, I have no disposition to defeat or hamper this bill. I believe it is a good one. It is one, I think, that has been desired; a majority of the members of the last Congress were really in its favor, and a majority, I believe, of the members of the present Congress. If, then, this amendment is going to weigh down the bill I will withdraw it.

Mr. SMITH of Illinois. Mr. Chairman, I offer an amend-

Mr. RICHARDSON of Tennessee. Has the last section of the bill been read?
The CHAIRMAN. It has not.

Mr. SMITH of Illinois. I have prepared an amendment to section 102, which I will send up to the desk and have read. It may be, after I have heard a statement from the gentleman from Tennessee, which I shall ask for, I may not desire to offer it. The CHAIRMAN. The amendment will be read.

The CHAIRMAN. The a The Clerk read as follows:

On page 61, in line 8, strike out the proviso, down to and including the word respectively," in line 13.

Mr. SMITH of Illinois. Now, if the chairman of the committee will give me his attention for a moment. I offer that amendment not knowing exactly the meaning of the language of the section, whether as it stands, and the bill be adopted, it will prevent our having but one copy of any document bound. If that is the meaning of the section I desire to propose the amend-ment. If that is not the meaning there will be no occasion for It seemed to me, however, from my reading the amendment.

of the bill that that was the meaning of it.

The words I propose to strike out are those beginning in line 8 with "provided" down to and including the word "respect-

ively "in line 13:

Provided, That each Senator and Representative shall be entitled to the binding in half morocco, or material no more expensive, of but one copy of each public document to which he may be entitled, an account of which with each Senator and Representative, shall be kept by the Secretary and Clerk, respectively.

It seemed to me that if the law is to be as it has been hereto-fore, and that public documents shall be bound in the ordinary binding as we have had them heretofore, this provise should be stricken out. As I understand this section, if it is adopted, it will not permit us to have but one copy of any one document bound. If such is the case, I do not believe it will meet with the approval of the members of this House, and to remedy that the

amendment has been suggested.

Mr. RICHARDSON of Tennessee. In what respect does the gentleman quote "the law as it now stands?" He says he wants it to remain as it now stands. How is it now?

Mr. SMITH of Illinois. I suppose the chairman of the committee knows

mittee knows.

Mr. RICHARDSON of Tennessee. I do know, but I wished to see if I understood the gentleman's idea correctly.

Mr. SMITH of Illinois. Well, take for instance the Congressional Record. We are entitled to the binding, for our own use, of one copy. Then such of the daily Records as are not sent out, but which remain to the credit of the members at the time of the elege of Congress, we bound in the ordinary hind.

the time of the close of Congress, are bound in the ordinary bind ing; and so with reference to a good many other documents.

Mr. RICHARDSON of Tennessee. I understand now the point of the gentleman. This, I will state to him, does not apply to the RECORD at all. It does not change the existing law, except it provides that a member may have a document bound in material no more expensive than the ordinary binding, that is, half morocco. Each member is only entitled now to one copy, and this provides that he may change the binding so as to get it in binding not more expensive than that already provided by law

Mr. SMITH of Illinois. Very well. I offered the amendment so as to get an explanation of this provision. With the state-ment of the gentleman from Tennessee I withdraw the amend-

ment.

Mr. PICKLER. I desire to ask the chairman of the committee to state wherein this section 102 changes existing law as to the right of members to have documents bound? I ask him to state fully the changes, if any.

Mr. RICHARDSON of Tennessee. It makes no changes ex-

cept to provide that a member may take binding not more expensive than that now provided by law.

Mr. PICKLER. That is the only change?

Mr. RICHARDSON of Tennessee. That is all.

The CHAIRMAN. The Clerk will continue the reading of

The Clerk read as follows:

SEC. 103. All laws in conflict with the provisions of this act are hereby re-

Mr. COFFEEN. Mr. Chairman, I desire to ask a question Mr. COFFEEN. Mr. Chairman, I desire to ask a question with reference to section 102, the same point that the gentleman from South Dakota referred to. I think I understood in the beginning of the discussion of this bill from the chairman of the Committee on Printing, that at present the law provides that each member may have one copy, in good binding, of all documents printed during his term of service. Has he the same privilege under this bill? If not so, what is the difference?

Mr. RICHARDSON of Tennessee. There is no difference.

Mr. RICHARDSON of Tennessee. There is no difference. He has all of the privileges of binding that the other law conveyed, and this gives him the same right of binding in other material not more expensive than that already provided by law. Mr. COFFEEN. Well, am I not correct in my memory that it was explained in this bill during the discussion that it cuts

off members from having two copies of public documents? As I understood the gentleman he said they get but one.

Mr. RICHARDSON of Tennessee. No, the gentleman did not

so understand me.
Mr. COFFEEN. I do not refer to the Congressional Rec-ORD, but to all documents.

PLATT, one of its clerks, announced that the Senate had passed with amendments joint resolution (H. Res. 34) providing for the disposition of certain personal property and money now in the hands of a receiver of the Church of Jesus Christ of Latter-bay Saints, appointed by the supreme court of Utuh. and authorizing its application to the charitable purposes of said church; in which the concurrence of the House was requested.

PUBLIC PRINTING AND BINDING.

The committee again resumed its session (Mr. Dockery in the

chair).
Mr. RICHARDSON of Tennessee.
Mr. RICHARDSON of every put The law gives each mem-Mr. RICHARDSON of Tennessee. The law gaves call member of Congress one copy of every public document printed while he is in Congress, and this simply provides a method of binding. It does not cut down what you are allowed, and it does not increase it. You are allowed one copy, bound in any style to suit yourself, provided it is not more expensive than that now allowed by law, as this section provides. Now, the law gives you a second copy, unbound, if you want it; but whether you take the unbound copy or not, they give you one bound copy of every publication printed while you are in office.

lication printed while you are in office.

Mr. CÔFFEEN. Do I understand that this bill does not limit the number, as compared to the former law?

Mr. RICHARDSON of Tennessee. It does limit it, unless a gentleman desires the publications sent. If he wants every publications sent. gentleman desires the publications sent. If he wants every publication, he can get it; but this law will not force him to take it when he does not want it. That is the provision of this bill.

Mr. COFFEEN. It appears that there is something incon-

sistent in the bill, when compared with the explanation made

in the beginning.

Mr. OUTHWAITE. If the gentleman from Tennessee [Mr. RICHARDSON] will yield to me, I will call his attention to the matter that is in the mind of the gentleman from Wyoming [Mr. COFFEEN]. It is this: Does the bill, by the clause now under consideration, cut off those documents which we receive from the Clerk's document room bound in sheepskin?

Mr. RICHARDSON of Tennessee. It does not, unless a gentleman desires them not to come. If he wants them to come and says so, then he gets them, and one copy of each publication will be sent to him; but it will not be sent to him if he does not

Mr. OUTHWAITE. Can he in addition to that get one copy

bound in sheepskin?

Mr. RICHARDSON of Tennessee. If a gentleman desires to have one pamphlet copy bound, he can take it and have it bound in any kind of binding at a cost not to exceed the cost of half Mr. COFFEEN. In addition to the one bound copy that is

sent to him?

Mr. RICHARDSON of Tennessee. In addition to that.

Mr. COFFEEN. Can we do so under this bill.
Mr. RICHARDSON of Tennessee. Yes, we can.
Mr. MEIKLEJOHN. May I inquire of the chairman of the
committee if he will allow us to recur to section 53, for the purpose which I will state? The section as passed provides that the stereotype and electrotype plates be sold at the cost of the metal and making, and it further provides that the publications made by the Government shall not be copyrighted. The change I de-sire to make, in asking to recur to the section, is that the stereotype and electrotype plates may be sold for the entire cost, and also that publishers be prevented from copyrighting the reproductions from the duplicate stereotype plates.

Mr. RICHARDSON of Tennessee. If my friend will give me

that amendment I will use my best endeavors to have it put on in the Senate or in Congress. I do not want to recur to the sec-tion, because there are other sections which gentlemen may wish to recur to, and that will involve us in interminable debate. I am in sympathy with the gentleman. I agree that his amendment ought to be adopted, and I will try to have it put into the

I want to say, Mr. Chairman, now that we have concluded the debate upon this bill, that I desire to thank the House for its kindness and indulgence. I want to say that I have done the best I can in the framing of this printing bill, and I ask now that we have a vote upon it

There has been nothing added to the bill except two matters of temporary publication, while the bill in its main provisions deals with the permanent publications, which will continue to be made year after year. This bill systematizes the law, and puts it into good shape, as we think. The little temporary increase, if there be such, only applies to one session of Congress, while the great economies in the bill will extend on and on, year of the very such as the such as the property of the such as the such as the property of the such as the property of the such as the property of the such as the such as the property of the such as the s

ORD, but to all documents.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Bailey having taken the chair as Speaker protempore, a message from the Senate, by Mr.

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Mr. RICHARDSON of Tennessee. I approve of it most

The motion of Mr. RICHARDSON of Tennessee was agreed to. The motion of Mr. RICHARDSON of Tennessee was agreed to. The committee accordingly rose; and the Speaker having resumed the chair, Mr. Dockery, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 2650) to provide for the public printing and binding, and the distribution of public documents, and had directed him to report the same to the House with sundry amendments, and with the recommendation that, as amended, the bill do pass.

The SPEAKER. The gentleman from Missouri, chairman of the Committee of the Whole House on the state of the Union, reports that that committee had had under consideration the bill (H. R. 2650) and have directed him to report the same with

(H. R. 2650) and have directed him to report the same with amendments

amendments.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I move the previous question on the bill and amendments.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and amendments to its engrossment, third reading, and final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? [Cries of "No."]

Mr. HAINER of Nebraska. I desire to submit a motion to recommit with instructions.

commit with instructions.

The SPEAKER. That will come a little later, and the Chair will recognize the gentleman.

The question was taken; and the amendments reported by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third

Mr. HAINER of Nebraska. Mr. Speaker, I submit a motion to recommit with instructions.

The Clerk read as follows:

The Clerk read as follows:

I move to recommit the pending bill with instructions to report the same with the following amendments:

First. Providing that all documents, reports, and publications of every kind printed at public expense shall be sold as nearly as may be at actual cost of-materials and printing, and prohibiting both free printing and free distribution of any document, report, or publication of any kind printed at public expense, except the Congressional Record and the reports and publications of the Agricultural Department: Provided, That nothing in such amendment shall in any wise affect the free printing for and free distribution to State and Territorial libraries and designated depositories, the several Departments of Government and officers of the United States, including Senators, Representatives, and Delegates requiring the same for public use, of any public document, report, or publication authorized by law: And provided further, That such amendment shall not affect any publication or distribution authorized prior to the passage of this act.

Second. Providing a single office for the storage and distribution of all documents, reports, and publications of any kind, except the Congressional Record, printed at public expense.

The question was taken: and the motion to recommit was re-

The question was taken; and the motion to recommit was re-

Mr. MERCER. Mr. Speaker, I desire to move that the bill be recommitted with instructions. Mr. RICHARDSON of Tennessee. I make the point of order

against that.
The SPEAKER. A second motion to recommit can not be

made.

Mr. MERCER. I simply desire to call attention to section 47.

I desire to introduce, in line 5 of that section, the words "Labor day" after "Memorial day." I thought the gentleman would accept that.

The question was taken on the passage of the bill; and the Speaker announced that the ayes seemed to have it.

Speaker announced that the ayes seemed to have it.

Mr. BELTZHOOVER. Division.

The House divided; and there were—ayes 71, noes 3.

Mr. BELTZHOOVER. No quorum.

The SPEAKER. The Chair will appoint the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Pennsylvania [Mr. BELTZHOOVER] to act as tellers.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand

the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 8, not voting 213; as follows:

YEAS-132.

Adams.	Blair.	Clark, Mo.	Dockery,
Aldrich.	Bower, N. C.	Cobb, Ala.	Doolittle,
Allen.	Broderick.	Cobb. Mo.	Edmunds,
Arnold,	Brookshire.	Coffeen,	Ellis, Oregon
Avery,	Bryan,	Compton,	Epes.
Bailey.	Bynum.	Cooper, Ind.	Erdman.
Baker, Kans.	Cabaniss.	Cooper, Wis.	Everett.
Baker, N. H.	Caminetti.	Culberson,	Fithian,
Baldwin,	Cannon, Cal.	Curtis, Kans.	Funston,
Barnes,	Caruth.	Davis,	Fyan,
Bell, Colo.	Catchings.	Dingley,	Goldzier,
Black, Ga.	Causey,	Dinsmore,	Gorman.

Gresham, Hainer, Hare, Harre, Harris, Heard, Hitt, Holman, Houk Ohio Houk, Tenn, Hunter, Ikirt, Jones, Kem, Kriobs, Kyle, Loud, Lucas, Lynch, Maddox, Marsh, Marshall,	Martin. Ind. McCreary. Ky. McCulloch, McDannold, McDearmon, McEttrick, McKaig. McLaurin, McMillin, McNagny, McRae, McKiejohn, Mcreer. Meyer. Money. Money, Mongan, Murray, Neill, O'Neil, Mass. Outhwaite,	Robbins. Robinson. Pa. Russell, Ga. Ryan. Sayers, Shaw. Shell. Sibley, Smith, Springer,	Stallings, Stone, Ky. Straft, Sweet, Tabert, S. C. Tate, Terry, Tracey, Turner, Van Voorhis, N. Y. Van Voorhis, Ohio Wadsworth, Warner, Washington, Weadock, Wheeler, Ala, Williams, Misa, Wilson, W. Va. Woodard, Woomer, Wright, Mass,
Man Strott			Wright, Mass.
	NA	YS-8,	
Boen, Bretz,	Brickner, Capehart,	Kilgore, Pigott,	Wells, Williams, Ill.

Capehart,	Pigott,
NOT	VOTING-213.

Abbott,	Dalzell.	Hooker, N.Y.	Powers,
Aitken,	Daniels,	Hopkins, Ill.	Price,
Alderson,	Davey,	Hopkins, Pa.	Randall.
Alexander.	De Armond.	Hudson,	Rayner,
Apsley,	De Forest,	Hulick,	Reed,
Babcock,	Denson,	Hull.	Reilly,
Bankhead,	Dolliver.	Hutcheson.	Richardson, Mich
Bartholdt,		Johnson, Ind.	Ritchie.
Bartlett,	Donovan, Draper,	Johnson, N. Dak.	Robertson, La.
Barwig,	Dunn.	Johnson, Ohio	Rusk,
Beiden.	Dunphy,	Joy.	Russell, Conn.
Bell, Tex.	Durborow,	Kiefer,	Schermerhorn,
Beltzhoover,	Ellis, Ky.	Lacey,	Scranton,
Berry,	English,	Lane,	Settle,
Bingham,	Enloe,	Lapham,	Sherman,
Black, Ill.	Fellows.	Latimer,	Sickles,
Blanchard.	Fielder,	Lawson,	Simpson,
Bland,	Fitch,	Layton,	Sipe,
Boatner,	Fletcher,	Lefever,	Snodgrass,
Boutelle,	Forman,	Lester,	Somers,
Bowers, Cal.	Funk,	Lilly,	Sperry,
Branch.	Gardner,	Linton,	Stephenson,
Brattan.	Gear.	Lisle.	Stevens,
Brawley,	Geary,	Livingston.	Stockdale,
Breckinridge, Ark	Coissonhainer	Lockwood,	Stone, C. W.
Breckinridge, Ky.	Cillet N V	Loudenslager,	Stone, W. A.
Brosius.	Gillett, Mass.	Magner.	Storer, W. A.
Brown,	Goodnight,	Maguire.	Strong,
Bunn,	Grady,	Mahon,	Swanson,
Burnes,	Graham,	Mallory,	Talbott, Md.
Burrows,	Grosvenor,	Marvin, N. Y.	Tarsney,
Cadmus.	Grout,	McAleer.	Tawney,
Caldwell,	Hager,	McCall.	Taylor, Ind.
Campbell,	Haines.	McCleary, Minn.	Taylor, Tenn.
Cannon, Ill.	Hall, Minn.	McDowell.	Thomas,
Chickering,	Hall, Mo.	McGann,	Tucker,
Childs.	Hammond,	McKeighan,	Turpin,
Clancy,	Harmer,	Meredith,	Tyler,
Clarke, Ala.	Harter.	Milliken.	Updegraff,
Cockran.	Hartman.	Moon,	Walker,
Cockrell.	Hatch.	Morse,	Wanger,
Cogswell,	Haugen,	Moses,	Waugh,
Conn,	Hayes.	Mutchler,	Wever,
Coombs,	Heiner,	Newlands,	Wheeler, Ill.
Cooper, Fla.	Henderson, Ill.	Northway,	White,
Cooper, Tex.	Henderson, Iowa	Oates,	Whiting,
Cornish,	Henderson, N.C.	O'Ferrall,	Wilson, Ohio
Cousins,	Hendrix,	O'Neill, Pa.	Wilson, Wash.
Covert,	Hepburn,	Payne,	Wise,
Cox.	Hermann,	Pearson,	Wolverton,
Crain.	Hicks,	Pence,	Wright, Pa.
Crawford,	Hilborn,	Perkins,	
Cummings,	Hines,	Phillips,	
Curtis, N. Y.	Hooker, Miss.	Post,	

The following pairs were announced:

The following pairs were announced.
Until further notice:
Mr. Tucker with Mr. Hull.
Mr. Abbott with Mr. Walker.
Mr. Hatch with Mr. Harmer.
Mr. Goodnight with Mr. Henderson of Iowa.
Mr. Blanchard with Mr. Henderson of Illinois.
Mr. Blanchard with Mr. Funk.

Mr. BLACK of Illinois with Mr. Funk.
Mr. Boatner with Mr. Lacey.
Mr. O'FERRALL with Mr. HEPBURN.
Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.

Mr. GEISSENHAINER with Mr. WRIGHT of Pennsylvania.
Mr. CORNISH with Mr. GARDNER.
Mr. BUNN with Mr. POWERS.
Mr. ELLIS of Kentucky with Mr. HOPKINS of Pennsylvania.
Mr. WISE with Mr. WILSON of Ohio.
Mr. DURBOROW with Mr. PERKINS.
Mr. HENDERSON of North Carolina with Mr. STRONG.
Mr. ENLOE with Mr. BOUTELLE.
Mr. DE ARMOND with Mr. UPDEGRAFF.
Mr. RICHARDSON of Michigan with Mr. SHAW.
Mr. LAPHAM with Mr. STEPHENSON.

Mr. Lapham with Mr. Stephenson. Mr. Stephens with Mr. Randall.

Mr. LESTER with Mr. HILBORN Mr. LAWSON with Mr. TAYLOR of Tennessee. Mr. SIMPSON with Mr. GILLETT of Massachusetts.

Mr. Cox with Mr. Brosius. Mr. Schermerhorn with Mr. Van Voorhis of New York.

Mr. FORMAN with Mr. CALDWELL.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illi-

Mr. Moses with Mr. Hulick.

Mr. GRAHAM with Mr. LINTON. Mr. BRECKINRIDGE of Kentucky with Mr. Post.

Mr. BRANCH with Mr. HOOKER of New York. Mr. CLARKE of Alabama with Mr. GEAR until further notice,

except on silver. Mr. HALL of Minnesota with Mr. FLETCHER, from September 22 until October 15.

For this day: Mr. CADMUS with Mr. HAGER.

Mr. Cadmus with Mr. Hager.
Mr. Cummings with Mr. Storer.
Mr. Crain with Mr. O'Neill of Pennsylvania.
Mr. Hooker of Mississippi with Mr. Grosvenor.
Mr. Reilly with Mr. Northway.
Mr. Fellows with Mr. Charles W. Stone.
Mr. Berry with Mr. Wever.
Mr. Berry with Mr. Wever.
Mr. Hendrix with Mr. Moon.
Mr. Sickles with Mr. Dolliver.
Mr. Stockdale with Mr. White.
Mr. VAN VOORHIS of New York. Mr. Speaker, my pair with Mr. Schermerhorn does not apply to this bill.
Mr. RICHARDSON of Tennessee. Mr. Speaker, my colleague
[Mr. Snodgrass] is called home by reason of death in his family. I ask to have him excused indefinitely.

There was no objection.
The SPEAKER. On this question the yeas are 132; the noes
8. No querum has voted.
Mr. RICHARDSON of Tennessee. I move that the House do

3 minutes p. m.) the House adjourned.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 4201) to regulate and suppress the production and emission of smoke from bituminous coal and to provide penalties for the violation thereof within the city of Washington-to the Committee on the District of Columbia

By Mr. STONE of Kentucky: A bill (H. R. 4202) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States—to the Committee on War Claims.

By Mr. CAMINETTI: A bill (H. R. 4203) making conditional grants of lands and lakes to the State of California, and counties and irrigation districts therein, for storage reservoirs for irrigating, mining, manufacturing, or any industrial or other useful purpose—to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 4204) to amend section 2335 of the Revised Statutes—to the Committee on Mines and Mining.

By Mr. ROBINSON of Pennsylvania: A joint resolution (H. Res. 78) tendering the thanks of Congress to Capt. J. H. Gillig—

to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COMPTON (by request): A bill (H. R. 4206) for the relief of Thomas Hynes—to the Committee on Claims.

By Mr. DALZELL: A bill (H. R. 4206) for the relief of James A. Stewart on account of injuries received by him in the col-lapse of the Old Ford's Theater on the 9th of June, 1893—to the Committee on Claims.

By Mr. LOUD: A bill (H. R. 4207) for the relief of the heirs or assigns of Joshua Shaw—to the Committee on Claims.

By Mr. SNODGRASS (by request): A bill (H. R. 4208) for the relief of the estate of John C. Gillespie, deceased, late of Hamilton County, Tenn.—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 4209) for the relief lof the securities of John S. Bradford—to the Committee

on Foreign Affairs

Also, a bill (H. R. 4210) for the relief of S. P. Martin-to the Committee on War Claims.

PETITIONS, ETC.

Under clause 4 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows: By Mr. ARNOLD (by request): Papers to accompany House

bill 4189, granting a pension to John Weimer, of Cape Girardeau, Mo.—to the Committee on Invalid Pensions.

By Mr. BOEN: Petition of citizens of Wright County, Minn.

for free coinage of silver and the establishment of postal savings banks—to the Committee on Banking and Currency.

Also, resolutions by the Minnesota State Federation of Labor,

Also, resolutions by the Minnesota State Rederation of Labor, urging upon Congress to abolish all special privileges and to repeal all laws protecting and upholding trusts, combines, etc.—to the Committee on Banking and Currency.

By Mr. BRYAN: Petition of 26 citizens of Meriden, Conn., protesting against the repeal of the Sherman act, and favoring the first and unlimited colorage of silver on the ratio of 16 to 1.

the free and unlimited coinage of silver on the ratio of 16 to 1—to the Committee on Coinage, Weights, and Measures.

Also, two petitions of citizens of Naugatuck, Conn., protesting against the unconditional repeal of the purchasing clause of the Sherman law, and urging the restoration of silver to free and unlimited coinage, as it was before the passage of the act of 1873—to the Committee on Coinage, Weights, and Measures.

By Mr. COMPTON: Petition for the relief of Martha A. Holt—to the Committee on Pensions.

to the Committee on Pensions.

By Mr. CRISP (by request): Memorial of the Democratic State Committee of California, relating to the Geary law—to the Committee on Foreign Affairs.

SENATE.

MONDAY, October 23, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.]

The Senate met at 10 o'clock a. m., at the expiration of the

The VICE-PRESIDENT. The Senate resumes its session.
Mr. WOLCOTT. Mr. President, there is but a handful of
Senators here, evidently no quorum.
The VICE-PRESIDENT. The Secretary will call the roll.
The Secretary called the roll, and the following Senators answered to their respect.

swered to their names:

Gorman Irby, Kyle, Manderson, Mitchell, Wis. Murphy, Pasco, Perkins Proctor. Shoup, Smith. Stockbridge,

The VICE-PRESIDENT. Twenty-seven Senators have answered to their names. There is no quorum present. What is the pleasure of the Senate?

the pleasure of the Senater

After a little delay Mr. DOLPH, Mr. HAWLEY, Mr. FRYE, Mr.

DIXON, Mr. BUTLER, Mr. SHERMAN, Mr. WASHBURN, Mr. Mc.

MILLAN, Mr. STEWART, Mr. MILLS, Mr. JONES of Nevada, Mr.

LINDSAY, Mr. RANSOM, Mr. ROACH, Mr. POWER, and Mr. DAVIS entered the Chamber, and answered to their names.

The VICE-PRESIDENT (at 10 o'clock and 20 minutes a.m.).

Forty-three Senators have answered to their names. A quorum is present. The Senate resumes the consideration of House bill No. 1, upon which the Senator from Nevada [Mr. JONES] is enti-

tled to the floor.
Mr. JONES of Nevada. Several Senators wish to present routine morning business, and I yield for that purpose.

PETITIONS AND MEMORIALS.

Mr. DOLPH presented a petition of the Chamber of Commerce of Portland, Oragon, praying that an appropriation be made providing for the publication of a pilot chart of the North Pacific Ocean; which was referred to the Committees on Appropria-

Mr. STOCKBRIDGE presented a petition of the Methodist Episcopal Church of Grand Rapids, Mich., composed of over 300 ministers, and representing over 45,000 church members, praying for the repeal of the so-called Geary Chinese law; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Council of Trades and Labor Union, of Detroit, Mich., praying for the purchase of telegraph lines by the United States, to be operated by the United States Post-Office Department; which was referred to the Committee on Post-Offices and Post-Reads.

mittee on Post-Offices and Post-Roads.

He also presented a potition of the Central Labor Union of Saginaw, Mich., praying that all public buildings be built by day's work, under the Supervising Architect of the Treasury Department; which was referred to the Committee on Public

Buildings and Grounds.

Mr. WASHBURN presented a petition of 75 ministers of the Northwest Swedish Conference of the Methodist Episcopal Church and a petition of the Ministers' Association of the Presented and a petition of the Ministers' Association of the Presented and a petition of the Ministers' Association of the Presented and a petition of the Ministers' Association of the Presented and byterian Church of Minneapolis, Minn., praying for the repeal of the so-called Geary Chinese law; which were referred to the

Committee on Foreign Relations.

He also presented a petition of sundry citizens of Duluth, Minn., praying for the repeal of the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the

Mr. BATE presented resolutions adopted at a meeting of the Chamber of Commerce of Knoxville, Tenn., indorsing personally the Senators from that State, but differing with them as to their course on the Sherman law, as heretofore expressed when the board asked for the prompt and unconditional repeal of that law; which were ordered to lie on the table.

He also presented a memorial of citizens of Hamblen County, Tenn., remonstrating against the unconditional repeal of the so-called Sherman silver law: which was ordered to lie on the

called Sherman silver law; which was ordered to lie on the

Mr. McMILLAN presented a petition of the Council of Trades and Labor Union of Detroit, Mich., praying for the enactment of legislation enabling the Government to obtain control of the the telegraph system in connection with the Post-Office Department; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES

Mr. PASCO, from the Committee on Public Lands, to whom was referred the bill (S. 653) to open certain parts of the Fort Jupiter military reservation, in the State of Florida, to entry

under the homestead laws, reported it without amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 339) to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga, reported it with amendments.

HEARINGS BEFORE WAYS AND MEANS COMMITTEE.

Mr. GORMAN. I ask unanimous consent to submit a report

from the Committee on Printing.

The VICE-PRESIDENT. The Chair hears no objection, and

The VICE-PRESIDENT. The Chair Rears no objection, and the report will be received.

Mr. GORMAN. I am directed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives to print 2,000 copies of the hearings before the Committee on Ways and Means, to report it with amendments, and I ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read and

the amendments stated.

The concurrent resolution of the House of Representatives was

read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and is hereby, authorized to print 2,000 copies of the hearings before the Committee on Ways and Means, for the use of the House.

The amendments of the Committee on Printing were, in line before the word "thousand," to strike out "two" and insert "four"; in line 6, after the words "Ways and Means," to insert "2,000 copies," and at the end of the resolution to add "and 2,000 copies for the use of the Senate;" so as to make the concurrent resolution read:

rent resolution read:

Resolved by the House of Representatives (the Senateconcurring), That the Public Printer be, and is hereby, authorized to print 4,000 copies of the hearing shefore the Committee on Ways and Means, 2,000 copies for the use of the House and 2,000 copies for the use of the Senate.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. STOCKBRIDGE introduced a bill (S. 1117) for the relief of William Loring Spencer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1118) for the relief of Hannah A. Frisbie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1119) for the relief of James K. Bowman, which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 1120) to provide for the division of the eastern district of Michigan into the northern and southern divisions and for holding the circuit and district courts of the United States therein, and for other purposes; which was read twice by its title, and referred to the Committee on the Ju-

diciary.

Mr. SHERMAN introduced a bill (S.1121) granting a pension to Louis F. Folger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pen-

He also introduced a bill (S. 1122) granting a pension to Isaac H. Greene; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Wisconsin introduced a bill (S. 1123) granting a pension to Samuel F. Fowler, late of Company A, First

Regiment United States Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the amendment proposed by Mr. PEFFER to the substitute reported by the Committee on Finance

Mr. STEWART. My colleague yields to me that I may give notice of a modified amendment with regard to the Pan-American Bimetallic Conference, which I ask to have read, printed, and laid on the table. I shall offer it to the bill at the proper time, and should like to make some remarks upon it.

The amendment was read, and ordered to lie on the table and

to be printed, as follows:

to be printed, as follows:

Amendment intended to be proposed by Mr. Stewart to the bill (H. R. 1) to repeal a part of an act, approved July 14, 1899, entitled "An act directing the purchase of sliver bullion and the issue of Treasury notes thereon, and for other purposes," via, add thereto the following section:

"SEC.— That the President of the United States be, and he hereby is, authorized and directed to invite the several governments of the republics of Mexico, Central and South America. Haiti, and San Domingo to join the United States in a conference to be held in Washington, in the United States, within nine months from the passage of this act, for the purpose of 'the adoption of a common silver coin to be issued by each government, the same to be a legal tender in all commercial transactions between the citizens of all the American states represented in the conference; and when such common coin shall have been agreed upon by the majority of the government represented in such conference, and when the governments so invited and participating in such conference shall have opened their mints to the free and unlimited coinage of the common silver coin so agreed upon by the conference for the benefit of depositors of silver bullion, the United States will also open its mints to the free

Mr. JONES of Nevada addressed the Senate in continuation of the speech begun by him on the 14th instant. After having spoken for some time

Mr. STEWART. Mr. President, I suggest the want of a quo-

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Senator from Nevada suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Berry, Blackburn, Brice, Caffery, Call, Camden, Frye, Gallinger, George, Gibson, Gordon, Roach, Sherman, Shoup, Smith, Lodge. McMillan, Manderson, Murphy, Stewart Stockbridge, Teller, Vance, Voorhees, Washburn, Pasco, Peffer, Perkins, Gray, Earris, Carey, Hawley, Higgins, Jones, Ark. Jones, Nev. Pettigrew, Platt, Proctor, Pugh, Davis. Dixon. Dolph, Faulkner, White, La Kyle,

Mr. ROACH. I was requested to announce that my colleague [Mr. HANSBROUGH] has been called away from the city by a telegram announcing serious illness in his family.

The PRESIDING OFFICER. Forty-seven Senators have an swered to their names. A quorum is present. The Senator

from Nevada.

from Nevada.

Mr. JONES of Nevada resumed his speech; and after having spoken in all over two hours and a half, he said:

Mr. President, the room is very close and I am somewhat tired. If I can be allowed to go on at another time, as there are other gentlemen who desire to speak now, I should like to yield the floor to the Senator from Colorado [Mr. Teller] or my colleague

[Mr. STEWART].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TowLes, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3421) providing for the construction of a steam

A bill (H. R. 3713) to provide for the division of the eastern district of Michigan into the northern and southern divisions and for holding the circuit and district courts of the United States therein, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 34) providing for the disposition of certain personal property and money now in the hands of a receiver of the Church of Jesus Christ of Latter-Day Saints, appointed by the supreme court of Utah, and authorizing its application to the charitable purposes of said church, and it was thereupon signed by the Vice-President.

HOUSE BILLS REFERRED.

The following bills were read twice by their titles, and referred as indicated below:

The bill (H. R. 3421) providing for the construction of a steam revenue cutter for the New England coast—to the Committee on Commerce

The bill (H. R. 3713) to provide for the division of the eastern district of Michigan into the northern and southern divisions and for holding the circuit and district courts of the United States therein, and for other purposes-to the Committee on the Judiciary.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. I) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other

purposes."

Mr. STEWART. Before the Senator from Colorado commences, I suggest a call of the roll, as there is no quorum here. The PRESIDING OFFICER. The Senator from Nevada suggests the absence of a quorum. The Secretary will call the roll. The Secretary called the roll, and the following Senators and

swered to their names:

			~
Aldrich.	Dolph,	Lodge,	Smith,
Berry.	Faulkner.	McMillan.	Stewart,
Blackburn.	Gallinger,	Manderson,	Stockbridge,
Brice,	George,	Martin,	Teller,
Butler.	Gibson,	Murphy,	Vest.
Caffery,	Gordon.	Pasco,	Voorhees,
Call,	Gorman,	Perkins,	Walthall,
Camden,	Gray,	Platt,	Washburn,
Cameron,	Harris,	Pugh,	White, La.
Carey,	Hawley,	Ransom,	Wolcott.
Coke,	Higgins,	Roach,	
Cullom,	Jones, Nev.	Sherman,	
Thimon	T desidences	Charm	

The PRESIDING OFFICER. Forty-nine Senators have anwered to their names. A quorum is present. The Senator from

Colorado will proceed.

Mr. PEFFER subsequently said: I was present in the Chamber when my name was called, but being temporarily engaged I did not observe it. I ask that my name may be entered as among

the Senators present.

The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that his statement will go into the RECORD. The roll call has been completed and the Senate has proceeded

to other business.

Mr. PEFFER. I supposed that that rule applies merely where a yea-and-nay vote has been taken. I beg pardon.

Mr. TELLER addressed the Senate in continuation of the speech begun by him September 27. After having spoken two hours and a half, he yielded the floor.

Mr. STEWART addressed the Senate. After having spoken

an hour and a quarter,
Mr. FAULKNER. With the consent of the Senator from Nevada, I move that the Senate take a recess until half-past 10 to-

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia.

The motion was agreed to; and (at5 o'clock p.m., Monday, October 23) the Senate took a recess until to-morrow, Tuesday, October 23) the Senate took a recess until to-morrow, Tuesday, October 23, 1993 et 10 clock and 30 minutes a m ber 24, 1893, at 10 o'clock and 30 minutes a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, October 23, 1893.

The House met at 12 o'clock m. Prayer by Rev. ISAAC W. CANTER, of Washington, D. C.

The Journal of the proceedings of Saturday was read and

J. H. AND J. B. ABINGTON VS. THE UNITED STATES.

The SPEAKER laid before the House a copy of the finding of the Court of Claims in the case of J. H. and J. B. Abington, administrators, vs. The United States; which was referred to the Committee on War Claims.

CERTAIN PROPERTY OF THE MORMON CHURCH.

The SPEAKER laid before the House a joint resolution (H Res. 34) providing for the disposition of certain property and money now in the hands of a receiver of the Church of Jesus Christ of Latter-Day Saints, appointed by the supreme court of Utah, and authorizing its application to the charitable purposes of said church, with amendments of the Senate thereto.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Page I, line 10, after "thereof," insert: "That is to say, for the payment of the debts for which said church is legally or equitably liable, for the relief of the poor and distressed members of said church, for the education of the children of said members, and for the building and repair of houses of worship for the use of said church, but in which the rightfulness of the practice of polygamy shall not be inculcated."

Page 2, line 6, after "church," insert "as aforesaid."

Mr. RAWLINS. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. SAYERS. I hope, Mr. Speaker, the gentleman will ex-

Mr. SAYERS. I hope, Mr. Speaker, the gentleman will explain the nature of the amendments.*

Mr. RAWLINS. The original joint resolution provided that this personal property should be restored, to be applied to the charitable purposes of the church generally. The Senate amendment simply provides that it shall be applied to certain charitable purposes; that is to say, the payment of the debts for which the church is legally or equitably liable, the relief of poor and distressed members, the education of the children of such most. tressed members, the education of the children of such members, and the building and repair of houses of worship, provided that the rightfulness of the practice of polygamy shall not be inculcated in such places of worship. It does not change the substance of the original joint resolution as it passed the House, and therefore I ask that it be concurred in.

Mr. DINGLEY. The Senate amendment simply directs the distribution of this fund?

Mr. RAWLINS. That is all.

Mr. RAY. And the purposes enumerated in the amendment.

Mr. RAY. And the purposes enumerated in the amendment

Mr. RAWLINS. Yes, sir. It conforms to the intention of those whose labor created the money and who gave it to the church to be dispensed under the direction of the leaders of the church for charitable purposes. The amendment specifies the purposes as I have recited them, and simply carries out the original intention. This property belongs to charity and was intended for the identical charitable purposes to which it is now proposed to be applied. The joint resolution carries into effect the intent of those who gave the money, while it does not per-mit it to be used for any unlawful purpose. The money is now being wasted in litigation.

Mr. REED. What is the amount involved?
Mr. RAWLINS. It was \$237,000 a while ago. I do not know exactly what the amount is now.

Mr REED. A deserving profession has got some of it, I suppose. [Laughter.] Mr. RAWLINS.

Mr. RAWLINS. Yes, sir. I ask for a vote.
The SPEAKER. The question is on agreeing to the amendments of the Senate to the joint resolution.

The Senate amendments were concurred in.
Mr. RAWLINS moved to reconsider the vote by which the
Senate amendments to the joint resolution were concurred in, and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. COOPER of Texas, for the week, on account of important business.

To Mr. CONN, for ten days; on account of important business. To Mr. Pickler, for two weeks, on account of urgent business. To Mr. Morse, for one week, on account of important business. To Mr. COFFEEN, indefinitely, on account of important busi-

VACANCY IN THE COMMITTEE ON MERCHANT MARINE AND FISHERIES.

The SPEAKER. The Chair announces the appointment of the gentleman from Colorado [Mr. Pence] to fill a vacancy on the Committee on the Merchant Marine and Fisheries.

ORDER OF BUSINESS.

Mr. HEARD. Mr. Speaker, I ask unanimous consent for the consideration of the bill which I send to the desk.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I wish to know whether the first thing in order is not the bill which came over from Saturday afternoon with the previous question ordered

The SPEAKER. It is.

Mr. HEARD. I ask the gentleman from Tennessee to withhold his demand for the regular order for a moment.

Mr. RICHARDSON of Tennessee. Very well.

Mr. HEARD. Now, Mr. Speaker, I ask unanimous consent for the bill which I send to the desk (H. R. 913) for the relief of Toyle I. Williams. Louis L. Williams.

The bill was read.

Mr. HEARD. I can explain the object of this bill in two min-

utes. Mr. Williams was appointed by the Governor of Alaska utes. Mr. Williams was appointed by the Governor of Alaska to represent that Territory as a commissioner at the World's F_4 ir. At the time he presented his voucher for payment there was some doubt as to whether Alaska would be entitled to a representative receiving pay. The money was withheld and the question was referred to the Attorney-General, who found that the Alaska commissioner was entitled to be paid. He has not got his pay, and this simply authorizes the Treasury to pay him the property which the Attorney-General has found to be due him or which the Attorney-General has found to be due him on that first voucher.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HEARD] for the present consideration

Mr. KILGORE. I am inclined to object to that, Mr. Speaker. This is the beginning of paying the expenses of the World's

Mr. HEARD. This does not involve any extra expense at all. Mr. KILGORE. What is it, then?
Mr. HEARD. I have explained, but I will explain again. This commissioner presented his voucher for payment, but at that time there was some doubt as to whether the commissioner from Alaska was entitled to be paid.

The question was referred to the Attorney-General and his

opinion is clear in favor of the title of this party, but he has not

been paid

Mr. KILGORE. Why not pay him out of the fund already appropriated for such payments?

Mr. HEARD. The Secretary of the Treasury finds that he

has no authority without the passage of this act to make payment.

Mr. KILGORE. But there have been appropriations made.

Mr. HEARD. But none, it seems, that covered this case. It

This gentleman has been kept out of the use perfectly just. of his money for two years. He certainly ought to be paid.

Mr. KILGORE. But if Alaska was entitled to representation,

and other persons have been paid, I can not understand why this provision is necessary to make payment in this case. It ought to be paid from the same fund.

Mr. HEARD. Because, as I have stated, the Secretary of the Treasury finds that there is no appropriation out of which to pay

it without this enactment.

Mr. KILGORE. Well, I will object to it this morning anyhow and look into it hereafter. I do not believe in beginning on compensation for World's Fair people at this time.

BIDS FOR ANNUAL SUPPLIES FOR EXECUTIVE DEPARTMENTS. Mr. DOCKERY. Mr. Speaker, 1 ask unanimous consent to introduce a bill for reference to the Joint Special Commission, with leave to report at any time.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 4211) to amend section 3709 of the Revised Statutes

There being no objection, the bill was read twice, and referred to the Joint Special Commission, with leave to report at any

SUSPENSION OF PENSIONS.

Mr. WAUGH. Mr. Speaker, I ask unanimous consent for the present reading and consideration of a joint resolution which I

The SPEAKER. The joint resolution will be read subject to

objection.

The Clerk read as follows:

Joint resolution requiring the Commissioner of Pensions to furnish a copy of charges or information tending to defeat the granting or continuation of a pension already granted in certain cases.

of a pension already granted in certain cases.

Resolved by the Senate and House of Representatives of the United States in Congress casembled. That in cases where written charges or information have been or may hereafter be made by letter or otherwise, tending to defeat the granting of a pension, or to the continuation of a pension already granted upon any grounds whatever which are deemed sufficient by the Pension Bureau to warrant an investigation, the Commissioner of Pensions shall in all such cases, before an investigation is made of such charges or information, furnish to the applicant or pensioner, as the case may be, a copy of such charges or information, together with the name of the person or persons making the same; and such applicant or pensioner shall be given an opportunity to be heard respecting such charges or information; and that no charges or information tending to defeat the granting of or to the continuation of a pension already granted shall be considered unless in writing, and signed by the person or persons making them.

The SPEAKER. Is there objection to the present considera-

The SPEAKER. Is there objection to the present considera-

tion of the resolution?

Mr. LIVINGSTON. I move its reference to the Committee

Mr. HOPKINS of Illinois. Why should the gentleman do

Mr. WAUGH. I hope no gentleman will object to its consideration. Mr. LIVINGSTON. It is legislation on a subject that ought

to be considered by the committee.

Mr. WAUGH. It asks the same privileges for our soldiers Black.

which are granted to the soldiers of every civilized nation on the face of the globe.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for re-

The committees were called, no reports being submitted.

THE COMMITTEE ON ELECTIONS.

Mr. BROWN. Mr. Speaker, I ask the present consideration of a resolution I send to the desk in behalf of the Committee on Elections.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, by the House of Representatives, That the Committee on Elections be authorized to sit during the sessions of the House.

The resolution was agreed to.

PUBLIC PRINTING AND BINDING.

Mr. RICHARDSON of Tennessee. I call for the regular order, which is the unfinished business coming over from Saturday The SPEAKER. The Clerk will report the title of the unfin-

ished business.

Alderson, Aldrich, Alexander,

Alexander, Apsley, Arnold, Avery, Bailey, Baker, Kans. Baker, N. H. Baldwin, Bankhead, Barnes.

Barnes,
Barwig,
Bell, Colo.
Bell, Tex.
Black, Ga.

Boatner. Brawley, Broderick,

Brookshire. Brosius, Brown, Bynum Cabaniss

Caminetti

Cannon, Cal.

atchings,

Causey, Clark, Mo. Cobb, Ala. Cobb, Mo. Cockrell, Coffeen, Coombs,

Cooper, Ind. Cousins, Covert, Crain, Curtis, Kans.

Berry, Bland, Boen, Bretz, Brickner,

Abbott, Aitken, Allen, Babcock, Bartholdt, Bartlett, Belden.

Beltzhoover,

Bingham, Black, III.

The Clerk read as follows:

A bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents.

The SPEAKER. The previous question has been ordered on

the passage of the bill; the yeas and nays were taken on Saturday when no quorum voted, upon which the House adjourned.

Mr. RICHARDSON of Tennessee. I ask unanimous consent

to reconsider the vote ordering the yeas and nays on the passage of the bill.

Mr. TAYLOR of Indiana. To that I object. Mr. RICHARDSON of Tennessee. Then I ask for the regular order

The SPEAKER. The regular order is the question on the passage of the bill, and the Clerk will call the roll.

The question was taken; and there were—yeas 164, nays 17, not voting 172; as follows:

9	as ioliows:		
	YI	EAS-164.	
	Curtis, N. Y. Dalzell, Davey, Davey, Davis, De Armond, Denson, Dingley, Dockery, Draper, Edmunds, Ellis, Oregon Enloe, Epes, Erdman, Everett, Fithian, Fivan, Goldzier, Gorman, Grady, Grady, Gresham, Hall, Minn. Hall, Minn. Hall, Mon. Hare, Hall, Minn. Hall, Mon. Hare, Harter, Haugen, Hayes, Heard, Hitt, Holman, Hopkins, Ill. Houk, Ohio Houk, Tenn.	Johnson, Ind. Jones, Kem, Kiefer, Kribbs, Kyle, Latimer, Layton, Livingston, Loud, Lucas, Maddox, Marsh, Marshall, Martin, Ind. McCulloch, McDearmon, McEttrick, McKeighan, McLaurin, McMillin, McRae, Meikejohn, Meredith, Meredith, Meyer, Money, Mongan, Murray, Neill, Oates, Outhwaite, Page, Patterson,	Ray, Rayner, Reyburn, Richards, Ohio Richardson, Tenn. Robbins, Robertson, La. Robinson, Pa. Ryan, Sayers, Settle, Shell, Sibley, Smith, Sperry, Springer, Stallings, Stevens, Stockdale, Stone, W. A. Stone, W. A. Stone, Ky. Strait, Talbert, S. C. Talbott, Md. Tarsney, Tate, Tarsney, Turner, Van Voorhis, Ohio Wadsworth, Warner, Weadock, Wheeler, Ala. Whiting, Williams, Miss, Wilson, Wash.
	Hudson, Hunter,	Paynter, Pence,	Wilson, W. Va. Woodard,
	Hutcheson, Ikirt,	Pendleton, Tex. Pendleton, W. Va.	Woomer,

NAVS-17

Kilgore,
Mallory,
Pigott.
Ritchie,
Somers,

NOL	AOTING
Blanchard,	Burrows,
Boutelle,	Cadmus.
Bower, N. C.	Caldwell,
Bowers, Cal.	Campbell,
Branch,	Cannon, Ill.
Brattan,	Chickering,
Breckinridge,	Ark.Childs.
Breckinridge,	Ky. Claney.
Bryan.	Clarke, Ala.
Bunn.	Cockran,
Burnes,	Compton,

ooper, Fla. looper, Tex. looper, Wis. Cornish. Cox, Crawford, Cummings,

Wells, Williams, Ill.

Dolliver, Doolittle, Dunn, Dunphy, Durborov Ellis, Ky. Fellows, Fietcher, Fitch, Fietcher, Forman, Funk, Gardner, Gear, Gear, Hepburn, Hermann, Hicks, Hilborn, Shaw, Sherman, Sickles, McCreary, Ky. McDowell, McGann, McNagny Milliken, Hilbore, Hines, Hooker, Miss. Hooker, N. Y. Hopkins, Pa. Hulick, Hull, Johnson, N. Dak. Johnson, Ohio Simpson. Sipe. Snodgrass. Moon, Morse, Moses, Stephenson, Stone, C. W. Stone, C. W.
Storer,
Strong.
Swanson,
Sweet,
Tawney,
Taylor, Ind.
Taylor, Tenn.
Thomas,
Tucker,
Turpin. Moses, Mutchler, Newlands, Northway, O'Ferrall, O'Neil, Mass. O'Neill, Pa. Paschal, Lacey,
Land,
Lapham,
Lawson,
Letever,
Lester,
Lilly,
Linton,
Lisle,
Lockwood,
Loudenslager,
Lynch. Geary, Geissenhainer, Gillet, N. Y. Gillett, Mass. Goodnight, Payne, Pearson, Perkins, Phillips, Pickler, Turpin. Tyler, Updegraff, Van Voorhis, N. Y. Walker, Graham, Grosvenor, Grout, Hager, Halnes, Post, Powers, Price, Randall, Reed. Wanger, Washington, Halnes,
Harmer,
Hartman,
Hatch,
Heiner,
Henderson, IM.
Henderson, I. Owa
Henderson, N. C.
Hendrix, Londenslager, Lynch. Magner, Magnire, Mahon. Marvin, N. Y. McAle-r, McCall. McCleary, Minn. Waugh Reed, Reilly, Richardson, Mich. Rusk, Russell, Conn. Russell, Ga. Schermerhorn, Scranton. Wever, Wheeler, Ill. White, Wilson, Ohio Wise. So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. Breckinridge of Kentucky with Mr. Post. Mr. Branch with Mr. Hooker of New York. Mr. Reilly with Mr. Northway. Mr. Graham with Mr. Linton. Mr. Moses with Mr. HULICK.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. FORMAN with Mr. CALDWELL.

Mr. Cox with Mr. BROSIUS.

Mr. SIMPSON with Mr. GILLETT of Massachusetts. Mr. Lawson with Mr. Taylor of Tennessee. Mr. Lester with Mr. Hilborn.

Mr. LESTER WITH Mr. HILBORN.
Mr. STEVENS WITH Mr. RANDALL.
Mr. LAPHAM WITH Mr. STEPHENSON.
Mr. RICHARDSON OF Michigan WITH Mr. SHAW.
Mr. RUSSELL OF Georgia WITH Mr. BARTHOLDT.
Mr. ENLOE WITH Mr. BOUTELLE.
Mr. HENDERSON OF North Carolina WITH Mr. STRONG.
Mr. DURBOROW WITH Mr. PERKINS.
Mr. ELLIS OF KENTUCKY WITH Mr. HOPKINS OF PENNSYLVANIA.
Mr. WISE WITH Mr. WILSON OF ONLO.

Mr. Bunn with Mr. Powers.
Mr. Cornish with Mr. Gardner.
Mr. Schermerhorn with Mr. Van Voorhis of New York.
Mr. Geissenhainer with Mr. Wright of Pennsylvania.

Mr. O Ferrall with Mr. Hepburn. Mr. Black of Illinois with Mr. Funk. Mr. Blanchard with Mr. Henderson of Illinois.

Mr. GOODNIGHT with Mr. HENDERSON of Iowa.

Mr. HATCH with Mr. HARMER. Mr. ABBOTT with Mr. WALKER. Mr. Tucker with Mr. Hull.

Mr. HENDRIX with Mr. PICKLER.
Mr. O'NEIL of Massachusetts with Mr. Cogswell.
Mr. Lockwood with Mr. Wever.
Mr. Clarke of Alabama with Mr. Gear (except on silver question)

Mr. Turpin with Mr. Lacey.
Mr. Turpin with Mr. Conetl of Pennsylvania.
Mr. Cummings with Mr. Storer.

Mr. Cadmus with Mr. Hager. Mr. Hooker of Mississippi with Mr. Grosvenor. Mr. Sickles with Mr. Dolliver.

Mr. Fellows with Mr. Charles W. Stone. Before the result of the vote was announced— Mr. BROSIUS. My pair with the gentlemanfrom Tennessee [Mr. Cox] has been announced. Our arrangement was that we should be paired on all political questions. The bill just passed is not in any sense a political question. Therefore I have voted. Mr. HOPKINS of Illinois. I am paired with the gentleman from Arkansas [Mr. BRECKINRIDGE], but have voted to make a

The result of the vote was announced as above stated. On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks,

returned with an amendment, in which the concurrence of the House was requested, the concurrent resolution of the House of Representatives for printing the hearings before the Committee on Ways and Means.

REVENUE CUTTER FOR LAKE SERVICE.

The SPEAKER. The morning hour begins at fifteen minutes before 1 o'clock. There is pending in this hour a bill reported by the Committee on Interstate and Foreign Commerce, House bill No. 3297, providing for the construction of a steam revenue cutter for service tee of the Whole. vice on the Great Lakes. This bill is in Commit-

Mr. MALLORY. I move that the House resolve itself into Committee of the Whole to resume the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. Dockery in the chair, and resumed the consideration of the bill (H. R. 3297) providing for the construction of a

steam revenue cutter for service on the Great Lakes.

Mr. SAYERS. I wish to inquire whether the amendment reported by the committee to this bill has been adopted?

Mr. MALLORY. I do not know whether it has been or not, I would like to have that information from the Chair.
The CHAIRMAN. The general debate is not yet closed. The

amendment reported by the committee has not yet been voted on.

Mr. MALLORY. Unless some gentleman wishes to address the committee-

Mr. LOUD rose

Mr. MALLORY. Does the gentleman from California wish to speak on this question?
Mr. LOUD. Yes, sir.
Mr. MALLORY. How much time does the gentleman wish?

Mr. LOUD. Five minutes.
Mr. MALLORY. I yield the gentleman five minutes.
Mr. LOUD. I send to the desk a substitute which I desire to offer for the pending bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is authorized to have constructed a steam revenue cutter of the first class for service on the Great Lakes: Provided, That the cost of said construction shall not exceed the sum of \$175,000.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to have constructed a revenue cutter for service in the harbor of San Francisco, State of California: Provided, That the cost of said construction shall not exceed the sum of \$50,000.

Mr. SAYERS. Mr. Chairman, I desire to raise a point of or-

der as to that substitute.

The CHAIRMAN. The gentleman will state it.

Mr. SAYERS. The point of order is that the substitute which has been offered proposes to add another bill, and to add to the bill the construction of another vessel.

Mr. LOUD. I would like to state that it is offered regularly, in the form of a substitute, covering exactly the same subject,

and only including in it another provision.

The CHAIRMAN. Does the gentleman propose to offer this as a substitute for the other bill, by striking out all after the enacting clause and inserting this?

Mr. LOUD. Yes.

The CHAIRMAN. The Chair thinks that is in order.

Mr. SAYERS. Mr. Chairman, if the Chair rules that substitute to be in order, I would like some explanation from the gen-

tleman from California [Mr. LOUD] as to the substitute.

Mr. LOUD. I have the floor for that purpose, and I ask the gentleman to listen for a moment. I understand the committee have already reported substantially the same measure that I have proposed here as an amendment to this bill. There is a vessel needed in the harbor of San Francisco quite as much as it is needed upon the Great Lakes. The vessel that is there now can not be sent outside of the bar for the purpose of placing officers on vessels, and it is safe to assert that every year there is smuggled into the port of San Francisco, by reason of throwing opium overboard from vessels before they reach the harbor, more than \$50,000 worth of opium. You must remember that San Francisco, by reason of its being the principal port of entry for opium, needs revenue vessels more than any other port in the United States, because opium is as valuable as silver, and the incentive for smuggling is greater than the incentive to smuggle any other article that is brought into the United States.

Now, I am free to confess to this House that I should not have endeavored to entangle this bill providing a cutter for the Great Lakes with this amendment if I had not heard remarks uttered privately upon the floor, which do not appear in the RECORD of the debate, to the effect that gentiemen might consent to al-low the vessel to be built for the Great Lakes, but that they proposed to stop there.

Now, of course, we have not as many votes on the Pacific coast as there are bordering upon the Great Lakes, and hence we can not command as much support here as the Great Lakes can; but as this is a perfectly just measure, one that has been demanded

as this is a perioday just measure, one that has been demanded for years, I can not see why this House can not make one job of the two vessels and meet the demands of the service.

Mr. MALLORY. Mr. Chairman, I am sorry that the gentleman has thought proper to make an effort to incorporate this bill for the San Francisco boarding boat with the bill for this vessel for the Great Lakes.

Mr. LOUD. I should not have done so if it had not been for marks which I heard made in this House, the purport of which

Mr. MALLORY. I hope the gentleman will withdraw the substitute, because it simply complicates this matter, and may possibly result in the defeat of this measure for a revenue cutter on the lakes, which is a matter of great importance.

Mr. LOUD. No greater than ours.
Mr. MALLORY. There is no question whatever, I think, in
the mind of any gentleman here, that it is absolutely necessary
that there should be a new cutter on Lakes Michigan and Superior. There is an immense line of coast there that is unguarded, and the vessel that is in service there now is in a condition that is absolutely unsafe. As between the two, between the necessity for the boarding boat for the harbor of San Francisco, and the necessity for this revenue cutteron the lakes, I think there is no comparison at all. I have on behalf of the Committee on Inter-state and Foreign Commerce reported a measure recommending a boarding boat for San Francisco Harbor, at an expenditure not to exceed \$50,000; and the committee are perfectly willing to take to exceed so, our find the committee are perfectly willing to take that up in its regular order and present it to the House; and if the House thinks proper to pass that bill, let it go; but if it is tacked onto this bill, I am inclined to think it may embarrass its passage very much. It seems to me, Mr. Chairman, that there is no occasion to forestall the action of the committee in this matter.

Mr. LOUD. I do not think \$50,000 will weigh this bill down, if this other vessel is really needed. If it is not needed, of course they will both fail.

Mr. MALLORY. They may both be needed, but I think there is far more necessity for the cutter on the lakes than there is for the boarding boat for the San Francisco Harbor.

Mr. LOUD. The cutter in San Francisco Harbor will save

more money for this Government in one year than ten vessels on the Great Lakes will save in a hundred years.

Mr. MALLORY. I shall not dispute the gentleman on that, but I think there is a sentiment expressed in this House which

shows a disposition to economize to an alarming degree—
Mr. LOUD. Let us begin with the lakes.
Mr. MALLORY. And although there can be nothing said against the passage of the bill authorizing the construction of a against the passage of the on authorizing the construction of a cutter for the lakes, I think it is possible to say a good deal against the passage of a bill providing a boarding boat for San Francisco. I do not question the propriety of building such a boat. I have made a favorable report from the committee upon it myself; but it seems to me that it ought to stand upon its own

Mr. HOPKINS of Illinois. Has there been a bill reported for it

mr. Hold the committee?

Mr. MALLORY. Yes, sir.

Mr. HOPKINS of Illinois. Then why should it be incorporated on this bill, if there has been a bill favorably reported from the committee and on the Calendar?

Mr. MALLORY. I do not see any reason why there should be, and for that reason I am opposed to the substitute.

Mr. OUTHWAITE. I desire toask the gentleman a question. Mr. OUTHWAITE. I desire to ask the gentlemana question. Is it not a fact, and did you not make a statement to that effect, that this revenue cutter on the Great Lakes is in such a condition as to endanger the lives of the persons employed on it every time it goes out in stormy weather?

Mr. MALLORY. That was the testimony given before our committee the last Congress.

Mr. SAYERS. Mr. Chairman—
Mr. SOMERS. Mr. Chairman—
Mr. MALLORY. Iyield three minutes to the gentleman from Texas.

Texas.

Mr. SAYERS. Mr. Chairman, I sak the committee to reject the substitute. I am perfectly willing that the original bill shall go through as amended, but I do not think that Congress will be warranted at this time in undertaking the construction of three new vessels for the Revenue-Cutter Service. I am willing to authorize the construction of a cutter to be used on the New England coast and also for one on the Great Lakes.

are absolutely needed; but should we provide for a third vessel, it does seem to me that the committee will be going too far.

Mr. CAMINETTI. There is just as much necessity for this vessel in San Francisco Harbor as there is for the other two. In San Francisco we collect from \$10,000,000 to \$13,000,000 a year in the custom-house, and this boat is absolutely required there.

The reasons for it are identically the same as those offered for that on the Great Lakes. The great age of the boat makes it The great age of the boat makes it

necessary to have a new one.
Mr. SAYERS. How old is the boat?

Mr. CAMINETTI. Eighteen years old— Mr. SAYERS. That is not the ordinary life of a boat. Mr. CAMINETTI. And it has been declared unfit for use by

Mr. SAYERS. The gentleman says that this boat is only 18

years of age.

Mr. CAMINETTI. And the boat never was intended for this service. It was a second-hand tugboat originally, and was not built for this purpose.

Mr. SAYERS. Suppose it was, we have now vessels in the Navy that are over 40 years of age, and they are still doing ocean

Mr.CAMINETTI. I have investigated this matter, and am told by the officers of the boat that it is not fit to do the Government work

Mr. SAYERS. Where is the statement of the officers. Have they made any such statement to the House? Mr. CAMINETTI. Yes, sir, Mr. SAYERS. Where is it?

Mr. CAMINETTI. Oftentimes when schooners and vessels come into the harbor and the officers on this boat order them to stop, they can get away from this boarding boat, because it can not catch an ordinary sail boat; and there is a lot of smuggling going on in San Francisco Harbor.

Mr. SAYERS. If gentlemen will not assist in reducing appropriations they may just expect a "billion-dollar Congress."

Mr. CAMINETTI. I will joint he gentleman in reducing appropriations, but not at the expense of California all the time. It

The CHAIRMAN. The time of the gentleman has expired.

Mr. SOMERS. Mr. Chairman, in response to the inquiry of the gentleman from Ohio [Mr. OUTHWAITE] in regard to whether this boat on the Great Lakes, the Andy Johnson, is seaworthy or not, I wish to make a statement. The city of Milwaukee at the present time is constructing a tunnel under Lake Michigan, and

present time is constructing a tunnel under Lake Michigan, and the city is building a crib out one-half mile—

Mr. SAYERS. The gentleman is speaking of another vessel. Mr. SOMERS. I am speaking about the Andy Johnson, which is to be superseded by the new vessel on the Great Lakes. A storm came up while fourteen men were on this crib. This vessel, the Andy Johnson, which has been pronounced unseaworthy, was lying in Milwaukee Harbor and the officers were requested to go out to the relief of these fourteen men. They could not go out all the way to their relief, and thirteen lives were lost.

The vessel did attempt to go out, but it was so unmanageable.

The vessel did attempt to go out, but it was so unmanageable it could not approach near to the crib. It was generally conceded at the time that the vessel was unseaworthy. These thirteen men remained on that crib for hours in the storm and finally perished in full view of their friends and relatives upon the shore. If that vessel had been seaworthy and in good con-dition not one life would have been lost. I think this instance

answers the question of the gentleman from Ohio.

Mr. SAYERS. The gentleman is now referring to the vessel on the lakes. I referred to the vessel at San Francisco.

Mr. SOMERS. I am referring to the one in use on the lakes. And I will suggest that this boat, if constructed, will protect And I will suggest that this boat, it country upon the more coast than the whole seacoast of this country upon the West. It will protect Minnesota, it will protect Wisconsin, it will protect Illinois, it will protect Michigan, it will protect Indiana, it will protect Ohio, it will protect New York, it will protect Pennsylvania, and it is an absolute necessity. I introduced teet Pennsylvania, and it is an absolute necessity. I introduced this bill only at the instance and request of the Trensury Department

Mr. MALLORY. If there is nothing else to be said, Mr. Chairman, I will move that the committee rise and report the bill to the House.

Mr. LOUD. One moment. This bill, which I have offered as a substitute, was introduced by my colleague, Judge MAGUIRE, of San Francisco. I am not more specially interested in it than he is. He requests that it be withdrawn, and therefore, in compli-

ance with that suggestion, I withdraw it.

The CHAIRMAN. The question is on the amendment recommended by the committee, which will be read.

The amendment was read, as follows:

After the word "lakes," in line 5, strike out "and for said purpose the sum of \$175,090 be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated," and insert, "provided that the cost of said construction shall not exceed the sum of \$175,090,"

Mr. MALLORY. I move that the committee rise and report the bill as amended to the House, with the recommendation that it do pass

The motion was agreed to.

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The committee accordingly rose, and, the Speaker having re-

sumed the chair

Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes, and had directed him to report the same to the House with the recommendation that it do pass with an amend-

The amendment recommended by the Committee of the Whole

was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MALLORY moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will call the committees to call up bills for consideration in what is known as the second morning hour.

PUBLIC FOREST RESERVATIONS.

Mr. McRAE (when the Committee on Public Lands was called). Mr. Speaker, I call up the bill (H. R. 119) to protect public forest reservations, which has already been partially considered

The bill was read.

Mr. HOPKINS of Illinois. Mr. Speaker, has not this bill been considered in two morning hours under this rule?

The SPEAKER. The Chair does not know. Is this a bill that has been up before?

Mr. MCRAE. Yes, sir; I so stated.

Mr. HOPKINS of Illinois. Then it is not in order to call it

Mr. MCRAE. I submit that it is in order.

Mr. HOPKINS of Illinois. My understanding of the rule is that after the expiration of the second of these morning hours in which a bill has been considered it goes on the Calendar as

unanished business, and does not come up again in this hour.
The SPEAKER. The Chair thinks there may be some doubt about that question. The language of the rule is not, perhaps, exactly clear, but the Chair thinks from an examination of it that the intent and purpose of the rule was that where a bill was called up in this morning hour and not disposed of it should retain the place upon the Calendar which it had before it was called up. The language of the rule is "of unfinished business," but there is no such calendar as a calendar of unfinished business.

Mr. HOPKINS of Illinois. Does it not lose its privilege of

The SPEAKER. Why?

Mr. HOPKINS of Illinois. Because of the language of the rule. It seems to me that the intent, the spirit of the rule is that this morning hour is to be devoted to privileged matters, and that if a bill is not concluded in the second of these morning hours, then it goes over as unfinished business, and will not thereafter encumber the Calendar of the House for the morning hour, but that after the expiration of that hour the committee will have a right to call it up when it is in order, under the rules, for that committee to have a hearing.

The SPEAKER. So far as that is concerned why can not the committee call up in the second morning hour a bill that is on the Calendar of unfinished business? There is no limitation in

the rules to prevent that.

Mr. DINGLEY. I desire to suggest to the gentleman from Illinois and to the Chair that under such a construction as that one bill might be kept in this morning hour during a whole ses-

The SPEAKER. How so?

Mr. DINGLEY. Every time that the committee was called it might call up that bill. I think the construction of the rule heretofore has been that, after a committee had called up a partic-

neretoure has been that, after a committee had called up a particular bill and had occupied two morning hours in its consideration, that bill passed out of the number of those that might be considered during the morning hour.

The SPEAKER. The Chair has been trying to find some such ruling, but has been unable to find it.

Mr. DINGLEY. I refer to the practice. I have had bills myself go through the two hours, and I never supposed that they could be called up again in the morning hour. It seems to me that the object of the rule was to give matters of comparatively that the object of the rule was to give matters of comparatively small importance a chance to be considered in two of these morn-ing hours, but if they are to have longer than the two hours then, under that construction, they may be made to block every other business coming from the committee which calls them up.

The SPEAKER. That would operate as a restraint on the

committee to prevent them from calling up such a bill again. If they had other business which they desired to have considered, naturally they would say, "We will not call up that bill again because it will lose us our hour."

Mr. DINGLEY. But it seems to me that the practical effect would be to block all other business from that committee, so that the object of the adoption of the rule would be entirely defeated. It think the object of adopting that rule was to give an entire the chief of adopting that rule was to give an entire the chief. I think the object of adoption of the rule would be entirely defeated. I think the object of adopting that rule was to give an opportunity for getting matters of comparatively slight importance through during this morning hour. And if a matter of such importance was brought up that the House could not complete it during the two hours, it passed out of the business to be considered in the morning hour and took its place to be called up as and in the property unfinished business of the House. I had always are I had always supordinary unfinished business of the House. posed that to be the construction of the rule. I have never known an instance of a bill remaining in the morning hour after it had occupied its two hours.

The SPEAKER. It can only be continued in the morning hour by the action of the committee.

Mr. DINGLEY. I am aware of that. But in that case if the bill first presented were something that the majority of the committee was especially anxious to keep before the House, they might do so and block business in which other members were intensity.

The SPEAKER. If the majority of the committee wish to pursue that course, the Chair does not see how it could be ob-

Mr. DINGLEY. I merely call attention to the fact that it has

never been done heretofore.

The SPEAKER. The gentleman says "it has never been done heretofore." That, the Chair submits, has nothing to do with the question of the right to pursue that course. If there is any decision anywhere that this right does not exist, the Chair would be glad to know it. He has had the matter looked into by the Clerk and can not find any such decision. The only effect, if it were a matter stoutly resisted, if there were a number of gentlemen opposed to it, would be that that committee would lose the hour. That would be the practical effect of it.

Mr. SPRINGER. I would like to say a word on the point of order, if it has not been decided. I wish to call the attention of the Chair to a clause in paragraph 4 of Rule XXIV:

When any proposition shall have occupied two hours on this call it shall then remain on the Calendar as unfinished business and be taken up in its order.

That is to say, it shall be taken up in its order on the Calendar to which it belongs. If it belongs on the House Calendar, it will be considered when we proceed to business on the House Calendar; if on the Calendar of the Committee of the Whole, it will be taken up when we consider business in the Committee of the Whole House.

According to my recollection it has been the practice of the House ever since I have been a member, that when a bill of this kind has occupied the morning hour for two hours it then goes as unfinished business to the Calendar to which it belongs, and is to be considered when we proceed to business on that Calendar. I have no recollection of any case where a bill on this call

has occupied the morning hour longer than two successive days.

Mr. HOPKINS of Illinois, Mr. Speaker, it seems to me from
the reading of the rule that the position taken by my colleague
[Mr. SPRINGER] is absolutely correct. The object of this rule is to give the committees during the morning hour certain privileges on certain bills which they desire to call up; but upon the expiration of the second morning hour a bill which has been under consideration two hours ceases to be under the control of the committee, and becomes the property of the House; it goes to the appropriate Calendar, and can not be called up until the Calendar to which it belongs is reached in regular order.

Mr. SPRINGER. It would then be in order as the first busi-

ness on the Calendar.

Mr. HOPKINS of Illinois. Yes; it would then be in order as the first business, if it happened to be the first bill on the Calendar; it would not come up under the rule in regard to the morning hour, but would be considered as the first business when the House proceeded to the consideration of that Calendar. As has been stated by the gentleman from Maine [Mr. DINGLEY] and my colleague [Mr. SPRINGER], it has been the universal custom when a bill has received consideration in the morning hour for two hours, that it ceases from that time to have the privilege which belonged to the morning and against the consideration and the state of the consideration in the morning hour for two hours, that it ceases from that time to have the privilege which belonged to the morning hour against the consideration and the consideration in the morning hour for two hours, that it ceases from that time to have the privilege which he morning hour for the consideration of the consideration of the consideration of the calendar. As has been stated by the gentleman from Maine [Mr. DINGLEY] and my colleague [Mr. SPRINGER], it has been the universal custom when a bill has received consideration in the morning hour for two hours, that it ceases from that time to have the privilege which has been the universal custom when a bill has received consideration in the morning hour for two hours, that it ceases from the consideration in the morning hour for two hours, that it ceases from the consideration in the morning hour for two hours, the consideration in the morning hour for two hours, the consideration in the morning hour for two hours, the consideration in the morning hour for two hours, the consideration in the morning hours for the consideration in the morning hours for the consideration in the morning hours for two hours, the consideration in the morning hours for the consideration in th which belonged to it under this rule, and goes to the Calendar as unfinished busine

The SPEAKER. Where does the gentleman find the rule which sustains him in that position? That is the question. The gentleman speaks of what has been the practice; but the Chair

would like to know under what rule that practice has proceeded.

Mr. DALZELL. I would like to call the attention of the
Chair to an incident which may help to onlighten this subject.

The SPEAKER. The Chair will very gladly hear the gen-

Mr. DALZELL. In the Fiftieth Congress the Committee on Mr. DALLELL. In the Fritteth Congress the Committee on the Pacific Railroads occupied two successive morning hours in the discussion of what was known as the Outhwaite bill. That was the only bill the committee had to present for consideration. But although the committee was subsequently called a number of times, Speaker Carlisle privately advised the chairman of the committee [Mr. OUTHWAITE]—there was no public ruling made on the subject—that he was not entitled to have that bill conon the subject that he was not shitted with that of the sidered again in the morning hour. I believe I am correct in my recollection that the rule in the Fiftieth Congress was in exactly the same terms as the rule under which we are now operating. The point was never made in the House and there was no public ruling; yet, as I understand—and I think the gentleman from Ohio [Mr. OUTHWAITE] will bear me out in the statement—that was the position taken by Speaker Carlisle.

Mr. OUTHWAITE. The gentleman from Pennsylvania [Mr. The point was never made in the House and there was

DALZELL] is correct in his statement of the position taken at that time by the Speaker as to my right to bring up that bill again. The Speaker informed me that under the rule the bill went to the Calendar as unfinished business, and could only be

Mr. DALZELL, Let me say in addition, Mr. Speaker, that that was a case of peculiar hardship, for the reason that it was the only bill the committee had; and such a ruling as the Speaker seems inclined to make now would have been certainly permissible in that case if permissible at all.

The SPEAKER. The Chair had not heard of the ruling to which the gentleman refers.

The only object the Speaker has in such cases is to make such construction of the rule as to carry out what he understands to be its scope and purpose. Until now it never occurred to the Chair that by reason of having called up a bill in the morning hour you gained thereby for such measure any priority. The suggestion of the gentleman from Pennsylvania [Mr. DALZELL] as to the judgment of the Speaker in the Fiftieth Congress would give to a bill of this character a status on the Calendar of unfinished business. The present occupant of the Chair never thought that the rule was designed to do that.

Of course, if that is the effect of the rule, the calling up of a bill, even if it be not passed in the morning hour, gives it a superior status. Because under the rules of the House at any time after the second morning hour it is in order to proceed to the consideration of the unfinished business. So that, the Chair repeats, the calling up of a bill under this rule and the consideration. eration for two hours gives it priority of right to consideration, which the present occupant of the Chair did not suppose was the intent of the rule. The Chair was rather inclined to the opinion that when a bill was so called up, and failed to be disposed of in the two hours, it remained in all respects just as before it was

Mr. McMILLIN. And I think they have always been treated

that way

The SPEAKER (continuing). Not thereby obtaining any priority over other measures as the unfinished business.

Mr. McMILLIN. If the Chair will pardon me for a moment,

I think the Chair is right.

I am inclined to think, also, that the tendency of opinion in the Speakers of the House has been toward limiting the rights on a bill to two hours. If there has been no ruling upon the subject, but following the tendency of presiding officers of the House, there has been a general sentiment against taking them up the third time. Then I think, Mr. Speaker, that even if there were no rulings on the subject, if there had been no indication by any presiding officer of his opinion on the question, the very nature of the rule would indicate that it should take this

Now, what is the object of this proceeding in the morning hour? Why was the rule in question established? It was for the purpose of allowing the consideration of many measures to which there would be no serious opposition, which could be disposed of within the half hour or the hour or the two hours which the rule gave. It was believed by the adoption of such a rule that many meritorious bills could be disposed of where there was no serious opposition to them in that manner, and thereby relieve the Calendars, which were crowded with more important

It was thought no questionable measures could be crowded through in this hour, and yet many small and meritorious meas-

ures of local importance could receive consideration.

In order to show that that was the intention of the House, the rule provided also that only two hours should pertain to any one measure, and after that it has been the rule, as indicated by the Chair, that such measures take their place on the Calendar, to

be reached in the way and at the time they would have been

reached if not taken up in this manner.
Mr. DOCKERY. That is correct.
Mr. McMILLIN. Now, that being the Now, that being the object, the purpose of the rule would be defeated if we can bring in a strongly contested measure on which there is a great difference of opinion, which will require hours or even days to consider, after having devoted two hours to it under the rule, and recur to it, bringing it in again and again and again, and defeat the other noncon-tested matters which it was the object of the rule to reach. If it had been the object of the rule to give more than two hours to one measure, it could have been provided. The consideration would not in that case have been limited to two hours.

It seems to me, Mr. Speaker, that the proper ruling would be, first, that the bill, if undisposed of, goes back to its original place on the Calendar where it belongs; secondly, that it is not subject to be called up again, because it has proven itself to be not one of the noncontested matters that it was the intention of the rule to get rid of in a short time; and, thirdly, that it has no advantage of Calendar or place, because it has once been considered. Of the correctness of this I have no doubt.

Mr. DINGLEY. If the Chair will pardon me I will suggest, as this matter is so important, it seems to me, with reference to the conduct of the business of the House, that the Chair with-hold his decision until he may consider the matter more at

The SPEAKER. The Chair is perfectly willing to do so.
The only object of course is to make the proper ruling.
Mr. McRAE. I see no necessity for this course, but I have no objection, with the understanding that the committee is not that we stay on the day the decito lose the hour for to-day—that we start on the day the decision is made as if the bill was first called on that day.

sion is made as if the bill was first called on that day.

Mr. DINGLEY. Of course you will not lose your hour.

Mr. McRAE. Mr. Speaker, before the matter goes over I want to say a word. It will be observed that those who have objected to this bill being called again are members of committees that have the privilege of reporting at any time. They have shown no precedent for the arbitrary, unreasonable content of the arbitrary unreasonable content to the arbitrary unreasonable content struction they contend for. Follow their argument to its legitimate conclusion and you deny a large majority of the committees of this House the poor privilege of having their business considered during the morning hour unless something new is furnished on every call. This is the hour for committee business, and nothing not authorized by the committees can be brought up. The rule declares that each committee on the state of the right to call up any bill reported by it on a pre-The rule declares that each committee on being called

This bill was reported by the committee on a previous day, and I have been authorized to call it up for consideration. It is the only bill now on the Calendar reported from the Committee on Public Lands. To deny it consideration is to defeat what appears to me to be the plain provision of the rule. The rule provides that, "When any proposition shall have occupied two hours on this call it shall thereafter remain on the Calendar as un-To my mind it finished business and be taken up in its order." is perfectly clear that the two-hours limitation applies to each call and does not prevent the proposition from being called up again if the committee should be reached on another call by the Speaker. Mark the words "this call," and the words "be taken up in its order."

As the Speaker has correctly stated, the question of whether one bill shall be called more than once is for the committee in charge to determine, and the responsibility of making the call is with the committee. If the contention of the gentleman from Pennsylvania [Mr. Dalzell] that this bill is hereafter to be considered as unfinished business is correct, then I have no objection to withdrawing the bill, for then it could be reached as unfinished business, but I do object to a construction of the rules which will prevent consideration in the morning hour when the committee is called and not allow it to be treated as unfinished business. There is no reason or fairness in such a construction. business.

The SPEAKER. The Chair will then withhold the decision for the present. Mr. McRAE.

That is satisfactory to me. The SPEAKER. Without objection, then, the morning hour for to-day will be considered as pending, unless some other committee desires the floor.

UNIFORM SYSTEM OF BANKRUPTCY.

The SPEAKER. The Clerk will report the special order. The Clerk read as follows:

Resolved. That on Monday next, the 23d instant, immediately after the second morning hour, the House shall proceed to the consideration of H. R. 139, "A bill to establish a uniform system of bankruptcy throughout the United States," and the consideration thereof shall be continued after the second morning hour each legislative day thereafter until said bill shall

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have been fully disposed of; said bill to be first considered in Committee of the Whole.

The SPEAKER. The order provides for the consideration of this bill in Committee of the Whole.

Mr. OATES. Mr. Speaker, I was not present when the order was made, and it seems to me it is far preferable to consider the bill in the House as in Committee of the Whole; but that question was adjudged and passed upon by the House. The reason why I say that is not for the purpose of getting any advantage by which I can move the previous question to cut off anybody

from offering any legitimate amendment, or for the purpose of preventing necessary debate; but it might be necessary to somewhat facilitate the proceedings. My purpose, so far as I am able to show it, is to be very liberal, to allow all gentlemen an opporof offering amendments and expressing their views upon the bill, or any paragraph thereof. I ask unanimous consent that the order be changed so that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentlem in from Alabama [Mr. OATES] asks unanimous consent to alter the order made respecting the consideration of this bill, so that it may be considered in the House as in Committee of the Whole, instead of in the Committee

of the Whole itself. Is there objection?

Mr. CULBERSON. I feel constrained to object to that.

The SPEAKER. Objection is made.

I move that the House resolve itself into the Mr. OATES. Committee of the Whole for the consideration of this bill.

The motion was agreed to. The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States, with Mr. OUTHWAITE in the

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read the first section of the bill.

Mr. CULBERSON. Mr. Chairman, I suggest to the gentle-man from Alabama [Mr. OATES] that inasmuch as this bill is to be read by sections in the Committee of the Whole at a later stage, we might waive the reading of it now and let the debate proceed. I will state in addition to that that the gentleman from Pennsylvania, Mr. WILLIAM A. STONE, desires to leave the city this evening for his home, and would like to address the House before he leaves. By waiving the reading of the bill now we might accommodate him, perhaps, as well as the House.

The CHAIRMAN. The gentleman from Texas Mr. CULBER-

SON] asks unanimous consent to waive the first reading of the

ill. Is there objection.

Mr. OATES. If no one wishes to hear it read, I have no objection

Mr. CULBERSON. It will be read in Committee of the Whole anyway, later. The CHAIRMAN.

The CHAIRMAN. The Chair hears no objection, and the first reading of the bill will be dispensed with.

Mr. OATES. Mr. Chairman, the first question which confronts us is whether there shall be any act of bankruptcy passed. Touching that question, the consideration to which the attention of gentlemen is invited, is as to the condition of the countries. tion of gentlemen is invited, is as to the condition of the country. It seems to me that if ever there was a time—unless it be just after the close of a war which has put everything financially out of joint—which required or rendered necessary a bankruptcy law, that this is that time. We have had so much financial trouble of recent years that the statistics show an increased number of failures in business of all kinds. I think every consideration that we can fairly indulge goes to show the necessity for the enactment of a bankruptcy law, provided that law is one of perfect fairness to all parties. In order that it might be such, I, with my associates upon the Committee on the Judiciary, labored in the last Congress, and I may say in the Congress prebored in the last Congress, and I may say in the Congress pre-ceding, upon the bill which constitutes the basis of the present one, which bill was known as the Torrey bill.

In the Fifty-first Congress the bill was reported to the House in a shape in which I could not support it. I stated briefly then my objections to it. These objections were several, the principal of which was that it created additional officers and provided for the payment of their salaries out of the Treasury. Another objection was that the clauses with reference to involuntary

bankruptcy were too stringent.

The bill then passed the House, but it failed to pass the Senate. During the last Congress the Committee on the Judiciary very carefully considered this bill, first by the subcommittee of which I was a member; and I think we spent our spare forenoons for two months in the consideration of it and in the examination of authorities touching every proposition concerned, where there was any room for doubt.

We finally reported the bill back to the full committee with a

number of amendments, taking out of the bill all of its most drastic features, and coming as nearly as possible to making it what we deemed a fit measure to remain permanently upon our statute books if enacted into law. Then the full committee considered the bill for three months. They adopted most of the amendments recommended by the subcommittee, origin ted other amendments to the bill which were adopted, and finally agreed amendments to the bill which were adopted, and limity agreed upon a complete change so as to embody in chapters, in the most convenient form, the subjects relative to the principal thing in that chapter, somewhat in the order in which commentaries upon different branches of the law are written. That was done, and the whole ground covered by the substitute reported to the House.

The Committee on the Judiciary was not unanimously in favor of the bill. A minority presented minority views; and I must say that those views were very ably written, and some of the criticisms upon the bill, upon due consideration, I deem to be I, in consultation with other friends of the measure, prepared amendments so as to completely meet four of the objections set forth by the minority of the committee. Two other amendments were also originated, to make the bill more perfect, and put in the present bill, which I had the honor to introduce at the beginning of this session, and embodies the amendment which I intended to offer if the bill had been considered by the last House. So that, as it now stands, at least four of the most pointed objections made by the minority are cared by provisions now in the bill.

believe I can say most conscientiously that, as a general proposition, I have always been opposed to bankruptcy legislation; but on careful examination, within the last two or three years, I have so far modified my former opinion as to believe that a law properly, carefully considered, for the preservation of the rights of parties interested and to prevent the squandering of estate. frauds, and such unconscionable fee-gathering as we learn was practiced under the old law, I am now in favor of bankruptcy leg-

I was a lawyer in full practice when the law of 1867 was administered. I was of coursel on different sides of causes in the court presided over by Judge Dick Busteed, of New York, and those whom he saw-proper to appoint. So I had a fair opportunity of seeing the wildest speculation on the assets of estates of bankrupts that ever was perpetrated in any court of the world, and I therefore know what abuses could be imposed upon parties interested under the last bankrupt law. I say that I would not vote for such an act as that under any circumstances. Being aware of those abuses and of the wrongs done to a great extent, I have labored most assiduously to avoid all of them in this bill, and to limit and put such restrictions upon the officers in respect to their fees and compensation, that there can not be any wrongs done without endangering themselves with imprisonment and punishment.

Now, the leading features of the bill are the causes or grounds Now, the leading features of the bill are the causes or grounds of involuntary bankruptcy and that clause of the bill. An understanding of these and the proper distinction between voluntary and involuntary bankruptcy is necessary for one to see the justice of the measure. We are all more or less in sympathy with poor debtors; much more in sympathy with them than we are with the creditor class. We have, too, something of the popular idea that if a man voluntarily goes into bankruptcy that dishonor the popular idea that if a man voluntarily goes into bankruptcy that dishonor the popular idea. hitches on to him, and that it applies to him a stigma or an odium; but such is not the fact. Some of those who have never been much accustomed to this legislation, who have never examined the foundations upon which it rests, may indulge such an opinion; but when well informed no one can think for a moment that there is any dishonor whatever, either in a man becoming a voluntary bankrupt or being forced into bankruptcy, except in

There are two grounds upon which a man could be forced into bankruptey by which odium and dishonor would attach to him. The first is utter insolvency, which of itself does not reflect dishonorably upon anyone, but only shows misfortune; secondly, if there is fraud and a man is put into bankruptcy upon that ground he would justly be considered as odious to the extent of his fraudulent act. So he would be if sued on same grounds in any court. Is it dishonorable for a poor debtor, who has lived the life of

an honest man, and has simply been unfortunate in his undertakings, or who has been overburdened with the debts resting upon him to such an extent that he is unable to pay his debta, shall a man who is thus unfortunate, gotten into debt to an extent that he can not pay, be kept in that attitude all the days of his life, practically a laborer to pay interest upon the demands against him or to live on the small amount of his exemptions under the State laws? Is there not humanity enough in the whole country to be willing to enact a statute that will allow him, as country to be willing to enact a statute that will allow him, as this does, to reserve for his use all which the laws of the State or Territory give him as exempt from execution and make a

surrender of whatever he may have over for the benefit of his

creditors? Is there any creditor so hard hearted that he would hold that poor man down to labor for him to pay perhaps a very small portion of the debt, perhaps only the interest upon it, and thus destroy prospects? Would not every reasonable creditor be allow him to make a surrender of his property if it his future prospects? only paid 10 cents on the dollar of his indebtedness, and leave free to get out into the world and undertake to rebuild his

shattered fortunes?

I can not think that anyone who will consider the question can not think that anyone who will consider the question can oppose voluntury bankruptcy. Yet there are some members upon this floor who are conscientiously opposed to the enactment of any bankruptcy law, and I wish to say to them just here that I think their position, when you come to examine it, is more consistent than the position of those who think that a bankruptcy law ought to be only for the benefit of the poor debtor, that the creditor would have no benefit from it, no voice in the matter. I say it is more consistent to oppose any bankruptcy legislation than to take that position. Before passing from that point let me remark that in advocating this bill I am simply dispoint let me remark that in advocating this out I am simply discharging a duty. I feel no personal interest in it, except in the interest of honesty, fair dealing, and general prosperity. I want to present the measure fairly, and am in favor of its passage because I believe that it will be of benefit to the people generally.

I invite the careful attention of all of you to its various, pro-

visions, and if, having considered them, you think the bill should not pass and vote it down, I am content, having done my duty. To those who think that there should be no bankruptcy law will say, you may save a great deal of trouble, if you believe the majority of the House agree with you, by moving, at the end of the general debate, to strike out the enacting clause of this bill. In that way you can get a test vote, showing whether this House wants to enact any bankruptcy legislation, and I have no objection in the world to any gentleman making that motion. If anyone thinks there is a sufficient number of members here to carry a motion like that I shall be glad to have the question tested at that time, because in the absence of such a motion we will, of

ourse, go on to consider the bill in detail.

The bill will be read by sections and paragraphs for amendment and discussion, and then when we reach the second chapter we shall reach the question whether we desire to have any involuntary bankruptcy. Upon that I do not hesitate to say that there is the greatest difference of opinion among the mem-

bers of the judiciary.

There is also another difference. There may be some here who do not care for any involuntary clause at all, would really prefer not to have it in the bill. There are others who want to limit and restrict the causes of involuntary bankruptcy set forth in the bill to those which would warrant an attachment for debt. My view of that question is simply this. There is no more dishonor about a man's being sued in a court of bankruptcy than there is about being sued in any other court. The Constitution of the United States authorizes Congress to pass a bankruptcy law, and when the law is passed it is to be in the interest of

honesty, morality, and humanity.

What was the object of the framers of the Constitution? It is very strongly set forth by one of the best commentators that has ever written on the Constitution of the United States. Mr.

Justice Story says:

To the glory of Christianity let it be said that the law of cession was introduced by the Christian emperors of Rome, whereby if a debtor ceded or yielded up all his property to his creditors he was secured from being dragged to jail by violence.

That distinguished jurist also says that-

That distinguished jurist also says that—

The general objects of all bankrupt and insolvent laws are, on one hand, to secure to creditors an appropriation of the property of the debtor's protess to the discharge of their debts whenever the latter are unable to discharge the whole amount: and, on the other hand, to relieve unfortunate and honest debtors from perpetual bondage to their creditors, either in the shape of unlimited imprisonment to coerce payment of their debts or of an absolute right to appropriate and monopolize all their future earnings.

The latter course obviously destroys all encouragement to industry and enterprise on the part of the unfortunate debtor, by taking from him all the fust rewards of labor, and leaving him a miserable pittance dependent upon the bounty or forbearance of his creditors. The former is, if possible, more harsh, severe, and indefensible. It makes poverty and misfortune, in themselves sufficiently heavy burdens, the subject or the occasion of penalities and punishments. Imprisonment, as a civil remedy, admits of no defense except as it is used to coerce fraudulent debtors to yield up their present property to their creditors, in discharge of their engagements.

But when the debtors have no property, or have yielded up the whole to their creditors, to allow the latter at their mere pleasure to imprison them, is a refinement in cruelty, and an indulgence of private passions, which could hardly find apology in an enlightened despotism; and are utterly at war with all the rights and duties of free government. Such asystem of legislation is as unjustas it is unfeeling. It is incompatible with the first precepts of Christianity: and is a living reproach to the nations of Christendom, carrying them back to the worst ages of paganism.

One of the first duties of legislation, while it provides amply for the sacred obligation of contracts, and the remedies to enforce them, certainly is, pari passu, to relieve the unfortunate and theritorious debtor from a slavery of

mind and body which cuts him off from a fair enjoyment of the common benealts of society, and robs his family of the fruits of his labor and the benefits of his paternal superintendence. A national government which did not possess this power of legislation would be little worthy of the exalted functions of guarding the happiness and supporting the rights of a free people. It might guard against political oppressions, only to render private oppressions more intolerable and more glaring.

Be it said to the praise of humanity and its progress that imprisonment for debt has been abolished in all civilized coun-

There is another distinction that I wish to draw just here between the two kinds of bankruptcy, the voluntary and the involuntary. The voluntary bankrupt's application can not be controverted. He files his petition for bankruptcy and swears to it, and he is adjudged a bankrupt and no one can controvert it. There can be no controversy about it. He alleges that he is unable to pay his debts, that he has not enough property over and above his legal exemptions to pay them. He files his petition and gets the benefit of the act. He is adjudged a bankrupt and receives the benefits of the law. A man is appointed by the creditors to take charge of what he surrenders, to administer it and pay it out upon debts of the same class pro tanto.

On the other hand the creditor is restricted to a few cases in

which he may ask for his debtor to be adjudged a bankrupt. In this bill ten grounds are specified, which I will not take time to consider now. The property of the bankrupt, under the pro-visions of this bill, can not be seized. It remains in his hands consider now. unless the petitioners to put him into bankruptcy make affidavit that he is likely to dispose of it wrongfully and put it out of their reach, and give bond to answer for the property and also

to answer in damages.

Therefore a proceeding to declare a man a bankrupt is in the nature of any other suit. You can not interfere with his pos-session without making this affidavit and giving this bond. He can go into the courts and defend against the alleged ground of bankruptcy. Under the provisions of the bill he has a right to ask for a jury to pass upon the grounds and the proofs submit-ted. If the allegation is that he has been guilty of a fraud, or if he has failed to pay his debts and he be utterly insolvent, as is provided for in one or two cases in the bill, or if he be not insolvent, if he has not committed any fraud upon his creditors, he has a right to appear and controvert the petition of the creditors, and unless the allegations are fully proven the same will be dismissed at their cost

The onus of proof would be upon the petitioners. The debtor has only to defend. And do you tell me that any guiltless man would be convicted, would be adjudged a bankrupt? If guiltless he would not be so adjudged; he would not be hurt by the suit any more than a man is liable to be annoyed or hurt by theing re-quired to defend any suit which may be brought against him in

Now, while humanity appeals to us in the present distressed condition of our country to pass a law which will allow poor debtors who have acted honestly to surrender what they have over and above exemptions and be finally discharged from their liabilities and allowed to embark anew in the enterprises of life— on the other hand are we to pass such a law on this subject as would leave out of sight and consideration all the creditors? Why, gentlemen, there is never in any case a debtor without a creditor, nor a creditor without a debtor; the two classes are equal. While one man may owe many debts, may be a debtor many times, he may be a creditor of many others. But debtors and creditors are equal. I think common fairness requires that if you pass any bankruptey law at all, it should be one giving fair consideration to both classes.

This bill does not require, as did the old law, that the debtor shall owe \$300, or any other specified sum, before he can avail himself of the benefits of the law. Whenever he owes any sum more than he can pay he may voluntarily go into bankruptcy. But in order that a debtor may be put into bankruptcy involuntarily he must owe at least \$500 to the creditors who proceed against him; and no one captious or oppressive creditor can put a debtor into bankruptcy; there must be at least three creditors cooperating, unless the total number of those to whom he is indebted be less than twelve. And the amount of the indebtedness must be at least \$500. Besides, he must be guilty, as I before remarked, of some fraud which the creditors are required affirmatively to show, or he must have failed to pay his commercial paper and be insolvent, or have committed some other ground of bankruptey

I call attention to the fact that creditors on open accounts can not force the debtor into bankruptcy at all. The indebtedness must consist of liquidated demands amounting to \$500 or more, otherwise the creditors can not force him into bankruptcy; they are not eligible to file a petition under this bill. If such a petition be filed it must show not only that the debtor has failed to pay his paper for thirty days after it has fallen due, but that he is

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also insolvent. One of the reasons why I voted against the bill in the Fifty-first Congress was that it made a failure to pay compaper for thirty days a cause of bankruptcy

This bill does not permit that unless the debtor is also insolvent. And the term "insolvent" is defined in the first section of the bill, know as "the dictionary clause." According to that definition a debtor is insolvent when he has not property enough at a fair valuation to pay his debts. The reason for that proviat a fair valuation to pay his debts. The reason for that provision is this: If a man has enough property subject to execution to pay his debts, his creditor can proceed in the courts of the State or the United States, as the case may be, to collect his money according to the regular course of law. The ground recognized by this bill for putting a debtor into bankruptcy is that he has not paid his debts when due and has not enough property when converted into cash to pay his debts in full; in such cases, he being insolvent, the object of the bill is an equitable dis-

tribution of the property among his creditors.

Now, in all the contingencies contemplated by the bill the petitioners would be bound to prove the facts affirmatively; and if they do not furnish proof to the satisfaction of the judge or the jury, as the defendant may choose, he can not be forced into bankruptcy

We want a bankruptcy law for its uniformity and justice? Gentlemen know that the grounds for attachment in the different States vary; the laws of different States vary with reference to the collection of debts. This bill is intended not as a machine for the speedy collection of debts, but as an instrumentality on the one hand to relieve poor debtors from the burdens that would otherwise weigh them down; and on the other hand to furnish creditors the means of reaching the property of the debtor and making an equitable distribution among honest creditors, in cases where the debtor is a rascal and is undertaking to conceal his property so that it may escape liability for his debts, or where the debtor is in fact insolvent.

Now, let me state that there are some sections of this bill which gentlemen reading them alone may think should be amended. Gentlemen may think those provisions do not cover the case, and may be disposed to offer amendments. But let me say that if they will read the whole bill carefully, they will be troubled to find any clause requiring any amendment unless it is a departure from the principles of the bill. The objects and purposes of the bill I have endeavored to explain; and I think an examination of the measure will sustain the statements I have

Mr. KILGORE. May I ask the gentleman a question?

Mr. KILGORE. May I ask the gentleman a question?
Mr. OATES. Certainly.
Mr. KILGORE. I understand the gentleman to say that his
objection to the bill which was considered in the Fifty-first Congress—or rather one of his objections—was that it did not define
"insolvency;" and he states that there is such a definition in

Mr. OATES. The genteman did not catch my meaning accurately. That was one objection I had to the measure; but I stated as another objection the provision of that bill making it

a ground of bankruptcy if a debtor, although solvent, failed for thirty days to meet his commercial paper.

Mr. KILGORE. Yes, I understand; that is one of the grounds of the gentleman's objection. Now, the definition of "insolvency" as given in this bill departs, as I understand, from the definition heretofore given by the courts which have put a judi-cial construction upon that term; does it not?

cial construction upon that term; does it not?

Mr. OATES. I think it is a departure, but it is more favorable than that given by the courts. The bill says "insolvent" as applied to a person shall mean that his property is not sufficient in amount, at a fair valuation, to pay his debts.

Mr. KILGORE. Well, the definition you give of a bankrupt is a man who is not able to pay his debts, or rather whose property is not sufficient on a fair valuation to pay his debts. That is the definition given in the bill, and that, I think, is more favorable than that given by the courts heretofore. Now, the question is, who is to determine the question of the value? That is the difficulty that will arise; and I would like to hear the gentleman on that, and other features of the bill which have given me very much trouble heretofore. me very much trouble heretofore

Mr. OATES. I think, Mr. Chairman, there is no difficulty about that point. If a petition be filed to have one adjudged a bankrupt, on the ground of his insolvency and failure to pay his commercial paper for thirty days, it would bring up the question presented by my friend from Texas—and it is a legitimate in-

presented by my friend from 1exas—and it is a legitimate in-quiry—on the issues raised by the defendant to hear testimony as to whether he is insolvent or not.

Mr. KILGORE. The question is, who is to appraise the property; whether the property of the insolvent, at a fair val-uation, will pay his debts? That, I understand, is the language of the bill. But who is to determine the question of the valua-tion of the property. tion of the property.

Mr. OATES. I was going on to say that it was an issue to be determined on trial by the court or the jury. It is a matter of fact which they will determine. Insolvency must be alleged and proven before the defendant could be adjudged a bankrupt. The jury would be naturally inclined to be liberal with the defendant. They nearly always are in such cases.

Mr. COBB of Alabama. Let me ask my colleague a question; Why do you put a man in bankruptcy simply because he is insolvent? On what principle?

lvent? On what principle?

Mr. OATES. There is no ground in the bill which will subject any one to be put into bankruptcy on the ground of insolvency alone.

Mr. COBB of Alabama. There must be fraud connected with

Mr. OATES. There must be fraud connected with it or a failure to pay his commercial paper within the time specified, or allowing his property to be levied on and not releasing it after a given time. For in that case it is readily seen if the property is seized and sold to be applied to the payment of the debt of the plaintiff in execution, it may deprive equally meritorious claimants of their right to participate in the distribution of the prop

Mr. COBB of Alabama. The purpose, as I understand it, is where a man's property is insufficient to pay his debts, to prevent one creditor from getting an undue advantage of the others. That, I understand, is the reason you frame and advocate this

That, I understand, is the reason you frame and advocate this bill.

Mr. OATES. The following are the grounds of involuntary bankruptcy as set forth in the bill:

SEC. 2. a Acts of bankruptcy.—Acts of bankruptcy by a person shall consist of his having within six months prior to the filing of a petition against him (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors; (2) falled for thirty days while insolvent to secure the release of any property levied upon under process of law for \$500 or over, or (if such property is to be sold under such process then until three days before the time fixed for such sale and until a petition is filed); (3) made a transfer of any of his property with intent to defeat his creditors; (4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts; (5) made while insolvent a contract personally, or by agent, for the purchase or sale of a commodity with linent not to receive or deliver the same, but merely to receive or pay a difference between the contract and the market price thereof, at a time subsequent to the making of such contract; (6) made while insolvent a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference; (7) procured or suffered a judgment to be entered against himself with intent to defeat his creditors; (8) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors; (8) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors; (9) suffered while insolvent an execution for \$500 or over, or a number of executions saggregating such amount shown to be due by such executions shall be paid before a petition is filed; or (10) suspended and not resumed fo

Mr. OATES. Insolvency is one reason. But the ground of bankruptcy is a failure to pay commercial paper, or the fraudulent conveyance of his property, and the other grounds specified in the bill to which I have just referred. Suppose, for instance, the debtor is a trader and fails for thirty days to pay his commercial paper

Mr. COBB of Alabama. Do you limit it to traders?

Mr. OATES. No; it does not, as I will presently explain; but he must be shown to be insolvent.

Mr. COBB of Alabama. Now, the point is, in the thirty-day matter, failure to pay his commercial paper for thirty days, is that limited to traders or does it extend to every one?

Mr. OATES. No; because farmers and laborers are not subject to be adjudged involuntary bankrupts in any case, but may

woluntarily obtain the benefit of the law upon their own petition.

Mr. GOLDZIER. Except by their voluntary petition.

Mr. OATES. I am speaking of those who are subject to be adjudged involuntary bankrupts. Of course, by their own petition they can be made bankrupts, and it is open for them, as for everybody else, by voluntary action, except corporations. I will state here the reasons for making these exceptions. From my investigation of bankruptcy legislation in the past, and the causes of it, it originally applied to traders, merchants, and others engaged in commercial business. It never was intended to be extended to the tillers of the soil and the common laborers of the country. And while this bill extends to them the benefit of going into bankruptcy, when not able to pay their debts, are they to be compelled or forced into bankruptcy. in no case are they to be compelled or forced into bar So you will see— Mr. COBB of Alabama. That is the point to which-

Mr. OATES (continuing). So you will see the involuntary clauses will be applicable in all cases only of traders, merchants,

and others engaged in commerce.

Mr. COBB of Alabama. The point was just there, whether or not the involuntary feature of your bill is limited to traders as the original bankruptcy idea was limited?

Mr. OATES. Not in words.

Mr. BAILEY. If the gentleman will permit me to make a suggestion.

Mr. OATES. Certainly. Mr. BAILEY. In reply to the gentleman's colleague from Alabama he states that under the provisions of this bill there

must be misconduct coupled with insolvency

Now, under the fourth ground for involuntary bankruptcy as provided in the bill, provision is made that anyone who has made an assignment, or filed in court a written statement show-ing instility to pay his debts, may be adjudged a bankrupt, the language being, "made an assignment for the benefit of his language being, "made an assignment for the benefit of his creditors, or filed in court a written statement admitting his inability to pay his debts." Either the one or the other, whether he is solvent or insolvent, and without reference to any miscon-

Mr. OATES. I can easily answer that. Every lawyer who has examined the question knows that whenever Congress exercises the power and enacts a bankruptcy law, State insolvency

laws are sur spended.

Mr. BAILEY. That is, if they conflict—
Mr. OATES. Ah, but they are suspended—
Mr. BAILEY. Wherever they conflict, but where they do not conflict they are not suspended.

Mr. OATES. You will not deny that they conflict in the ad-

ministration of the assets of the estate?

Mr. BAILEY. They will conflict if you insert this provision, but with that omitted there need be no conflict.

Mr. OATES. There are more reasons than that. Wherever a debtor has made an assignment or filed in court his declaration of his inability to pay his debts, with a schedule of his assets, for the benefit of his creditors, inasmuch as the bankruptcy law operates to suspend State insolvency laws, wherever there may be a conflict-limit it to that-you are sure to find a conflict in the course of the administration of the estate, and can not avoid it. Wherever that occurs, I doubt whether any great benefits could be derived from such an assignment as far as the debtor is concerned, for he has made an assignment and surrendered his property, and is no longer interested in it. He has no interest in it at all. He has surrendered it already. Then how can you better administer it than by dividing it up equitably according to the claims of the creditors, under a general bankruptcy law.

Mr. COBB of Alabama. Right there I want to ask for information. Where you have a State law which equitably divides the assets of the debtor in case of insolvency, why should you take the administration of a case of that sort from the State authorities and give it to the authority of the Government of the United States.

United States:

Mr. OATES. For two reasons: The first is that the State law

is suspended-

Mr. COBB of Alabama. It may be suspended where there is

Mr. OATES. Whether there be any conflict or not, the bankruptcy law is much more acceptable to the debtor because it discharges him from his debts, whereas the State insolvency law will not reach a nonresident creditor.

Mr. COBB of Alabama. Then he would seek the benefit of the bankruptcy law voluntarily, would he not, if he wanted it?
Mr. OATES. He might. If he seeks it voluntarily, then the
provision referred to by the gentleman from Texas [Mr. BAILEY]

has no operation whatever in this controversy.

Mr. BOATNER. If the gentleman will permit me to make a suggestion right there, if the debtor has made an assignment of

is property, as has been suggested, he has no interest in it.

Mr OATES. None at all.

Mr. BOATNER. The creditors are the ones that are inter-

Mr. OATES. Certainly. Mr. BOATNER. And therefore they are the ones who should have the right to name the man who is to settle the estate.

Mr. OATES. Certainly, and under this act the creditors have

the right to name that man.

Mr. BAILEY. Suppose an insolvent debtor in a State of this Union, the laws of which provide that wherever the estate pays a certain percentage of the indebtedness the assignor shall stand discharged—suppose I reside in a State having such a law. My creditors all reside there. I make an assignment according to the laws of my State. I assign sufficient property to discharge me under the State insolvency law, and yet, under the provisions of this bill, I could be dragged into a bankruptcy court and made

a bankrupt against my will, and my estate might be wasted.

Mr. OATES. Wasted! What right have you to assert that?

Mr. KILGORE. That has been the history of such proceed-

ings in the past. Mr. BAILEY. Mr. BAILEY. The suggestion is made that a State insolvency law can not release a man from his debts. It can release him from his debts to citizens of that State.

Mr. OATES. Those who come in and prove up their claims and share in the distribution of his estate

That would depend upon the provisions of the Mr. BAILEY.

Mr. OATES. I will state to my friend that the knowledge of the fact that the States could not deal with the discharge of in-debtedness to creditors residing outside of the State, and that the debtor could not be discharged from debts owing to creditors in other States was one of the considerations which induced the framers of the Constitution to put this power in Congress. No State insolvent law can discharge the debt of a creditor who does not prove his claim nor share in the estate,

Mr. BAILEY. Precisely so as to foreign creditors, but as to creditors who reside within a State, the State can discharge the debtor from every debt contracted after the enactment of the

insolvency law.

Mr. OATES. Yes; but as to those contracted before, it can

Mr. BOATNER. But as a matter of fact, are not the State insolvency laws practically a dead letter, because the condition which the gentleman from Texas [Mr. BAILEY] describes hardly ever exists; the fact being that a condition of things where the debtor and all his creditors reside in the same jurisdiction, is the rare exception. The debtor may make a surrender of his property under the insolvency law of his State, and he may be discharged so far as the creditors residing in his State are concerned, but he is still burdened with the debts owing to those creditors

but he is still burdened with the debts owing to those creditors who do not reside within the jurisdiction.

Mr. BAILEY. Then he could voluntarily take advantage of the bankruptcy law, could he not?

Mr. OATES. I will call the gentleman's attention to the fact that such a law as this secures uniformity in administration, and the assumption that the property would be wasted is rather an anticipation. This bill, if it becomes a law, will not allow any such thing as that to occur. I also say that this bill, if a law can be more economically fairly, and expeditiously administration. law, can be more economically, fairly, and expeditiously admin-

istered than any State insolvency law.

Mr. KILGORE. Now, Mr. Chairman, will the gentleman al-

low me a moment?

Mr. OATES. How much time have I remaining, Mr. Chair-

Mr. KILGORE. I do not want to trespass upon the time of the gentleman. The CHAIRMAN. The gentleman from Alabama has twenty

minutes of his time remaining.

Mr. OATES. I will answer the question of the gentleman from Texas, but I would suggest to my friend that the intent and purpose of the various clauses of this bill will be discussed

n it is considered under the five-minute rule. Mr. KILGORE. I will want to talk a little about them my-self when we come to that. I am discussing that proposition which provides that three creditors, if a debtor has more than which provides that three creditors, if a debtor has more than twelve, can put him into bankruptcy, and that one, if he has less than twelve (that is eleven), controlling \$500 of indebtedness, can put him into bankruptcy. Now, that is the most obnoxious feature, to my mind. I will ask the gentleman from Alabama if, on page 50, beginning at line 3, that portion of the bill does not provide that one man can put a debtor into bankruptcy, even if he has a dozen creditors? Now, the law says

Mr. OATES. No, sir. Mr. KILGORE. Now, I will read it, and let us see:

If it be averred in the petition that the creditors of the bankrupt are less than twelve in number, and less than three creditors have joined as petitioners therein, and the answer avers the existence of a larger number of creditors, there shall be filed with the answer a list under oath of all the creditors, with their addresses and the several amounts due to them, and thereupon the court shall cause all such creditors to be notified of the pendency of such petition and shall delay the hearing upon such petition for a reasonable time, to the end that parties in interest shall have an opportunity to be heard.

Now, if it is disclosed that there are more than twelve cred-

itors the petition is not dismissed.

Mr. OATES. The petition would have to be dismissed if there were more than a dozen creditors.

Mr. KILGORE. That does not say so.

Mr. OATES. It says expressly, if there be less than twelve it must be dismissed.

Mr. KILGORE. The answer must develop in the contest the

fact that there are more creditors than twelve by him setting out a list of the creditors. Then it says that all the creditors shall be notified, and they shall come in and have a hearing.

Mr. OATES. But it does not follow that he will be adjudged

a bankrupt; on the contrary, the court proceeds only by virtue of the statute.

Mr. KILGORE. It does not authorize the dismissal of the petition, but, on the contrary, authorizes a hearing.

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Mr. OATES. Why, everything that may be averred in the petition may be heard, and if the petition does not conform to the requirements of the statute in every respect it must be dismissed; and I think if my friend, as he is a lawyer, would think of it, he would see that it is that way.

Mr. KILGORE. My theory is that they are brought in here

to answer

Mr. OATES. They are notified, in order to give them an op-portunity to appear if they desire to do so; but if the defendant shows there are a greater number than twelve, the party who has filed this petition has no case in court. It would be unceremoniously dismissed

Mr. BOATNER. Unless the other creditors should join in

the application which has been made. OATES. That case is provided for

Mr. BOATNER. Why then this provision, in which it is provided that the other creditors shall be notified? Am I to understand that is put in the petition here so as to give them an op-

portunity to appear?
Mr. OATES. It is only to give them an opportunity to ap-The petitioner has averred in his petition that there are less than twelve creditors. Now, if the defendant says there are a greater number, they probably have no notice of it, and this is simply a provision to notify them. If it is proven to the court there are more than twelve, and one man has petitioned, he has no case and the petition will be dismissed unless at least two

others join him in it.

Mr. BOATNER. The law does not say so.

Mr. OATES. The law does not say it will go on, and how will the court proceed in the absence of a statute authorizing it? United States court would go on and do anything of that kind

without authority

Mr. BOATNER. In constructing any law you have to give it a reasonable construction. It says that where there are more than twelve creditors, that the bankrupt with the answer shall furnish a list of those creditors; and the law proceeds to say that the hearing shall be delayed for a reasonable time, until these

parties can be notified.

What would be the sense of giving them a notice if it was not for the purpose of enabling them to come in and make them-selves a party to the proceedings? If you included in that sec-tion a prevision that unless more than the certain number of twelve should join in the petition it should be dismissed, why, then, it would be stopped, it would give a notice to the creditors and an opportunity to make themselves a party to the proceed-

Mr. OATES. My answer is very clear.
Mr. KILGORE. The answer is found in the act here. Discussing the same question it says:

Creditors other than original petitioners may, at any time, enter their appearance and join in the petition, or file an answer and be heard in opposition to the prayer of the petition.

Mr. KILGORE. But one man can take him into court, and if he has a thousand creditors he must disclose that fact and the number of his creditors, and when they get him into court then

they can come in and join.

Mr. OATES. Ah, but it requires them to come in.

Mr. KILGORE. But if they do not, one man can take him in, to begin with.

Mr. OATES. But that is not your question, and one is not

sufficient to proceed with.

Mr. KILGORE. Yes. My proposition was this, that no matter how many creditors a man had one creditor could take him

into court

Mr. OATES. Your question was this, as I understood it: One petitioner may file the petition, the debtor may allege that he owes a greater number of people than twelve, and may disclose Mr. OATES the names of those to whom he is indebted, and thereupon the court must give notice to them. Then it is left to their option whether they will join in the proceeding or not. They are not compelled to join. The petitioner has alleged that there are less than twelve creditors, the defendant denies this, and it is right if they do not see proper to join, what becomes of the petition? That is the question that I was answering, and I say the petition would evidently be dismissed. for the reason that I would evidently be dismissed, for the reason that no United States court ever has jurisdiction to try any cause except by virtue of a statute, and the statute does not affirmatively give any such right where there is only one petitioner and a disclosure of the fact that there is a greater number of creditors than twelve.

Mr. KILGORE. My proposition was that although the man may have a thousand creditors, one of them can take him into court, and then when he is in court, if he has more than twelve creditors, any number of them may join in the petition.

Mr. OATES, Or they may not.

Mr. KILGORE. But one man can take him into court.

But one man can not have him adjudged a bank. rupt. He could not be proceeded against, and made a bankrupt upon the petition of one creditor when he owes twelve people or

Mr. STOCKDALE. What is the propriety of putting a provision into the law to authorize one creditor to go into court and litigate with the debtor as to whether he is a bankrupt or not? What effect would that be likely to have upon the business prospects of the creditor?

There is no adjudication unless other creditors Mr. OATES.

Mr. STOCKDALE. But he has to answer on the petition of one creditor and has to disclose his whole business.

Mr. OATES. Just as in any other suit. Did the gentleman never know of suits being brought which were ill-founded, yet in which the defendant had to answer? I have defended and beaten agreat many suits of that kind. There is no special hard-

Mr. STOCKDALE. But here is a case where the court is trying, at the instance of one man, the question whether a man is a bankrupt or not, when he may have forty creditors besides the

one that has brought him into court.

Mr. OATES. But can the court try that question at the in-

stance of one creditor?

Mr. STOCKDALE. No; but the debtor is required to come in and answer and disclose his whole business, and there is a great ado about his business, and it may injure his prospects.

Mr. OATES. I dony that there is a great ado about his business, or that any question relating to his business is to be tried. The first question, a jurisdictional fact, is: Has this one creditor a right to proceed by virtue of the debtor having less than twelve creditors? If he has more than twelve it is a clear case that the matter can not proceed unless two others join the petitioner. If they do not join, the debtor goes out of court. If they do, they have a right to go on and try whether he is a bankrupt or not.

Mr. STOCKDALE. The law of 1867 required that a majority

of the creditors should join.

Mr. OATES. I am not now talking about the law of 1867. But you are mistaken about that law requiring a majority to

Mr. BOATNER. I understand the gentleman to concede the position which I took awhile ago, that the object of the law in requiring the names of other creditors to be disclosed and delaying the proceedings until they have received notice, is to permit those creditors to be made parties, either by joining in the application or by opposing it. Is that the gentleman's un-

Mr. OATES. They may join in it, or oppose it, or ignore it.
Mr. BOATNER. In case they ignored it the proceeding would
be dismissed, but my contention was that the object was to permit them to be made parties either by joining in the petition,

or by opposing it.

Mr. OATES. If they see proper to oppose the application it can have no standing in court because there is then only one petitioner

Mr. TERRY. I would suggest to the gentleman that the real difficulty consists in this, that the fact of one man having brought a man into court as a bankrupt will have a direct tendency to urge the other creditors on. The action of the first creditor casts a cloud over the debtor, and the other creditors will have an idea that unless they come in and join they will get less, so they will come in.

Mr. OATES. That would depend on circumstances. If they believed that he had committed acts of bankruptcy and was subject to judicial proceedings they would probably join in order to protect their interests; but if they did not so believe they would not incur the liability of paying costs or of being beaten in the litigation. If they preferred to allow him to go on and not be adjudged a bankrupt they certainly would not join.

Mr. TERRY. The gentleman from his practice as a lawyer is well aware of the fact that when one creditor has sued out a writ of attachment against a debtor, even though there may be no

grounds for the proceeding, every other creditor generally is

ready to come down on him.

Mr. OATES. Yes; and that is one reason why I am in favor of this bill; for it provides that when a single creditor undertakes to attach the property or assets of a debtor, other credit-ors may come in and throw the debtor into bankruptcy, thus enabling a composition to be made and allowing opportunity for extending terms to the debter—for discharging him upon equitable terms, so that he may go into business again, and that a single creditor may not be able to ruin him by taking all that

Mr. RAY. If my colleague on the committee [Mr. OATES] will allow me to call his attention to one section of this bill, I

should be glad to do so.

Mr. OATES. I will yield to the gentleman; still a colloquy of his kind is beyond my purpose. When I rose to speak on this measure I intended to discuss its general principles, reserving these matters of detail for consideration when the bill shall read for amendment under the five-minute rule

But I think these objections should be removed Mr. RAY.

mr. OATES. I am willing that the gentleman shall put his

question.

question.

Mr. RAY. I would like to have the gentleman either remove my objection by an explanation, or give consent to an amendment which will obviate the objection. I call his attention to section 2, which defines "acts of bankruptcy:"

Acts of bankruptcy by a person shall consist of his having within six months prior to the filing of a petition agains him (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors.

Mr. COBB of Alabama. Although he may have returned.
Mr. RAY. That is the point I was going to call attention to.
This does not say that the debtor must be insolvent; but if he
has done either of the acts named he may at any time within has done either of the acts named he may at any time within six menths thereafter be forced into bankruptcy, even though long before the creditor institutes a proceeding he may have returned to his home, submitted himself to the process of the courts, and even paid the debt or claim against him. Some creditor through anger or spite may within the time specified appeal to the courts, prove that the debtor has committed some of the acts permed and may have him adjudged a healthness. the acts named, and may have him adjudged a bankrupt. is no escape from that construction under the bill as now framed. Is not the gentleman willing to have the bill amended by prois not the gentleman withing to have the our amended by providing that if before such petition is filed the debtor has returned and submitted himself to the process of the court or paid the claim, such petition shall be dismissed?

Mr. OATES. I will answer my friend from New York [Mr. RAY], although in doing so I am overstepping the field I expected to occupy at the present time. I have no idea that there is any State of the Union that has failed to provide by its laws that going out of the jurisdiction of the court or dodging its process is a ground for attachment against the debtor; and it has been adjudicated by every supreme court before which the question has been raised that this ground continues good only while the fact exists; that if the debtor has meanwhile come back and subjected himself to the jurisdiction of the court, no attachment can be sustained on that ground. The same construction would be adhered to in the administration of this law. And if the debt

were paid before a suit was brought no court would sustain it.

Mr. RAY. But, my friend—

The CHAFRMAN. The time of the gentleman from Alabama [Mr. OATES] has expired.

Mr. RAY. I ask unanimous consent that the gentleman be

allowed to conclude his remarks.

Mr. OATES. I am much obliged to the gentleman, but I will not trespass farther upon the attention of the House. I wish only to add that there has been printed as a part of this bill an analysis with a good many authorities, and I ask that this analysis extending from page 63 to 68 inclusive of the bill) be printed in the RECORD for the information of members.

Mr. STOCKDALE. As it is printed in the bill why print it in the RECORD?

If there is any objection

Mr. STOCKDALE. I do not object, but I do not see the ne-

cessity for making the request.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama [Mr. OATES]? The Chair hears none. The analysis referred to by Mr. OATES is as follows:

ANALYSIS OF THE TORREY BANKRUPT BILL.

ANALYSIS OF THE TORREY BANKRUPT BILL.

SECTION 1. Meaning of words and phrases.—The use of certain words in lieu of phrases, which is made possible by this section, adds to the clearness of the bill and makes it shorter by thousands of words than it otherwise would be, e.p., "States" shall include the Territories and the District of Columbia.

SEC. 2. Acts of bankruptcy.—In general terms acts of bankruptcy are divided into those which constitute dishonesty and those which are the result of insolvency.

It was thought that if a debter was acting dishonestly with his property or if he had become insolvent, his creditors ought to have an opportunity to secure the payment of at least a percentage of their claims. In a financial sense it is immaterial to the creditor whether the debtor has acted dishonestly or become insolvent will as the probable result to him in either case, be the loss of a part of the amount due.

Very careful restrictions have been made with reference to the commencement of proceedings in bankruptcy (see sec. 50, Who may file and dismiss petitions).

The passon acting these recordings are instituted will have avery one.

petitions).

The person against whom proceedings are instituted will have every opportunity to make a defense as in other cases (see sec. 10, Jury trials). Any of the creditors who desire may assist in the defense of the case (see sec. 18, Process, pleadings, and adjudications).

During the pendency of the proceedings the defendant will retain possession of his property, unless the creditors can convince the court that there is danger to the taking of a litinal custody; such an order will not be executed unless the creditors give

a bond to indemnify him in the event that the adjudication is not made; and even in that event he may give a forthcoming bond and retain possession of the property (see sec. 69, Possession of property).

Under the laws of the several States there is no adequate remedy for a debtor whose creditors institute compulsory proceedings; in almost every case the creditors dissipate a large part of the estate in litigation, and while some of them are paid in full, the majority are not paid any part of the amount due, and the debtor is left still owing the bulk of the debts, although at the inception of the litigation he may have been solvent. Under this bill the distribution of the assets will be precause to creditors of the same class (see sec. 65, Declaration and payment of dividends, sec. 60, Preferred creditors, and sec. 67, Liens). The debtor if honest will be discharged (see sec. 13, Discharges, when granted). It therefore seems evident that the position of both the debtor and creditors will be more advantageous under this act than under the present State laws.

It is not proposed to have acts of bankruptey secretly committed and then have the time in which proceedings may be instituted elapse before the creditors when the diligent creditor is enabled to learn of the commission of the act of bankruptcy (see Sec. 20, Acts of bankruptcy.)

Sec. 3. Who may become bankrupts.—There is already in existence a satisfactory law for the control and liquidation of mational banks. Since the Government is responsible for the money issued by these banks in the event of their failure there is a good reason why it should have control of their liquidation.

It is said that persons engaged chiefly in farming or the tillage of the soil

liquidation.

It is said that persons engaged chiefly in farming or the tillage of the soil and wage-earners do not wish to become subjected to involuntary bankruptey; the bill does not therefore include them among the persons who may become involuntary bankrupts; objection would not be made if they should ask its extension to them. They may voluntarily take the benefits of the

act.
The difference between voluntary and involuntary bankrupts consists only
in whether the petition is filed by the bankrupt or his creditors. After the
adjudication the rights and responsibilities of all bankrupts and their credi-

in whether the petition is filed by the bankrupt or his creditors. After the adjudication the rights and responsibilities of all bankrupts and their creditors are identical.

Sec. 4. Fariners.—The administration of the affairs of partners is similar to that of the individual. If there is a solvent member of the partners his he may settle its affairs and account to the estates of the bankrupts.

Sec. 5. Exemptions of bankrupts—The recognition of the State exemptions by a bankrupt law was contested under the last act upon the ground that since the several State laws did not exempt the same amount of property the bankrupt law was not uniform, and was therefore unconstitutional. The law was held to be constitutional by the courts.

Congress would not pass a law which would interfere with the State exemptions as the Representatives from the States whose exemptions are smaller than the one proposed would vote against such a law because of the opposition of their constituents; on the other hand, the Representatives from the States whose exemptions were larger than the proposed law would vote against it for the same reuson.

Sec. 6. Duties of bankrupts.—In connection with subdivision (1) see sec. 55, Meetings of creditors; (2) see sec. 17, Jurisdiction of courts of bankrupts (28); (3) see sec. 58, Notices to creditors of passer of the courts of referees (6); (9) see sec. 55, Meetings of creditors, sec. 21, Evidence, and sec. 58, Notices to creditors of creditors, sec. 21, Evidence, and sec. 58, Notices to creditors.—Ordinarily the death or insanity of a bankrupt would abase the proceedings, but this bill provides that upon labered.

Sec. 8. Protection and detention of bankrupts.—The bankrupts if appresented.

pleted.

SEC. 8. Protection and detention of bankrupts.—The bankrupt, if apprehended, shall be forthwith taken before the court for the determination of the question of the necessity for his remaining, and in the event of his detention shall be kept in custody by the marshal, but not imprisoned.

SEC. 9. Extradition of bankrupts.—See sec. 8, Protection and detention of

Sac. 10. Suits by and against bankrupts.—See sec. 635, Debts which may be

SEC. 11. Compositions, when confirmed.—In most cases of honest failure a omposition or compromise can be effected between the debtor and his cred-

Sec. 11. Compositions, when confirmed.—In most cases of honest failure a composition or compromise can be effected between the debtor and his creditors.

In order to enable the creditors to pass upon the honesty of a debtor and to calculate the worth of their claims, it has been provided that the debtor shall be examined in open court or at a meeting of his creditors, and file his schedule of property and list of creditors before the creditors and lie his schedule of property and list of creditors before the creditors, and tile his schedule of property and list of creditors before the creditors, and tile his schedule of property and list of creditors before the creditors and to be filed in court until it has been accepted by a majority in number and amount of the creditors and whatever is to be paid has been deposited subject to the order of the court. It is not intended that any offer shall be made except the good faith and not unless it can be compiled with upon its acceptance by the creditors. See see, 58, Notices to creditorsa (2), and see, 13c, Discharges, when granted.

Sec. 12. Compositions, when set asids.—Fraudulent compositions may be set aside upon application filed within six months after the confirmation. Sec. 13. Discharges, when granted.—A corporation will not be discharged. See see, 58, Notices to creditors a (2).

Sec. 14. Discharges, when retoked.—Fraudulent discharges may be revoked upon application filed within two years after being granted.

Sec. 15. Codebtors of bankrupts.—Although an honest bankrupt may be discharged it does not affect the liability of his codebtors.

Sec. 16. Debts not affected by a discharge.—Certain debts will not be affected by the granting of a discharge to the debtor.

Sec. 17. Furistiction of courts of bankrupty.—In connection with subdivision (1) see sec. 48); (6) see sec. 32. Transfer of cases: (2) see sec. 37. Proof and allowance of claims; (4) see sec. 47. Outles of trustees, and sec. (3) debands when confirmed, and sec. (2) compositions, when set aside; (6) se

states. SEC. 21. Evidence.—Parties to controversies will be able to secure the tes-

timony of all persons in the administration of estates, irrespective of their

residences.

SEC. 22. References of cases after adjudication.—The court may cause the estate to be administered or refer it generally or specially to the referee. Cases may be transferred from one referee to another for the convenience

Cases may be transferred from one referee to another for the convenience of parties.

SEC. 23. Jurisdiction of United States circuit courts.—The proposed plaintiff in a suit against a bankrupt estate may institute proceedings in the appropriate State court, or, if it has jurisdiction, in the United States circuit court, or, if he desires, in the court of bankruptcy; but the trustee is limited in the institution of such suits as he may wish to bring to the court in which the bankrupt, of whose estate he is trustee, might have brought them if proceedings had not been instituted. These provisions are for the purpose of having controversies litigated at the places most convenient for the parties litigant and witnesses

SEC. 24. Jurisdiction of appellate courts.—See sec. 25, Appeals and writs of error.

error.
SEC. 25. Appeals and writs of error.—See sec. 24, Jurisdiction of appellate

error.

SEC. 25. Appeals and writs of error.—See sec. 24, Jurisdiction of appellate courts.

SEC. 26. Arbitrations of controversies.—Under the provisions of this section tedious and expensive litigation may be superseded by prompt and inexpensive arbitrations.

SEC. 27. Compromises.—The trustee may compromise controversies with the approval of the court. See sec. 58, Notices to creditors a (7).

SEC. 28. Designation of newspapers.—There will be in each district one newspaper in which all official notices, decrees, and orders required to be published will be inserted; in particular instances such publications may be duplicated in an additional newspaper for the convenience of parties.

SEC. 29. Offense.—Bankrupts, creditors, and officials may be punished by imprisonment not to exceed two years, and officials may be punished by imprisonment not to exceed two years, and officials may be punished by imprisonment not to exceed two years, and officials may be punished by imprisonment not to exceed two years, and officials may be punished by imprisonment not to exceed two years, and officials may be punished by imprisonment not to exceed two years, and officials may be punished by imprisonment not ot exceed two years, and officials may be punished by imprisonment not not exceed two years, and officials may be punished by imprisonment of the alleged offense.

SEC. 30. Rules, forms, and orders.—The Supreme Court will prescribe such rules, forms, and orders as may prove necessary.

SEC. 31. Computation of time.—It seemed desirable to have a uniform rule for the computation of time.—It seemed desirable to have a uniform rule for the computation of time.—It seemed desirable to have a uniform rule for the computation of the original and writs of error.

SEC. 32. Transfer of cases.—See sec. 17, Jurdistiction of courts and bankrupts of error.

SEC. 33. Appointment of referees.—There are but two new offices created. The officers to fill them are the referee, who is an assistant judicial officer to assist in expeditiously dispo

Sec. 38. Appointment of referes.—The referees will be appointed and their districts assigned by the courts of bankruptcy (see sec. 35, Qualifications of referees).

Sec. 35. Qualifications of referess.—Under the old law, unworthy relatives of judges were appointed in some districts to the desirable positions. It is believed that under this act favoritism will be avoided, and that in every instance the person best qualified to perform the duties will be appointed. Sec. 36. Oaths of office of referees.—The referees are assistant judicial officers, and are therefore required to take the same oath of office as judges.

Sec. 37. Number of referees.—Such number of erferees may be appointed as prove necessary to promptly dispose of the bankruptcy business of the courts.

Sec. 38. Jurisdiction of referees.—In connection with subdivision (1), see sec. 38. Process, pleadings, and adjudications e; (2) see sec. 17. Jurisdiction of courts of bankruptcy; (3) see sec. 8. Protection and detention of bankrupts of bankruptcy, sec. 11, Compositions, when confirmed, sec. 12, Compositions, when set aside, sec. 13, Discharges, when cranted, and sec. 30, Rules, forms, and orders; (5) see sec. 6, Duties of bankrupts, and sec. 62, Expenses of administering estates.

Sec. 39. Duties of referees.—In connection with subdivision (1), see sec. 47, Duties of bankrupts, and sec. 65, Declaration and rayment of dividends; (2) see sec. 6, Duties of referees; (8) see sec. 51, Duties of bankrupts (8); (4) see sec. 58, Notices to creditors; (6) see sec. 51, Duties of bankrupts (8); (7) see sec. 51, Duties of clerks (2).

Sec. 48, Records of referees; (8) see sec. 51, Duties of bankrupts (8); (7) see sec. 51, Duties of clerks (2).

Sec. 48, Records of referees.—Under the old law records were duplicated at great expense, and in such manner as to make them very cumbersome. It is believed that the provisions here made will prove satisfactory and inexpensive.

Sec. 48, Abeance or disability of referees.—Business will not be neglected because of the abse

It is believed that the provisions here made will prove satisfactory and inexpensive,

SEC. 43. Absence or disability of referees.—Business will not be neglected because of the absence or disability of the referee.

SEC. 44. Appointment of trustees.—The creditors will appoint the trustee, but in default the court will make the appointment to avoid delays in the administration of the estate (see sec. 65, Meetings of creditors).

SEC. 45. Qualifications of trustees.—Individuals qualified to perform the duties and corporations authorized by law may be appointed trustees in the districts in which they have their offices.

SEC. 46. Death or removal of trustees.—See Sec. 17, Jurisdiction of courts of bankruptcy (15).

bankruptcy (15).

Sac. 47. Duties of trustees.—In connection with subdivision (2) see sec. 17, Jurisdiction of courts of bankruptcy (6); (3) see sec. 61, Depositories for funds; (5) see sec. 29, Offenses b (3); (8) see sec. 58, Notices to creditors a (6); (9) see sec. 50, Duties of referees (1) and sec. 58, Notices to creditors a (7); (11) see sec. 6, Duties of bankrupts (8), sec. 5, Exemptions of bankrupts, and sec. 70, Title to property.

SEC. 48. Compensation of trustees.—The trustee will receive a petty filing fee and a commission for services rendered. The amount will not be computed upon the income or outgo of the estate, but upon the amount to be actually paid to the creditors in dividends.

Since the amount of the trustee's compensation will depend upon the amount paid in dividends, and can not be paid until the creditors receive their dividends, he will be financially interested in having the dividends alarge and the expenses as small as possible, and the dividends payable quickly.

their dividence.

large and the expenses as small as possible, and the expenses as small as possible, and the expenses and papers of trustees.—There will not be any secrets in the administration of estates, but all of the facts will be available to the parties in interest.

SEC. 50. Ronds of referees and trustees.—Very strict provisions are made as to the qualifications of sureties to the end that the giving of "straw bonds" may be prevented.

may be prevented.

SEC. 51. Duties of clerks.—See Sec. 40, Compensation of referees, sec. 48, Compensation of trustees, and sec. 39a, Duties of referees (8) and (10).

SEC. 52. 63. Compensation of clerks.—Under the old law clerks received in the aggregate very large fees. By the provisions of this bill they will receive

but a single fee for each case, payable in advance. They will therefore be anxious that the estate shall be promptly administered.

SEC. 53. Duties of Attorney-General.—See Sec. 54, Statistics of bankruptcy

edings.

84. Statistics of bankruptcy proceedings.—See Sec. 53, Duties of Attornev-General.

SEC. 54. Statistics of bankruptcy proceedings.—See Sec. 58, Duties of Attorney-General.

SEC. 55. Meetings of creditors.—See Sec. 6, Duties of bankrupt (1) and (9), sec. 57, Proof and allowance of claims, sec. 44. Appointment of trustees, sec. 58, Notices to creditors.

SEC. 56. Voters at meetings of creditors.—It is expected that the creditors will take a more active part in the administration of the estate than under the old law, and hence specific provision has been made as to their rights as vofers at meetings.

SEC. 57. Proof and allowance of claims.—The allowance of aclaim is to be a simple and inexpensive process; justly so as a great majority of them will be bona fide and will be shown to be due by the books of the bankrupt; but ample provisions have been made for their reconsideration and a trial at their merits in order to prevent the perpetration of fraud.

SEC. 58. Notices to creditors.—The creditors will be notified by the refere of the various steps in the administration of the estate to the end that they may, if they so desire, be heard upon any subject connected with the administration of the estate.

SEC. 59. Who may Me and dismiss petitions.—Very careful provisions have been made as to the filing and dismissal of petitions to the end that they shall not be filed in malice or dismissed for fraudulent purposes. See sec. 18, Process, pleadings, and adjudications: sec. 19, Jury trials, and sec. 58, Notices to creditors a (8).

SEC. 60. Preferred creditors.—The giving and receiving of preferences is forbidden; it is not thought in the broadest sense and in the long run that they redound to the best interest of the party giving or receiving them.

Many solvent but temporarily pressed men have their property spent and their prospects blighted by a struggle between their creditors to secure preferences.

preferences.

A debtor who is temporarily embarrassed and needs the counsel and advice of his creditors can not, under existing laws, secure it, because as soon as his condition is suspected or known compulsory processes are instituted by some of his creditors, and as a result he is financially ruined and rendered

helpless.

The prevention of preferences will make it possible for debtors and creditors to meet and counsel together and will beget a conservative fone between them which will tend to prevent commercial failures and promote equity and fair dealing.

SEC. 61. Depositories for funds.—See sec. 47, Duties of trustees (3) and (4). SEC. 62. Expenses of administering estates.—The expenses are limited to those which are actual and necessary; they are to be reported in detail under oath, and shall be examined by the court before being allowed or paid. It does not seem possible that extravagance can be practiced under the terms of this section.

SEC. 63. Debts which may be proved.—See sec. 57, Proof and allowance of claims.

claims

SEC. 63. Debts which may be proved.—See sec. 57, Proof and allowance of claims.

SEC. 64. Debts which have priority.—Certain debts will have to be paid in order to secure the administration of the estates; others ought, for reasons of public policy, to be paid in full.

In the event of a composition being set aside or a discharge revoked, the title of the bankrupt to property acquired subsequent to the illing of the petition, and prior to the setting aside of the composition or the revocation of the discharge, will vest in the trustee, and all persons who have extended credit during such time will be paid in full out of the property before reditors holding claims of anterior dates will receive any payments. As a result, full faith and credit will be given to compositions which have been confirmed and discharges which have been granted. These provisions are equitable and tend to the administration of exact justice.

SEC. 65. Declaration and payment of dividends.—See sec. 39, Duties of referees (1) and sec. 47, Duties of trustees (9).

SEC. 66. Unclaimed dividends.—This section is to prevent unclaimed dividends from inuring to the benefit of the banks in which bankruptcy funds are deposited.

sec. 60. The content at the third state of the banks in which bankruptey finds are deposited.

SEC. 67. Liens.—Liens which are given in good faith and for a present consideration will be enforced, but those which are fraudulent will be set aside. SEC. 68. Set-offs and counterclaims.—Debtors of estates will not be permitted to pay off the amounts due from them at the rate of 100 cents on the dollar with set-offs or counterclaims purchased for that purpose and worth only a percentage of their face value.

SEC. 69. Possession of property.—The property will remain in the possession of the defendant unless proof is made by affidavit to the satisfaction of the court that the defendant has or is about to transfer or secreta the property; in that event the court will have the property taken possession of provided a bond is given to indemnify the debtor in the event that the proceedings prove to have been wrongfully instituted. The debtor may give a counter bond for its delivery or the payment of its value in the event of being adjudged a bankrupt.

SEC. 70. Title to property.—The title to the property of the bankrupt other than his exemptions will vest, by operation of law, in the trustee upon his appointment and qualification as of the date of the filing of the petition. All personal property must be appraised. It shall not be sold for less than 75 per cent of its appraised value unless such sale is reported to and approved by the court after notice to the creditors. Sec Sec. 58, Notices to creditors.

All sales of real and mixed property shall be made, subject to the appraisal.

All sales of real and mixed property shall be made, subject to the approval of the court, after notice to the creditors.

Mr. OATES. I ask permission to say before taking my seat that at the last session of Congress when a time was set for the consideration of this bill and we failed to enter upon it, I printed a speech consisting mostly of an analysis of the provisions of the bill more extensive than the foregoing. I have endeavored to supply every member of Congress with a copy of that speech; but if any gentleman has not received a copy I shall be glad to furnish him one.

Mr. KILGORE. I hope the gentleman will send me one.
Mr. OATES. Certainly. To-morrow I will supply all who desire them.

Mr. WILLIAM A. STONE was recognized. Mr. WILLIAM A. STONE was recognized.

Mr. OATES. Before the gentleman from Pennsylvania proceeds I would like to ask if we could not, by unanimous consent, fix a time when a vote shall be taken on this bill? Some gentlemen desire to know how soon a vote will probably be reached.

Mr. CULBERSON. I do not think that we can arrive at any

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agreement now. I would suggest to the gentleman that time

agreement now. I would suggest to the gentleman that time will be saved by allowing it to run along for awhile.

Mr. OATES. How long? During this day?

Mr. CULBERSON. Oh, possibly during this week or longer. There are quite a number of gentlemen here who desire to speak. Certainly they can not get through to-day or to-morrow.

Mr. OATES. But there will be plenty of time under the five-

minute rule.

Mr. CULBERSON. But there are a number of gentlemen

who wish to be heard in the general debate.

Mr. KILGORE. We have plenty of time. Mr. WILLIAM A. STONE. Mr. Chairman, I have given con-Mr. Within the siderable thought to this bill and to this subject, and nothing but a conviction that it is unwise to pass a bankrupt law at this time leads me to differ with my associates on the committee who

have reported it.

There have been many bankrupt laws passed. The number is greater in England perhaps than in any other country; but no law has ever been found sufficiently satisfactory to remain any great length of time without modification or repeal. The first bankrupt law in England was the act of 34 and 35 Henry VIII. C. 4, which gave the lord chancellor power to sieze estates and divide them among the creditors. Then came 13 Elizabeth. C. divide them among the creditors. Then came is Edizabeth C. 7, restricting bankruptcy to traders. Following these were 4 Anne, C. 17, and 10 Anne, C. 15, which took away the criminal character. Next came 6 George IV, C. 16, allowing the debtor to procure his own bankruptcy, and 1 and 2 William IV, C. 56, which established a court of bankruptcy composed of six commissioners

During the next twenty years various amendments were passed. In 1847 jurisdiction was restored to the court of chancery; in 1849 the bankruptcy consolidation act was passed; in 1861 nontraders were made subject to bankruptcy, and in 1868 an amendment act enlarged the powers of nonassenting creditors, while in 1869 a new court of bankruptcy was established, with

The first act of bankruptcy in the United States was the act of April 4, 1800 (United States Statutes at Large, volume 2, page 19).
This act was repealed by the act of December 19, 1803.

It was to have continued in force for five years, but was repealed in three. It provided only for the bankruptcy of involuntary bankrupts, and was limited to traders.

Persons could be adjudged bankrupt only on the petition of

creditors.

The acts of bankruptcy were: First. Departure from the State.

Second. Concealment to avoid process.

Third. Willingly or fraudulently procure his property to be siezed on process

Fourth. Secretly convey or conceal his property.

Fifth. Make any fraudulent conveyance of property.

Sixth. Make or admit any false or fraudulent security or evidence of debt.

Seventh. Remain in prison two months for debt. Eighth. Escape from prison.

Ninth. Failing to give bail after written notice and causing attachments to be dissolved.

In this law every act of bankruptcy was a fraudulent act.

The next act of bankruptcy was that of August 19, 1841, which was repealed by act of March 3, 1843.

This act provided for both voluntary and involuntary bank-

ruptcy. Acts of bankruptcy were confined to persons being mer-chants or using the trade of merchandise, all retailers of merchandise, all bankers, factors, brokers, underwriters, or marine insurers owing debts not less than \$2,000.

Acts of bankruptcy were:

First. Departure from State, district, or Territory with intent

to defraud his creditors.

Second. Concealment to avoid being arrested.

Third. Willingly or fraudulently procure himself to be arrested.

Fourth. Willingly or fraudulently procure his lands, goods, or chattels to be taken in execution.

Fifth. Remove or conceal his property to prevent it being levied on.

levied on.
Sixth. Make any fraudulent conveyance, assignment, sale, gift, or transfer of his property.
These are also what are known as acts of fraud by the bankrupt.
The last act—that of 1867—was approved March 2, 1867, and went into effect June 1, 1867. It was repealed by act approved June 7, 1878, which took effect September 1, 1878.
This act was amended by the act of June 22, 1874, which required one-fourth in number and one-third in value of debts proven to petition to have a man declared a bankrupt.
The act of July 26, 1876, page 102, provided that an assignment under the laws of the State should not be a bar to a discharge.

I call the attention of the committee to the fact that from the passage of the act of 1867 down to the date of its repeal, every passage of the act of 1867 down to the date of its repeat, every supplement and every bill affecting bankruptey made it more liberal to the bankrupt in cases of involuntary bankruptey.

The act under consideration is much more severe in its involuntary provisions than this last act in several respects:

First. It makes it an act of bankruptey to make an assignment for the benefit of creditors authorized by the laws of the

States.

No other bankrupt law ever did this before in this country. Second. It makes it an act of bankruptcy to sell any property bought before it is delivered.

Third. It makes it an act of bankruptcy to sell any property to any person not a creditor for the purpose of giving a prefer-

Fourth. It limits the number of creditors who may petition to have a debtor adjudicated a bankrupt to those having claims amounting to \$500; and where there are only eleven creditors of

amounting to 500; and where there are only eleven creditors of the estate one may file the petition.

I call attention to the difference between this bill under consideration and the provisions of the act of 1867. Under the bill now before the committee it is not necessary to have more than one person to petition in case there were only eleven creditors, and only three are necessary in case there were more than eleven. No restriction is put on the amount of debts of the retitioners provided that each of and proventions. the petitioners provided they equal \$500, and no restriction on that account is put on the number of petitioners. So under the bill, if it shall become a law, it will be easier to put a man in bankruptcy than it was under the act of 1867.

And on that point I call the attention of the committee to the particular reasons why the act of 1867 was so unpopular with the people. It was mainly because of the harshness of its provisions applying to involuntary bankruptey, and I think I am justified in the criticism that this bill is much more severe on the involuntary bankrupt, and will be more unpopular if it ever becomes a law because of this fact than was the law of 1867.

Mr. RAY. If the gentleman will permit me, I would like to call attention to this fact, whether it would not be possible under the provisions of this bill if a creditor with a claim of \$499 could get two creditors to unite with him, one who held a claim for 75 cents and the other 25 cents, making up the entire \$500—that is all that would be necessary, as I understand it—to force a man into bankruptcy under the provisions of the pending bill.

Mr. WILLIAM A. STONE. Of course that is true; but I will have to ask members to be kind enough to wait until I get through this part of my remarks after which I will gladly answers to require they may wish to ask

swer any questions they may wish to ask.

In its penal provisions the pending bill is unreasonably harsh

and severe. It provides that a bankrupt shall be punished by imprisonment for a period not exceeding two years on conviction of having transferred otherwise than in the ordinary course of business, and in the contemplation of bankruptcy, any property which he

has obtained on credit.

It will be easy where a transfer is otherwise than in the ordinary course of business, to get a conviction, for the bankrupt

must be held to contemplate a fact which soon thereafter occurs.

Legislation in this country and in England divides bankruptcy into two kinds—voluntary and involuntary.

Voluntary bankruptcy is where a person voluntarily becomes a bankrupt by petition on his inability to pay his debts.

The purpose is to be relieved from the payment of his debts, and startanew in business. In many laws passed, this great privilege is limited to traders and manufacturers, so as to encourage

The present law allows any person to become a bankrupt.
All bankrupt laws have at all times been unpopular with the great masses of the people, and have soon been repealed or modified after their enactment. In new countries they are most unpopular. This country has not yet reached the stage where a permanent bankrupt law can be maintained.

After periods of great financial distress and business depression it is proper to enact a voluntary bankrupt law to relieve those who have been most unfortunate. Such a condition existed at the close of our late war, and the bankrupt act of 1867 was properly passed, but no such depression of business exists

now to warrant such a law.

A bankrupt law should never be passed in anticipation of business depression. Its effect is to hasten and bring on such a condition. After a country has passed through a period of depression, when the liabilities of honest man exceed their assets, then is the time for a temporary bankrupt law in this country.

England it is true has a perment haskery law but here.

England, it is true, has a permanent bankrupt law, but in England Parliament enacts the laws, while in this country forty-four States are constantly enacting laws, and any bankrupt law that we may pass will conflict with the laws of the States.

That is one reason why a bankrupt law is unpopular.

It weakens confidence and destroys credit. It is always followed by depreciated market values. It brings at once all the property of those who avail themselves of the law to a forced public sale.

A forced public sale in any community is always a disadvantage to the trade of that community. The stock of a boot and shoe merchant being sold at public auction in a country town supplies the people with cheap goods, cheaper than other merchants can sell them, supplies the demand for weeks to come and thus hurts other merchants and makes bankrupts of them.

When any very prominent and extensive dealer goes into bank-ruptcy he generally pulls smaller dealers in with him, who have to go because he did. When we come to consider that great quantities of all kinds of property will at once be thrown upon the market at forced sale to the highest bidders for cash, we can well understand how a bankrupt law will cheapen all kinds of

Mr. BOATNER. There is no such necessity provided for in this bill. The goods will be sold as the creditor may think for the best interest. There is nothing in the bill requiring them to be sold at a forced sale for what they will bring in cash.

is left to the creditors.

Mr. WILLIAM A. STONE. I could answer that, but will have to ask the gentlemen to wait until I get through and then I will answer all questions.

Merchants who might otherwise get along in competition with other merchants suddenly find that they have to compete with trustees of bankruptestates who sell for what they can get regardless of what the article cost.

Farms, houses, lots, and real estate of all kinds, all kinds of farm produce, grain, hay, cattle, horses, sheep, clothing of all kinds, bonds, stocks, securities, everything that cost money is at once in the market for what it will bring. The result can only be a great lowering of the market price of everything.

In this way a bankrupt law injures the country.

I think it is generally conceded that we are now and have been during the past summer in a precarious condition financially. Many banks have failed, and many business houses have succumbed; but in most instances, through extensions and indulgencies by creditors, they have pulled through. Their assets have not been exposed to public sale.

If we had had a bankrupt law, the auction flag would have been flying in every square in our cities, towns, and villages, and at every four corners throughout the country.

and at every four corners throughout the country.

A bankrupt law is a sad remedy to apply in the present condition of the country. It would precipitate what we are all trying to avoid. It might be convenient and desirable for many individuals, but it would be a great misfortune to the public.

A bankrupt law can only work good to the persons who are thereby relieved of their debts. It is for them and them alone. It can only work injury to trade and the public.

The hardest times we have had in this country since the war was in the papin of 1873, when the lost bankrupt law was in full

was in the panic of 1873, when the last bankrupt law was in full force. That law was thought by many to have been largely responsible for the panic of 1873.

INVOLUNTARY.

Let us now consider the involuntary bankrupt law; this bill is

both voluntary and involuntary.

The involuntary provisions allow creditors to force a debtor into bankruptcy against his will.

The only persons benefited by involuntary bankruptcy are the creditors; the persons injured are the public by the forced sales of property, thereby depreciating the market value of all kinds of property—and the bankrupts themselves.

Various acts are set down in the bill as acts of bankruptcy—I

need not enumerate them. Some are authorized by the laws of the States, thereby bringing a conflict between the laws of the States and the United States.

The only argument for an involuntary bankrupt law is to afford greater facility to creditors in the collection of debts.

This should never be done at a time when business depression exists. The legislative policy of all the States on such occasions to covered elements the debter. is to extend clemency to the debtor.

Stay laws and extension laws are then passed.

If the approaching winter is severe, as many predict it will be, the Legislatures of the States in session will pass stay laws and extension laws. They will grant indulgence to the debtor, while we are asked to permit the creditor to seize his property. Either one policy or the other is wrong; my judgment is that the States are right.

Indulgence to the debtor gives time and a breathing spell to debtors and the country while more prosperous times arrive.

The Roman law began by allowing the creditors to divide the carcass of the insolvent debtor among them. That was followed

by imprisonment for debt which was long enforced in England and in this country. These finally gave way and the country has been doing a credit business largely upon faith in the hon esty of the debtor.

The debtor class is by far the larger, and any harsh or strin. gent law will be unpopular which does not restrict acts of bank.

ruptcy to actual frauds.

A law which makes the misfortune of the debtor an act of

bankruptcy could not be maintained

The bankrupt law of 1867 was twice amended and each time by restricting the acts of bankruptey. In 1874 it was amended, making one-fourth in number and one-third in value of the debts necessary to join in a petition to have a debtor adjudicated a bankrupt

Under this bill one creditor can petition where the creditors do not exceed eleven, and three where the creditors exceed This affords great opportunities for creditors to oppress debtors by threatening bankruptey in default of immediate pay.

The great majority of all business in this country is done on credit. If it was reduced to a cash basis the country would be greatly crippled; yet under this bill no man would be justified in incurring a debt, as he might be forced into bankruptcy if he was unable to meet it.

It does not really aid the creditor class, except as a whip or

spur and threat to aid collection.

Under the bankrupt law of 1867, in force a little over eleven years, 5,543 persons became bankrupt in what is known as the western district of Pennsylvania, which comprises about onehalf of the entire population of the State and much more than onehalf of the territory of the State. It is impossible to obtain the average dividends paid to the unsecured creditors by these bank-The papers are in the hands of registers, trustees, and attorneys.

The clerk of the United States district court for the western district of Pennsylvania, holding office during the time the law was in force, an able, honest, and experienced gentleman, esti-

mates that the average would not exceed 15 per cent.

Lawyers, registers, and other officials made a great deal of money out of the law, but the unsecured creditor was a loser by That law was very unpopular, and its repeal was demanded by the whole country

This bill has really no merits over the law of 1867.

Registers are called referees, and assignees trustees; but the general effect of this law will be the same as the old one, and if it becomes a law in a very short time it will be quite as unpopu-

This country is too big, has too many lawmaking bodies, and is too young for a permanent bankrupt law, and there is no demand at present for a temporary one. On the contrary, at this time especially, we should not pass a bankrupt law

The United States courts are not accessible to the great majority of the people, and for that reason have never been popular. In many of the older States the people in some localities are three or four hundred miles from the place where the cours usually sit. They never come in contact with them.

The practice is not understood by their lawyers.

This bill is lengthy and full of details. It provides a rule and guidance for every possible question that can be raised under the bill. It leaves nothing for the court but the ability to find the place in the bill where the matter under consideration is provided for.

In the first section of the first chapter it defines the meaning of the word "defeat" to include "defraud, delay, evade, hinder, and impede." Now, turning to the acts of bankruptcy, the third act of bankruptcy is, if any debtor "makes a trans er of any of his property with intent to defeat his creditors." It is, perhaps, fortunate for the creditor that the word "defeat" is thus defined in the bill, for without it no judge would ever have held that an intent to delay a creditor was an intent to defeat him.

Delay does not mean to defeat a claim. Delay is often neces-

sary for the preservation and recovery of a claim.

The bill is in the interest of the creditor—the involuntary part of it. It is skillfully drawn—so skillful that it will be extremely

difficult to keep out of bankruptcy.

A man in the ordinary course of business will be liable to tumble in at any time, wholly unaware that he was at all in

It will require a skillful lawyer, who shall have made this law a special study, to be constantly at hand, both to get into bankruptcy and to keep out.

The lawyers who live at the places where the United States courts sit will have a monopoly of the bankrupt practice, and those lawyers who attend to the general practice and their clients will be at their mercy.

It is said that a large majority of the country want a bankrupt

law and that many petitions have been received for its passage. I am aware that there has been a constant effort on the part of some persons to pass a bankrupt law ever since the last one was

repealed.
The "Judge Torrey bill" has been before Congress for, lo! these many years.
During last Congress, when the bill was up, I had only one request from my locality to support it, and he wanted

to be appointed referee.

I have taken some pains to get at the true sentiment upon this Thave taken some pains to get at the true sentiment upon this subject. I have not done it by petitions or remonstrances. I have written to a few of the leading judges in our different States, asking them to state what they thought about the passage of a bankrupt law at this time. These gentlemen sit upon the benches of our highest courts. They are constantly face to face with their misfortunes, and their wants. They have all been people, their misfortunes, and their wants. They have all been in active practice or on the bench during the last bankrupt law. They are eminent for their ability as lawyers and their fairness as men.

Some of them have kindly answered my inquiries and have given me leave to submit their views to the House. I ask the Clerk to read a letter from Judge Mitchell, of the supreme court

of Pennsylvania, on this subject. The Clerk read as follows:

PITTSBURG, October 16, 1893.

MY DEAR SIE: Your letter of the 14th is just received, and I reply promptly. My experience in general is not favorable to a bankrupt law. Though the power to pass such a law was put in Congress by the Constitution, no exercise of it has ever been satisfactory to the country or has been more than temporary in duration. I had considerable experience in the working of the last act, and I believe it to have been intricate, cumbersome, expensive, and oppressive, and I do not telleve any new act can be drawn which will be any better in those respects, because the difficulties are inherent. Only the hard cases will ever come under the operation of such a law. Those easy of adjustment will always be settled out of court—the commercial spirit will compel such settlement.

cases will ever come under the operation of such a law. Those easy of adjustment will always be settled out of court—the commercial spirit will compel such settlement.

When cases come into court the fees and expenses must be heavy, or the business will be unprofitable, and inevitably fall into the hands of the less competent or lower-toned members of the profession, and become a source of oppression and scandal, as in fact the pension business so largely has, while if they are heavy the dividends for creditors will be small in proportion to expenses, which always produces dissatisfaction, as it perhaps justily ought. If we look beyond these practical objections to the subject in a broader aspect, there are two main objects which a bankrupt act may intended to promote, the relief of debtors or the facilitating of creditors.

The former is now cared for by the State laws to the satisfaction of their own communities, in which the bulk of indebtedness is generally owed, and there does not appear at present to be any substantial reason or demand for the exertion of the paramount national authority on the subject. Perhaps in a short time there unfortunately may be. For the other, the putting of severer remedies in the hands of the creditors, the time appeared to me particularly inappropriate. If the present financial situation shall continue there will certainly in a year or two be a vast body of debtors unable, not by their fault, but by misfortune, to pay promptly or in full. To put in the creditor's hands now, in advance of such a cortingency, any additional weapons of compulsion would, in my judgment, be oppressive and particularly ill-timed.

I have answered your query at more length than is desirable, but I have had no time to condense. While written hastily, these are my settled views, and you are quite at liberty to make such use of them as you desire.

Yours very truly,

JAMES T. MITCHELL.

To Hon. WILLIAM A. STONE, Washington, D. C.

Mr. WILLIAM A. STONE. I send up a letter from Judge Henry W. Williams, of the supreme court of Pennsylvania, which I ask the Clerk to read:

The Clerk read as follows:

The Clerk read as follows;

My Dear Sir: Your favor relating to the subject of bankruptcy and the passage of a bankrupt law is before me. In reply I must say that it is my belief that the passage of such a law would not be wise for several reasons, among which are the following:

First, it would not facilitate the collection of debts. Except in rare cases, except in rare instances, no bankrupt law does. The real purpose and the direct result of such legislation is to enable an insolvent to shake off his debts—pay them by his certificate of discharge.

Second. It would naturally tend to increase existing distrust. It would be regarded as a Congressional declaration that bankruptcy and distress were before us, and that existing debts might be paid by a discharge in bankruptcy. Third. In so far as such a law should place in the hands of creditors any additional means of constraint or coercion upon their debtors, such means would be so used by exacting conditions as to increase the difficulty in the way of every struggling business man, and make his ruin certain.

Fourth. Both the honest dector and the humane creditor would suffer from the practical operation of such a law, while the estate would be consumed in fees and costs.

the practical operation of such a law, while the estate would be to the practical operation of such a law, while the estate would be to the finite state of the property of th

Mr. WILLIAM A. STONE. I ask the Clerk to read a letter from Judge Earl, of the court of appeals of the State of New York.

The Clerk read as follows:

DEAR SIR: In reply to your letter asking my views as to a bankruptcy law, I have to say I know of no good reason for passing such a law. I speak only of this State. Here the laws are just to both debtor and creditor, and no chauge is needed. They furnish ample facilities for the collection of debts, and an honest debtor, who has unfertunately become insolvent, can nearly always obtain a discharge from his debts by a surrender of his property. Bankruptcy proceedings have always proven expensive, and, unless the bankrupt estate is large, the lawyers and officials always get more of it than the creditors.

bankrupt estate is lar than the creditors. Very truly, yours,

Hon. WILLIAM A. STONE

Mr. WILLIAM A. STONE. I ask the Clerk to read a letter from Judge Dean, of the supreme court of Pennsylvania. The Cleak read as follows:

The Cleak read as follows:

Dear Sir: Yours of the 14th, in reference to the bankrupt law, is before me. Such a law is of course intended to accomplish, first, protection to the creditor; second, relief of the debtor: third, material advantage to the State. Not much need be said as to the first and third, but as to the second, relief to the debtor, such a law passed now to take effect seon—and by soon is meant within two or three years—will operate with unnecessary hardship on the debtor class. This, as you are aware, is a time of serious business depression; fully 75 per cent of all men in business are heavy debtors. They have of real value ample assets in most cases.

These assets can not be turned into money at half their real value, and creditors will accept nothing but money. These debts have been incurred in view of existing laws: in great part they would have had no existence if such a law had been anticipated, and sudden change in the law will work financial disaster to many of them who, if not disturbed for a reasonable time, will squeeze through and have left considerable capital; if forced to a sale now, their property will not bring half its worth, and after discharge they will start without capital. While a national bankruptey law ought to be passed, it should not go into effect for at least two years. It is with some diffidence I give expression to this opinion. As you are aware, my judicial observation extends no further than this State, but while limited as to territory, all imaginable kinds of business carried on in the State have been brough to my attention both on and off the bench.

Very truly, yours,

Hon. WILLIAM A. STONE, Washington, D. C.

Mr. WILLIAM A. STONE. I ask the Clerk to read a letter from Judge Spear, of the supreme court of Ohio. The Clerk read as follows:

STATE OF OHIO, SUPREME COURT CONSULTATION ROOM, Columbus, October 20, 1893

DEAR SIR: Your valued favor of recent date is duly received.

In general, I favor a uniform bankrupt law, if framed so as to be fair to both creditor and debtor, and the fees of court officers so limited as to admit of economical administration. Such a law would be, I think, more advantageous to all concerned than are the present inconsistent insolvent laws of the several States.

But I doubt very much the advisability of enacting such a law at this time. It seems to me that if made a law now the compulsory provisions would give inconsiderate creditors an undue advantage, and would result in driving many deserving debtors into bankruptcy, who, If not unduly crowded, would struggle through and finally avoid financial ratin, which result would certainly tend to further complicate the unfortunate financial disturbances which are now troubling the business world.

These suggestions are but first-blush impressions, and are not recarded by made to them.

made to them.
Yours, very respectfully,

Hon. WM. A. STONE, Washington, D. C.

Mr. WILLIAM A. STONE. I have other letters, Mr. Chairman, but I will not take the time to read them. If any member desires them read they can be read in his time, or I will publish them in the RECORD if desired.

I wish now to say something with reference to the provisions of this bill. Under the act of 1867 corporations could become voluntary bankrupts, but under this bill they could be forced into bankruptey, while they could not become bankrupts by pe-

A corporation could become a bankrupt by petition under the act of 1867. By this bill a corporation can only become a bankrupt where it commits an act of bankruptcy. Now, if a corporation, finding itself in an insolvent condition, desires to take advantage of the provisions of this bill, it has only to commit an act of bankruptcy in order to get in at the back door.

Another peculiar feature of this bill is that under it a corporation gas not be disabased.

ration can not be discharged. But this is futile, because the trustee can sell the charter as well as the assets of the corporation, and it can reorganize under the laws of the State. Nearly all the States provide for the reorganization of corporations.

The charter is an asset as well as anything else. The last bankruptcy law was much more wise in its treatment of corporations than is this bill. It treated them as persons and gave them all the rights and privileges of persons. Under the act of 1867 a person, to become a voluntary bankrupt, must owe at least \$300. Under this bill he may owe any amount. One dollar is sufficient toput a man into bankruptcy on his own petition. The gentleman who opened this debate stated that the act of 1867 was very unpopular, and he said he would not support such a bill.

I simply want to call attention to the discrepancies between these two laws, believing that the act of 1867 was more humane,

more impartial, and more in the interest of the public than this

Under the act of 1867 voluntary bankrupts must reside in the United States, but under this bill they may reside anywhere. A person living in France might become a bankrupt, or might file a patition to have a citizen of Pennsylvania adjudicated a bankrupt, under this bill.

rupt, under this bill.

Under this bill a bankrupt could only be discharged by the judge. Here is a feature to which I desire to call especial attention. An application may be made at any time after two months from the date of adjudication in bankruptcy. The judge shall hear the application and discharge the bankrupt, unless he has performed or done certain things; and if we turn to page 15, we will find what those things are that prohibit the judge from discharging bankrupter. charging bankrupts:

(1) Committed an offense punishable by imprisonment or fine as herein provided; (2) given a preference as herein defined, under an assignment for the benefit of creditors, or otherwise, which has not been surrendered to the trustee; (3) knowingly made a materially false statement in writing concerning his financial condition to any person for the purpose of obtaining credit or of being communicated to the trade or to those from whom he has sought or obtained credit—

The word "material" is inserted in this section. Unless he as "made a materially false statement." Well, in the light of has "made a materially false statement." subsequent insolvency, it is a very easy matter to make out that a statement, made in good faith at the time, was materially false. It does not say "false." It says "materially false."

(4) made a transfer of any of his property which any creditor, who has proved his debt in the proceedings, might, at the time of the bankruptcy, have impeached as fraudulent if he had then been a judgment creditor, unless such property shall have been surrendered to the trustee—

It is not necessary to have it impeached. If it might have been impeached, in the opinion of the judge, the discharge must

or (5) with fraudulent intent destroyed or neglected to keep books of account or records from which his true condition might be ascertained.

Now, there are a great many people in business who do not keep sufficient books or records of accounts by which their condition can be ascertained. A great many people in business do not keep books at all. Now, when a petition for a discharge is filed, it is addressed, not to the court, but to the judge. I have recited the reasons which shall prevent the judge from granting the discharge.

Under the act of 1867, the bankrupt could not obtain a dis-charge unless the assets equaled 30 per cent of the debts proved against his estate, or on the assent of one-fourth in number and one-third in value of his creditors. No such requisition is necessary under this bill. It is a matter wholly and solely with the judge. The creditors have nothing to do with it.

In this bill no assets are required, nor is the discharge with-In this bill no assets are required, nor is the discharge withheld without the assent of creditors. The matter is in the sole
discretion of the judge. An appeal may be taken to the order
of the judge, but there is no provision for a jury trial over the
issues of facts. The judge shall discharge unless the bankrupt
shall have done one of five things, and, as an involuntary bankrupt, he must have done at least one of these things; and as the
judge has in adjudicating him a bankrupt already passed upon
that question, I see no way in which an involuntary bankrupt
can ever be discharged.

Now, let us think of this for a moment. Mind you, this bill
exceptibly excludes the province of the jury in an issue raised on

carefully excludes the province of the jury in an issue raised on an application for a discharge. The judge must first withhold discharge if the bankrupt has committed—not been convicted but committed any offenses punishable by fine or imprisoment. Now we look at the offenses punishable by fine or imprisonment, beginning on page 27, if the House will bear with me, as this is more of a technical argument than a speech.

I now turn to the offenses:

A person shall be punished by imprisonment for a period not to exceed two years upon conviction of the offense of having willfully—

Then it goes on and recites the offenses.

Now, it does not say the court may fine, imprison, or both. It says that the person shall be imprisoned, and then it gives the first

appropriated to his own use embezzled, spent, or unlawfully transferred any property belonging to a bankrupt estate which came into his charge as trustee;—

There is no objection to that-

(2) attempted to account or accounted for any of his property, or attempted to account or accounted while a bankrupt for any of the property belonging to his estate by fictitious losses or expenses; (3) concealed while a bankrupt, or after his discharge, from his trustee any of the property belonging to his estate; (4) in case of any person having to his knowledge after he has become a bankrupt, proved a false chaim against his estate, failed to disclose that fact, within one month after coming to a knowledge thereof, to his trustee; (5) made a false oath in, or in relation to, any proceeding in bankruptcy; (6) made a substantially—

Not made a false valuation, but-

made a substantially false valuation, as a bankrupt, of any of the property of his estate in his schedule of property, or omitted therefrom any of the

property of his estate, or from the list of his creditors any person to whom he is indebted in a substantial amount, or included therein any person to whom he is not indebted, or included therein a creditor for an amount substantially more than the true indebtedness;—

The word "substantially" precedes the word "valuation," and it may be construed that a bankrupt has violated this provision who has valued his property a little too high. It may be substantially false, but not false fraudulently, and willfully, and wickedly false, but substantially false.

Mr. HAINER of Nebraska. Substantially untrue.

Mr. WILLIAM A. STONE. Substantially untrue; and for

this reason a bankrupt may be prosecuted, tried, and convicted, and if convicted must be imprisoned; from which there is no es. cape. There are other offenses, amounting to eleven in all, and as you increase the number they grow more and more a net, which might catch an honest, but perhaps unskillful man in bookkeeping-

(7) obtained on credit any property with intent not to pay for the same or with intent to use the same to prefer a creditor or increase his property in contemplation of bankruptcy;—

Well, under that provision the intent will be construed by the act, and if the bankrupt obtains property which he did not pay for, it would be very easy for debtors and for creditors, and for the judge even to say that he never intended to pay for it—

(8) presented any false, or substantially exaggerated, claim for proof against the estate of a bankrupt, or used or offered to use any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney;—

That does not apply to the bankrupt-

(9) received any property or the promise of the same, or paid or promised to pay any property as a consideration to act or forbear to act in any proceeding in bankruptcy; (10) secreted any of his property to avoid its being levied upon under legal process against himself or administered in bankruptcy, or any document relating to his property or which is a part of or relates to an estate in his charge; or (11) transferred otherwise than in the ordinary course of his business, and in contemplation of bankruptcy, any property which he has obtained on credit.

Well, now, under the last provision a bankrupt who has trans-Well, now, under the last provision a bankrupt who has transferred his property otherwise than in the ordinary course of business would be guilty, and that will be a question for the judge to consider and construe whether the transfer was in the ordinary course of business or not, or whether in contemplation of bankruptcy any property that he had obtained on credit has been transferred. Any property paid for in cash he may transfer as he pleases; but if the property was obtained on credit and if the transfer be in any manner that the court holds not to be in the ordinary course of business he can not be discharged and he is liable to be imprisoned.

Mr. DOOLITTLE. In other words, he may not prefer cred-

Mr. DOOLITTLE. In other words, he may not prefer cred-

Mr. WILLIAM A. STONE. It does not make any difference whether he prefers creditors. If he sells a horse, and it should be held not to be in the ordinary course of business, whether the creditor was preferred or not, if he sells it for less than the value he would come in under that section.

Now, under this bill, if given a preference, which has not been esorted to for a dishonest purpose, the bankrupt can not be discharged. If a person doing business in a country town, buying goods from a merchant, and giving his notes for the payment, when one of them becomes due he borrows the money from his has no money to pay it; and if, when the other note comes, and he has no money to pay it, and he can borrow no more, he prefers that neighbor by giving him a judgment, which would give him a first lien, he falls under a subdivision of this law, and by reason of its provisions he is prevented from being discharged. "knowingly made a materially false statement in writing to any person to obtain credit or been communicated to the trade."

Now, then, we all know that there are two great firms which undertake to keep creditors posted as to the financial condition of business men in the country. They are known as Dunn and Bradstreet. "Communicated to the trade" means any merchant who has given a statement to either of these firms. It comes out in their published reports. If a man makes a statement not false, but materially false, under this section, he can not be discharged.

be discharged.

Fourth. Made transfers of any of his property which a creditor could have impeached, etc.

It does not make any difference whether the creditor did impeach it or not; if the judge holds that he could have impeached it he is bound to withhold the discharge.

Fifth. Neglected to keep books of account, etc.

How would a man ever get out?

If he has been adjudicated for the eighth act of bankruptcy, having secreted his property, he has committed the tenth offense and can not be discharged.

If adjudicated for the sixth act of bankruptcy, he has com-

mitted the tenth offense and can not be discharged.

If he has been adjudicated under the fourth or sixth act of bankruptcy the record shows him already barred from discharge.

If adjudicated for the third act of bankruptcy, his discharge If adjudicated for the fourth reason. And when we consider the definitions put upon words, acts, and phrases, it becomes entirely impossible for any involuntary bankrupt to be discharged at all. Now let us look at these provisions. In section 13 of the bill (page 15) provision is made as to discharge. It says:

(page 15) provision is made as to discharge. It says:

The judge shall hear the application for a discharge, and such pleas as may be made in opposition thereto by parties in interest, at such time as his convenience will permit and as will give parties in interest a reasonable opportunity to be heard, and discharge the applicant unless he has (1) committed an offense punishable by imprisonment or fine as herein provided; (2) given a preference as herein defined, under an assignment for the benefit of creditors, or otherwise, which has not been surrendered to the trustee; (3) knowingly made a materially false statement in writing concerning his financial condition to any person for the purpose of obtaining credit or of being communicated to the trade or to those from whom he has sought or obtained credit; (4) made a transfer of any of his property which any creditor, who has proved his debt in the proceedings, might, at the time of the bankruptcy, have impeached as fraudulent if he had then been a judgment creditor, unless such property shall have been surrendered to the trustee; or (5) with fraudulent intent destroyed or neglected to keep books of account or records from which his true condition might be ascertained.

The confirmation of a composition shall discharge the bankrupt from his debts other than those agreed to be paid by the terms of the composition and those not affected by a discharge.

SEC, 14. Discharges, when Revoked.—The court may, upon the application of parties in interest who have not been guilty of undue laches, filed at any time within two years after a discharge shall have been granted, revoke t upon a trial.

We turn then to the provision as to courts, on page 25, where

We turn then to the provision as to courts, on page 25, where

we find this:

SEC. 25. a Appeals and writs of error.—Controversies involving in amount \$8500 and over, adjudications upon petitions, the granting or refusal of applications for the removal of cases and the granting and dismissals of petitions for discharges, may be taken from courts of bankruptby, within ten days after the granting of the order or the entry of the judgment complained of, unless further time be granted by the judge, to their respective appellate tribunals, by appeal or writ of error, pursuant to the provisions of the United States laws now in force upon that subject or such as may be herefiter enacted, except that the same shall be returnable within ten days, unless further time be granted by the appellate court.

b Trustees shall not be required to give bonds when they take appeals or sue out writs of error.

c Controversies may be certified to the Supreme Court of the United States from other courts of the United States, and the former court may exercise jurisdiction thereof and issue writs of certiorari pursuant to the provisions of the United States laws now in force or such as may be hereafter enacted.

In other words, the judge makes the order of discharge. That order may be appealed to the supreme courts of the Territory, or to the circuit court, and it may go up to the Supreme Court of the United States, but there is no provision whatever for a jury to determine the question of fact embodied in a specification against the discharge. The provision for jury trials carefully excludes that. Turning to section 19 we find the provision made as to jury trials. No bankruptcy act in the world, I take it, ever vested solely in the judge the right to determine the issues raised by specifications against the bankrupt's discharge. When a bankrupt makes application for a discharge the creditors who desire to object to that discharge, having notice, file their objections that he has committed this or that act of bankruptcy, or that he is barred under the law, and that goes to a jury to be determined as other questions of fact are determined. But that is not the provision under this bill. The provision here as to jury trials is this:

SEC. 19. 6 Jury trials.—A person against whom an involuntary petition has been filed shall be entitled to have a trial by jury, in respect to any act of bank-ruptcy alleged in such petition to have been committed, upon filing a written application therefor before the expiration of the time within which an answer may be filed. If such application is not filed within such time a trial by jury shall be deemed to have been waived.

That provides for a jury trial, but that refers to an act of bankruptcy when a petition is filed to have a person adjudged an involuntary bankrupt.

Now, on page 21, subdivision "c," we find that-

The right to submit matters in controversy or an alleged offense under this act to a jury shall be determined and enjoyed according to the United States laws now in force upon that subject, or such as may be hereafter en-acted, except as herein provided.

And it is herein provided that the judge shall pass upon the questions—all of them—and discharge the applicant, unless he has done some one of the very many things enumerated in the bill. It does not provide that the judge shall take any evidence; it does not provide that he shall take any depositions; it provides no system under heaven by which he may determine the fact. He has already got a record.

Suppose that it is the case of an involuntary bankrupt. The judge looks at the petition; he has already passed judgment.

Suppose that it is the case of an involuntary bankrupt. The judge looks at the petition; he has already passed judgment upon the petitioner; he has adjudicated that man to be a bankrupt for doing some of the things for which he may be adjudicated a bankrupt, and the most of them are things which prevent the judge from granting the discharge. The judge looks at the record and finds that he has already passed judgment upon that question, and therefore it is an adjudicated fact.

How is a man going to get a discharge? Under the old bank-

ruptcy law some judges, in the early administration of it, were weak enough to hold that no involuntary bankrupt could be discharged because of the fact of his adjudication which was a matter of record. Time, liberality, the more wholesome and wise views of the Supreme Court of the United States, moderated those rulings, and in the last days of that act we began to have a uniform system of bunkruptcy uniformly administered. But, sir, it will be years and years before the judges will get together and be of one mind upon the administration of an act of bankruptcy containing all the various provisions and details of this long and cumbersome bill. It would be better, far better for the public to have that old bankrupt law of 1867 resnacted as it was administered, in the enlightened last days of its existance. administered in the enlightened last days of its existence -far

administered in the eniightened last days of its existence—larbetter—than it would be to pass this bill.

In the great cities, Boston, New York, Philadelphia, Pittsburg, Chicago, St. Louis, San Francisco, large wholesale houses exist which sell bills of goods to men in any and every State of this Union. Under this bill, if it should become a law, they would be practically protected against what are known as "preferences" to neighbors and those with whom the debtor is intierences" to neighbors and those with whom the debtor is intimately connected, because if a man should commit an act of
bankruptcy, he will know that he comes under this bill, and
that he can hardly get out again. It can be used as a threat or
as a whip over the poor debtors of the country. I do not say
that it was intended as such. I believe that the gentleman [Mr.
OATES] who opened this debate is as sincere in his support of
the bill as I am in my opposition to it; but I say that this bill is calculated, or at least that its effect will be, to benefit the cred-

itors of the country and not the debtors.

Woe to the man upon whom the door of involuntary bank-ruptcy has closed under this law. He is an outcast from trade forever. His creditors can not even consent to his discharge. The judge can not discharge him, for he has already adjudged him guilty of the acts which bar his discharge. A jury of his countrymen can not relieve him. The provision "C," page 21, under head of "Jury Trials," can not relieve him, for the exception "as herein provided" prevents it, it being herein provided that the judge shall determine the question of discharge.

I will not run over all of these enumerated offenses, but I think

the list is unreasonably severe. I have already commented on the fact that imprisonment must be imposed, and then when we come to consider how, with the definitions that are put upon words, phrases, and sections in the bill, it will be a very easy matter to convict almost any involuntary bankrupt of some one of these offenses. Then there is a long list of fines, any one of which might catch a man who was not learned and versed in the provisions of the bill. The bill also excludes attorneys from practicing in bankrupt cases while acting as referees.

This in my judgment is unwise. The duties of these refered are the same as the registrars under the old law, and under that law no one but an attorney or a man learned in the law was ever appointed to that position. No one but a man so qualified should be a referee under this bill. Yet attorneys are excluded from practicing in the bankruptcy courts, though under the old law they were allowed to do so.

The bill also requires two sureties. It may be well to have two sureties where they are individual sureties, but the bill extends this requirement to corporations authorized under State laws to become sureties. There is no need for this, and the bill should be amended in that respect.

Mr. Chairman, I honestly and sincerely believe that this bill, if it should become a law, will be a great injury to the public, will do more harm than it can possibly do good. I am opposed to the passage of any bankrupt law in these troublesome times,

to the passage of any bankrupt law in these troublesome times, and most especially am I opposed to the passage of this measure.

Mr. SIBLEY. Mr. Chairman, I wish to say a very few words on this bankruptcy bill. I can not speak as an attorney, for I am not familiar with the law or its forms. But I wish to speak as one who has had extensive business interests in a number of different States of the Union. I have read the bill through carefully; and if I understand the effect of its terms and phrases it should, instead of being called a bankruptcy bill, be entitled more properly "A bill to divestall debtors of hope for the future and to prevent any debtor who may suffer from temporary embarrassment from ever securing his financial freedom." Why, Mr. Chairman, up in Pennsylvania—I say it with no disrespect—when we wish to perpetrate such an act as this bill seeks to perwhen we want to perpetrate such an act as this bill seems to perpetrate, we take a jimmy and a dark lantern, and we never proceed in the light of day; we take the small hours of the morning to get away with a scheme like this.

Mr. Chairman, I have noticed the report on this bill. The "immortal bard" is quoted, and I thought there ought to have

been another quotation in the same connection. There should have been a quotation about "stealing the livery of the court of Heaven to serve the devil in." The glowing language of this

report speaks about "poor debtors;" it speaks about the "quality of mercy;" and then it goes on and by terms and provisions gives a lot of little lawyers or of maliciously disposed persons the opportunity to bankrupt ninety-nine out of every hundred men who are doing business to day in the United States. I do not think I am in a condition at present to suffer in that way; but I know that for many years of my business experience there was not an hour when some malicious, evil-disposed person could not under a hill of this kind have forced me into bankruptor. not under a bill of this kind have forced me into bankruptcy

Mr. Chairman, in the name of every debtor of this land I protest against the confirmation, I will not say of this villainous, but of this iniquitous legislation. I do not know the truth or falsity of the charge that there is a lobby here in the interest of this bill; that there are people drawing salaries of \$15,000 a year as the paid attorneys of a few persons who have organized themselves into an association for the collection of debts. But I have no reason to doubt the correctness of that statement, because

no reason to doubt the correctness of that statement, because from none but that class of people could have emanated such harsh measures in dealing with debtors.

I will not go into the different phases of this subject; my time is too limited. But I do not see one redeeming feature in the measure. And instead of amending it in any line or section, I would cut the tail of this bill off behind its ears and leave it at that: for I doubt if there is a possibility of a worse measure on this subject ever being submitted. It is the most skillfully detected and carefully preserved measure. vised and carefully prepared measure I have ever seen for put-ting the clamps and the screws upon the unfortunate debtor, and holding him as long as the greed or hatred of the creditor is unsatisfied; it will act as an effectual closing of the doors of hope to his heart.

I heard a gentleman here speak of the commercial depression that exists to-day and the necessity for some such measure as this. I make the assertion that there is scarcely in New York City a bank that could not have been put into bankruptcy within the last ninety days under the provisions of this bill. This measure is simply another link in the chain that is being bound about the debtor class of this nation—another cord in the strand by which you are attempting to stifle the producing classes of this country; another whip in the hands of the taskmasters. I protest against this bill; and I rely upon the fairness and justice that I believe precall among the membership of this House to see that this bill is never enacted into law.

Mr. OATES. Mr. Chairman, as no one else wishes to speak this evening, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the Chair, Mr. OUTHWAITE reported that the Committee of the Whole House on the state of the Union, having had under

consideration the bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States, had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 34) providing for the disposition of certain personal property and money now in the hands of a receiver of the Church of Jesus Christ of Latter-Day Saints, appointed by the supreme court of Utah, and authorizing its application to the charitable purposes of said church; when the Speaker signed

LEAVE OF ABSENCE.

Mr. EVERETT, by unanimous consent, obtained leave of ab-

sence for two weeks, on account of important business.

And then, on motion of Mr. OATES (at 3 o'clock and 40 minutes p. m.), the House adjourned.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, private petitions were adversely reported and laid on the table, as follows

reported and laid on the table, as follows:

By Mr. GOLD/IER, from the Committee on War Claims:
The petition for the relief of Hiram Walker, of Nicholas
County, W. Va. (Report No 131.)
Also, the petition of Arden Thompson, for estate of Jane Gore,
late of Raleigh County, W. Va. (Report No. 132.)
Also, the petition of Sally H. Thompkins, for estate Beverly
Thompkins, late of Kanawha County, W. Va. (Report No. 133.)
Also, the petition of Charles Walker, of Raleigh County, W.
Va. (Report No. 134.) (Report No. 134.

Also, the petition of H. A. Yeager, for the estate of John Yea-(Report No. 135.

Also, the petition of Henry Amick, of Fayette County, W. Va. (Report No. 136.)

Also, the petition of Russell G. Trump, agent of Anthony Lawson, of Raleigh County, W. Va. (Report No. 137.)

PUBLIC BILLS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, and a resolution of the following titles were introduced, and severally referred as fol-

By Mr. LUCAS: A bill (H. R. 4211) for the establishment By Mr. LUCAS: A bill (H. K. 4211) for the establishment, control, operation, and maintenance of a hospital, to be known as the Sanitarian Branch of the National Home for Disabled Volunteer Soldiers at Hot Springs, in the State of South Dakotato the Committee on Military Affairs.

By Mr. DOCKERY: A bill (H. R. 4212) to amend section 3709

of the Revised Statutes—to the Joint Commission to Inquire into the Status of Laws Organizing Executive Departments. By Mr. COGSWELL: A bill (H. R. 4213) in relation to the re-

tirement from active service of officers of the Navy-to the Com-

mittee on Naval Affairs.

Also, a bill (H. R. 4214) to provide for the extermination of the Ocneria dispar, or the gypsy moth—to the Committee on Ag-

By Mr. MERCER: A bill (H.R. 4215) to amend sections 140 and 145 and repealing sections 143 and 144 of the Revised Statutes of the United States relating to Presidential elections—to the Committee on Election of President, Vice-President, and Representatives in Congre

By Mr. STONE of Kentucky: A bill (H. R. 4216) providing for the purchase of certain property therein named for the use of the United States—to the Committee on Public Buildings and

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 4217) to fix

the pay and allowances of the veterinarians of the United States

Army—to the Committee on Military Affairs.

By CRAIN: A bill (H. R. 4218) providing for the election of a

Delegate to represent the District of Columbia in the House of

Representatives—to the Committee on the Judiciary.

By Mr. STOCKDALE: A bill (H. R. 4219) to amend an actentitled "An act to regulate and improve the civil service of the United States"—to the Committee on Reform in the Civil Service.

By Mr. COGSWELL: A resolution of the Legislature of Massachusetts, in relation to the gypsy moth—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following

Under clause I of Kule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD: A bill (H. R. 4220 for the relief of Joseph Mooney—to the Committee on War Claims.

By Mr. McNAGNY: A bill (H. R. 4221) for the relief of William Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4222) providing for the payment of James Woulfe, of Fort Wayne, Ind., for paving Clinton street, in front of the United States court-house and post-office building in said city—to the Committee on Claims. to the Committee on Claims.

Also, a bill (H. R. 4223) for the relief of Isaac Thompson—to the Committee on Military Affairs.

By Mr. PAGE: A bill (H. R. 4224) to remove the charge of desertion against William W. Smith, late a private in Company G, First New York Engineers—to the Committee on Military Affairs.

Affairs.

Also, a bill (H. R. 4225) for the relief of George D. Nichols, of Providence, R. I.—to the Committee on Claims.

By Mr. SOMERS: A bill (H. R. 4226) for the relief of James Duke—to the Committee on Naval Affairs.

By Mr. TERRY: A bill (H. R. 4227) granting a pension to Mrs. Susan Housley, widow of Samuel Housley, veteran of the Florida war, 1836—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and pa-

pers were laid on the Clerk's desk and referred, as follows: By Mr. DALZELL: Resolution of Tobacco Board of Trade of Pittsburg, Pa., against repeal or modification of duty on tob icco, and against increase of internal-revenue tax—to the Committee on Ways on Means.

By Mr. ERDMAN: Petition of jute yarn workers, urging that no changes be made in the tariff schedule on jute yarn—to the

Committee on Ways and Means.

By Mr. MARTIN of Indiana: Views of Indiana Yearly Meeting of Friends, in favor of the repeal of the Geary law, to exclude Chinese from the United States—to the Committee on Foreign

By Mr. O'NEILL of Pennsylvania: Resolution adopted at a special meeting of the Union League of Philadelphia, earnestly advocating the prompt repeal of the purchasing clause of the Sherman act—to the Committee on Coinage, Weights, and Mea-

By Mr. REED: Petition of 61 citizens of the district of Ken-

By Mr. REED: Petition of 61 citizens of the district of Kennebunk, Maine, for an appropriation adequate to remove the accumulation of deposit in the harpor of Cape Porpoise, Me.—to the Committee on Rivers and Harbors.

By Mr. TERRY: Petition of Little Rock Typographical Union No. 92, in favor of the erection of public buildings by day 1 bor instead of by contract—to the Committee on Public Buildings and Grounds.

Also, report of the Arkansas River Commission-to the Com-

mittee on Rivers and Harbors.

By Mr. WILSON of Washington: Petitions of 44 citizens of Spokane County; of 62 citizens of Palouse, Whitman County; of 70 citizens of Kalama; of 28 citizens of Couleo precinct, Lincoln 76 citizens of Kalama; of 28 citizens of Coulee precinct, Lincoln County; of 25 citizens of Okanogan County; of 20 citizens of Garfield County; of 14 citizens of Earl; of 22 citizens of Dragoon; of 19 citizens of Whitman County; of 60 citizens of Clark County; of 46 citizens of Chillar, Okanogan County; and of 21 citizens of Harmony; all of the State of Washington, in opposition of repeal of the Sherman act, unless said repeal shall provide for the continued coinage of silver on terms more favorable to silver to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, October 24, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.]

The Senate met at 10 o'clock and 30 minutes, a. m., at the ex-

The VICE-PRESIDENT. The Senate resumes its session. The Chair lays be ore the Senate the unfinished business, being House bill No. 1, which will be read by title.

The SECRETARY. A bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

and for other purposes."

Mr. ALLEN. Mr. President, I suggest the lack of a quorum. The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Mitchell, Wis. Allen, Bate. Stockbridge. Gallinger, Stockbridge Teller, Turple, Vanco, Vilas, Voorhees, Walthall, Washburn, Wolcott, Pasco, Peffer, Perkins, Power, Ransom, Sherman, Shoup, Stewart, Bate, Berry, Blackburn, Coke, Cullom, Davis, Dixon, Faulkner, George, George, Gordon, Irby, Kyle, McPherson, Manderson, Mills,

Mr. DIXON. The Senator from Connecticut [Mr. PLATT] is detained from his place here by reason of sickness in his family. detained from his place here by reason of sickness in his family.

Mr. GALLINGER. I hold in my hand a telegram from the Senator from Wyoming [Mr. CAREY], stating that he is unavoidably absent from the Senate to-day, and is paired with the junior Senator from South Carolina [Mr. IRBY].

Mr. CULLOM. The Senator from Iowa [Mr. ALLISON] is absent from the city, and stands paired with the Senator from Missouri [Mr. COCKRELL].

The VICE-PRESIDEN'T. Thirty-six Senators have answered to their names. There is no quorum present. What is the pleasure of the Senato?

to their names. There is no quorum present. pleasure of the Senate?

After a little delay, Mr. Murphy, Mr. Smith, Mr. Butler, Mr. McMillan, Mr. Gorman, Mr. Lindsay, and Mr. Call entered the Chamber, and answered to their names

The VICE-PRESIDENT (at 10 o'clock and 48 minutes a. m.). Forty-three Senators have answered to their names. A quorum is present. The Senator from Nevada [Mr. STEWART] is en-

titled to the floor.

Mr. BERRY. Will the Senator from Nevada yield to me to submit a report from a committee.

Mr. STEWART. I yield to the Senator from Arkansas.

REPORT OF A COMMITTEE.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 1986) to amend section 6 of the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," reported it without amendment.

PETITIONS AND MEMORIALS.

Mr. DAVIS presented resolutions adopted at a mass meeting of citizens of Duluth, Minn., favoring the repeal of the silver-pur-chasing clause of the so-called Sherman law; which were ordered

citizens of Minneapolis, Minn., and the petition of Cyrus Northrup and others of the faculty of the University of Minnesota, praying for the repeal of the so-called Geary Chinese law; which

were referred to the Committee on Foreign Relations.

Mr. CAMERON presented a memorial of citizens of Roscoo,
Pa., and two memorials of sundry citizens of Pennsylvania, remonstrating against the unconditional repeal of the silver-purchasing clause of the so-called Sherman law; which were ordered to lie on the table.

Mr. BRICE presented petitions of the Cineinnati Annual Conference of the Methodist Episcopal Church, assembled at Troy, Ohio, August 30, 1893; of the Foreign Christian Missionary Society, of Cineinnati, Ohio, and of David Morrow, of Oakland, Cal., praying for the repeal of the so-called Geary Chinese law:

which were referred to the Committee on Foreign Relations.

He also presented petitions of John H. Patterson, president of
the National Cash Register Company, of Dayton, Ohio; of the
Board of Trade of Massillon, Ohio; of the Commercial Club of
Cincinnati, Ohio; of the Bimetallic League of Canton, Ohio, and of the Stock Exchange of Cincinnati, Ohio, praying for the speedy repeal of the so-called Sherman silver law; which were ordered to lie on the table.

He also presented a petition of 38 citizens of Morgan County Ohio, praying for the enactment of legislation providing for the freer and more extended use of silver as money of ultimate redemption and thereby check the continued contraction of the currency, which has been, and is now, sinking the free labor of our land deeper and deeper into the mire of enforced idleness.

our land deeper and deeper into the mire of enforced idleness, penury, and despair; which was ordered to lie on the table. He also presented a petition of Mayflower Assembly, No. 469, Knights of Labor, of Zanesville, Ohio, praying for equal recognition of silver with gold in coinage at the United States mints, that the ratio of 16 to 1 be maintained, and remonstrating against the repeal of the so-called Sherman silver law unless some provision be made for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented petitions of the Board of Trade of Galli-polis; of the Chamber of Commerce of Cincinnati; of the Ohio Association of Productive Industries; of the Manufacturers' Association of Cincinnati: of the Freight Bureau of Cincinnati; of the Merchants and Manufacturers' Association of Cincinnati; and of the Commercial Club of Cincinnati, all in the State of Ohio, praying that their representatives in Congress use their best efforts to secure prompt action on the repeal bill now pending in the Senata; which were ordered to lie on the table.

ing in the Senate; which were ordered to lie on the table. He also presented a memorial of Hamer Grange, No. 451, Patrons of Husbandry, of Georgetown, Ohio, remonstrating against the repeal of the so-called Sherman silver law, unless coupled with a provision restoring the free coinage of both gold and silver as it existed prior to the passage of the act of 1873; which was ordered to lie on the table.

Mr. QUAY presented a petition of citizens of Wayne, Pa., praying for the unconditional repeal of the so-called Sherman silver law; which was ordered to lie on the table.

wer law; which was ordered to lie on the table.

He also presented a petition of the Union League, of Philadelphia, Pa., praying for the resumption of specie payments, the maintenance of a currency which, whether in gold, silver, or notes, shall be of equal purchasing power, and for the prompt repeal of the silver-purchasing clause of the so-called Sherman law: which was ordered to lie on the table.

law: which was ordered to lie on the table.

Mr. QUAY. I have received a letter from Henry C. Dingee, a prominent business man of the city of Philadelphia, who was a signer of a memorial of the members of the Manufacturers' Club of Philadelphia in relation to tariff and financial legislation, suggesting several practical measures. The memorial was presented by my colleague [Mr. CAMERON] in my absence, and I do not remember its contents exactly. Mr. Dingee writes saying that he desires to withdraw his signature, having since he signed the memorial come to the conclusion that the only solution of the presentfinancial difficulty is the unconditional repeal of the purchasing clause of the Sherman act. I know no method by which he can withdraw his signature, but perhaps the statement I make will answer his purpose. ment I make will answer his purpose.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 1124) for the relief of aged and infirm colored people; which was read twice by its title.

Mr. BUTLER. I desire to state that I introduce this bill as a

substitute for the joint resolution I introduced some time ago on the same subject. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. BRICE introduced a bill (S.1125) to provide for the erechasing clause of the so-called Sherman law; which were ordered blie on the table.

He also presented the petition of George R. Merrill and other on Public Buildings and Grounds.

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PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. I) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the amendment proposed by Mr. PEFFER to the substitute reported by the Committee on Finance.

Mr. STEWART addressed the Senate in continuation of the speech begun by him yesterday. After having spoken for half an hour-

Mr. POWER. Mr. President, it seems to me there is no quo-

The VICE-PRESIDENT. Does the Senator from Nevada yield

to the Senator from Montana?

Mr. STEWART. For what purpose?

Mr. POWER. For the purpose of ascertaining the presence

Mr. STEWART. I think we ought to have a quorum here, because I have a good many important things to say. It would please me to say them to a full Senate.

The VICE-PRESIDENT. The Secretary will call the roll.
Mr. TURPIE. Mr. President, the rule prescribes that any
member of the Senate may raise the question of the presence of
a quorum, but that question is not raised by the Senator. He

The VICE-PRESIDENT. The Secretary will read the rule.

Mr. TURPIE. It is not raised by the Senatorsaying "I raise the question of a quorum."

Mr. POWER. I raise the question that there is no quorum

present, and will state—
Mr. TELLER. Let the rule be read.
Mr. TURPIE. The statement in raising the question of a quorum ought to contain the facts upon which the subsequent proceedings are to be based. It may lead to the arrest of a Senator. It ought to contain a statement of facts in themselves sufficient to disclose the absence of a majority of the members of the Senate and the presence of only a minority. I have heard several times the attempt made to raise the

I have heard several times the attempt made to raise the question of the presence of a quorum on the other side of the Chamber. I have never heard it raised except once or twice in the proper manner. I have heard the phrase used, "Mr. President, I call a quorum," or "Mr. President, I call for a quorum." That certainly does not raise the question. I have heard it said there are not 43 members here. That certainly does not raise the question. There might be 80. I have heard the question of a quorum raised by persons who had the charge of public business, and whose duty it was to do it, and I have always heard it raised by a statement of facts which excluded the posheard it raised by a statement of facts which excluded the possibility of there being a majority present, and which in itself implied the absence of such majority. These facts were not a mere conclusion of law. They did not embody the language of mere conclusion of law. They did not embody the language of the rule. It is not my purpose now to state what the language should be. There is no form requisite, but whatever the formula may be, it ought to include a statement of the facts upon which the call is founded. A request for the attendance of absentees on which a direction to compel the attendance of the absent is founded is a statement of facts giving jurisdiction to this body upon it, and clearly showing the absence of the requisite number that constitute a quorum.

The VICE-PRESIDENT. The Secretary will read the rule The SECRETARY. Rule V, section 2, is as follows:

If. at any time during the daily sessions of the Senate, a question shall be

If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

The VICE-PRESIDENT. The Chair will inquire of the Senator from Montana what his statement was?

Mr. POWER. I stated that there is no quorum present. I counted the Senators present and found only 27 in the Chamber;

The VICE-PRESIDENT. The Secretary will call the roll.
The Secretary called the roll, and the following Senators answered to their names:

Bate.	Frye.	McPherson,	Shoup,
Berry,	Gallinger.	Manderson,	Smith.
Blackburn,	George,	Mills,	Stewart,
Brice,			Stockbudge.
Drice,	Gray,	Murphy,	Stockbridge,
Caffery,	Harris,	Palmer,	Turpie,
Call,	Higgins,	Peffer,	Vest,
Cameron,	Hill.	Perkins,	Vilas.
Coke,	Hoar,	Power,	Voorhees,
Cullom,	Hunton,	Proctor.	. Walthall,
Davis.	Kyle,	Quay,	White, La.
Dixon.	Lindsay,	Roach.	
Faulkner,	McMillan,	Sherman,	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. The Senator from Nevada will proceed.

Mr. KYLE. Mr. President— The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. STEWART. I do. Mr. KYLE. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 12 o'clock.

Mr. VOORHEES. I hope that motion—
The VICE-PRESIDENT. The Chair will state that the Senator from Nevada has yielded to the Senator from South Dakota, who moves that when the Senate adjourns to-day it adjourn to meet to-morrow at 12 o'clock.

Mr. VOORHEES. I hope that motion will not prevail.
The VICE-PRESIDENT. The motion is not open to debate. The question is on agreeing to the motion of the Senator from South Dakota.
Mr. KYLE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HIGGINS (when his name was called). I am paired with

the senior Senator from Arkansas [Mr. JONES]. If he were present I should vote "nay."

Mr. HUNTON (when his name was called). I have a general pair with the Senator from Connecticut [Mr. Platt], who is detained from his seat by sickness in his family. As I understand if he were here he would vote "nay." I vote "nay."

Mr. McMILLAN (when his name was called). I am paired

with the Senator from North Carolina [Mr. VANCE]. Not know-

ing how he would vote I withhold my vote.

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH] who is necessarily absent. I would vote "nay" if he were present.

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present I should vote "nay."

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. I should vote "nay" if he were present.

The roll call was concluded.

Mr. GALLINGER. I again announce that I have received a telegram from the Senator from Wyoming [Mr. CAREY], stating that he is unavoidably detained from the Senate to-day and is paired with the junior Senator from South Carolina [Mr. IRBY !

Mr. FRYE. The senior Senator from New Hampshire [Mr. Mr. FKYE. The senior Senator from New Hampshire Mr. CHANDLER] is paired generally with the junior Senator from New York [Mr. MURPHY], but on House bill No. 1 and all incidental motions he is paired with the senior Senator from North Dakota [Mr. HANSBROUGH]. My colleague [Mr. HALE] is paired generally with the senior Senator from North Carolina [Mr. RANSOM], and on House bill No. 1 and incidental motions he is a senior Senator from California [Mr. Whyme].

paired with the senior Senator from California [Mr. WHITE].
Mr. HOAR. I vote "nay," I am paired with the Senator
from Alabama [Mr. Pugh], but I am authorized to vote to make
a quorum. If a quorum should appear I shall withdraw my vote.
The result was announced—yeas 5, nays 36; as follows:

	Y	EAS-5.	
Cameron,	Peffer,	Stewart,	Teller.
Coke,	N	TAYS-36.	
Bate, Berry, Blackburn, Brice, Caffery, Call. Cullom, Davis, Dixon,	Dolph, Faulkner, Frye, Gallinger, Gordon, Gorman, Gray, Hill, Hoar,	Hunton, Lindsay, Lodge, Manderson, Mills, Murphy, Pasco, Perkins Proctor,	Roach, Sherman, Smith, Stockbridge, Turple, Vest, Voorhees, Walthall, White, La.
	NOT	VOTING-44.	
Aldrich, Allen, Allison, Butler, Camden, Carey, Chandler, Cockrell, Colquitt, Danlel, Dubois	George, Gibson, Hale. Hansbrough, Harris, Hawley, Higgins, Irby, Jones, Ark. Jones, Nev. Kyle.	McMillan, McPherson, Martin, Mitchell, Oregon Mitchell, Wis. Morgan, Morrill, Palmer, Pettigrew, Platt, Power.	Pugh, Quay, Ransom, Shoup, Squire, Vance, Vilas, Washburn, White, Cal. Wilson,

The VICE-PRESIDENT. No quorum has voted. The Secre-

tary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bate, Berry,	Butler, Caffery,	Coke, Cullom.	Dolph, Dubois,
Blackburn,	Call,	Davis,	Faulkner,
Brice,	Cameron,	Dixon,	Frye,

Name and Address of the Owner, where the Owner, which the			
Gallinger, Gordon, Gorman, Gray, Harris, Higgins, Hill,	Hunton, Lodge, McMillan, McPherson, Manderson, Mills, Murphy, Palmer.	Pasco, Peffer, Perkins, Proctor, Quay, Roach, Sherman, Smith.	Stewart, Stockbridge, Turpie, Vest, Vilas, Voorhees, Walthall, White, La.

The VICE-PRESIDENT. Forty-eight Senators have answered to their names. A quorum is present. The Secretary will call the roll on the motion of the Senator from South Dakota [Mr. KYLE], that when the Senate adjourns to-day it be to meet at 12 o'clock to-morrow.

The Secretary proceeded to call the roll.

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. Morgan]. If he were present, I should vote "nay."

Mr. VILAS (when his name was called). I have already announced my pair with the Senator from Oregon [Mr. MITCHELL], but I will transfer it to the Senator from Connecticut [Mr. HAW-LEY], and vote "nay."

The roll call was concluded.

Mr. PALMER. I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. GORMAN. I suggest to the Senator from Illinois that he transfer his pair to my colleague [Mr. GIBSON].
Mr. FRYE. I can relieve both Senators. I announced on the other vote the pair of the senior Senator from New Hampshire [Mr. CHANDLER] with the senior Senator from North Dakota Mr. HANSBROUGH].

Mr. PALMER. I understand that the Senator from North

Dakota [Mr. HANSBROUGH] is paired with the Senator from New Hampshire [Mr. CHANDLER], and I vote "nay."

Mr. FRYE. I announced on a former vote the pair of the Senator from New Hampshire [Mr. CHANDLER] and my colleague [Mr. HALE], and I shall not make the announcement again during

the day.

Mr. HOAR. I am paired with the Senator from Alabama [Mr. HOAR.] PUGH I transfer that pair by authority of the junior Senator from Rhode Island [Mr. DIXON] to his colleague [Mr. ALDRICH],

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], who has been necessarily called away. I make this announcement once for all until he returns.

The result was announced—yeas 4, nays 41: as follows:

200 20000	Y	EAS-4.		
Cameron,	Coke,	Peffer,	Stewart.	
	N	AYS-41.		
Bate, Berry, Blackburn, Brice, Caffery, Call, Camden, Cullom, Davis, Dixon, Dolph,	Faulkner, Frye, Gallinger, Gorman, Gray, Hingfins, Hill, Hoar, Hunton, Lindsay, Lodge,	McMillan, McPherson, Manderson, Mills, Murphy, Palmer, Pasco. Perkins, Proctor, Roach, Sherman,	Smith, Stockbridge, Turpie, Vest, Vilas, Voorhees, Walthall, White, La.	
	NOT V	OTING-40.		16
Aldrich, Allen, Allison, Butler, Carey, Chandler, Cockrell, Colquitt, Danlel, Dubois,	George, Gibson, Gordon, Hale, Hansbrough, Harris, Hawiey, Irby, Jones, Ark, Jones, Ney	Kyle. Martin, Mitchell, Oregon Mitchell, Wis. Morgan, Morrill, Pettigrew, Platt, Power, Power,	Quay, Ransom, Shoup, Squire, Teller, Vance, Washburn, White, Cal. Wilson,	

So the motion was not agreed to.

TENNESSEE RIVER BRIDGE.

The VICE-PRESIDENT. The Senator from Nevada [Mr.

The VICE-PRESIDENT. The Senator from Nevada [Mr. STEWART] is entitled to the floor on the unfinished business.

Mr. BATE. The Senator from Nevada consents that I may call up a bill which it is necessary to have passed at once. It is merely a bill for a bridge across the Tennessee River.

Mr. STEWART. I have no objection, if I do not lose my right to the floor.

Mr. CULLOM. We do not hear the Senator from Tennessee

The VICE-PRESIDENT. The Senator from Tennessee will

please state again his request.

Mr. BATE. It is a bill where a charter has been granted by the State of Tennessee to the Chattanooga Western Railway the State of Tennessee. Company to put a bridge across the Tennessee River, a navigable stream, and the company asks the consent of the Government. ment There is no objection to the bill, and it will not take any

time, except that there are some amendments reported from the Committee on Commerce. It will involve no discussion whatever, and I ask that the bill be put on its passage.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee?

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 339) to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was in section 2, line 11, after the word "telegraph," to insert "and telephone;" so as to read:

And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was in section 2, line 19, after the word "and," to insert "whatever kind of bridge is constructed;" so as to read:

And whatever kind of bridge is constructed said corporation shall maintain, etc.

The amendment was agreed to.

The next amendment was in section 3, line 4, after the word "thereto," to strike out the following words:

Upon the payment of their proportion of maintenance, operation, and interest on investment from the date upon which said railway companies begin to use the bridge in any manner, and so long as they shall continue to use the same, the amount or said proportion to be calculated upon a wheelage basis or other.

So as to read:

That all railroad companies desiring the use of said bridge shall have, and be entitled to, equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon such basis or arrangement as may be agreed upon by and between such companies and the Chattanooga Western Railway Company.

The amendment was agreed to.

Mr. VEST. In section 5, at the end of line 21, I move to insert the words "the location or construction of;" so as to read:

And if any litigation shall be had in regard to the location or construction said bridge, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TowLES, its Chief Clerk, announced that the House had passed a bill (H.R.9) to transfer the Morris Island life saving station, near Charleston, S. C., to Sullivans Island; in which it requested the concurrence of the Senate.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

Mr. STEWART resumed the floor. After having spoken an hour and a quarter, he said: I ask unanimous consent that I may

be allowed to finish my speech hereafter, and that my colleague [Mr. Jones of Nevada], who is not feeling well, may be allowed to occupy a portion of the time now.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the request of the Senator from Nevada?

The Chair hears none.

Mr. JONES of Nevada addressed the Senate in continuation

of the speech begun by him on the 14th instant. After having spoken over two hours and a half, he said:

Mr. President, I will now give way to my colleague [Mr. STEWART], who yielded the floor to me that I might proceed, and I shall ask the indulgence of the Senate to conclude my remarks

at another time, perhaps to-morrow.

I also wish to again state that it is not the intention of any one connected with this discussion to prolong it any more than is necessary to give his views fully to the Senate and to the peo-

ple of the country.

Mr. FAULKNER. Being satisfied that the remarks of the Senator from Nevada correctly state the position of those who are opposed to the pending bill, I move that the Senate now take a recess until 11 o'clock to morrow morning.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia.

The motion was agreed to; and (at 3 o'clock and 57 minutes p. m., Tuesday, October 24) the Senate took a recess until to-morrow, Wednesday, October 25, 1893, at 11 o'clock, a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, October 24, 1893.

The House met at 12 o'clock m. Prayer by Rev. ISAAC W. CANTER, of Washington, D. C.

The Journal of the proceedings of yesterday was read and ap-

proved.

COMMITTEE ON MERCHANT MARINE AND FISHERIES.

Mr. FITHIAN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Murine and Fisheries have leave to sit during the sessions of the House.

The SPEAKER. In the absence of objection that order will

There was no objection.

D. R. M'NEILL.

The SPEAKER laid before the House a communication from the Court of Claims, transmitting copy of the findings of the court in the case of D. R. McNeill vs. The United States; which was referred to the Committee on War Claims.

LAND DISTRICTS, CALIFORNIA.

Mr. CAMINETTI. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the joint resolution, which I send to the desk.

The SPEAKER. The joint resolution will be read, subject to objection

The joint resolution was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. DOCKERY. I do not see any special objection to the resolution: but is there any necessity for it? The Secretary of the Interior has now the authority to consolidate or rearrange the

Inte for has now the authority to consolidate or rearrange the land districts. That resolution seems to be somewhat in the nature of a suggestion to the Secretary.

The SPEAKER. If there be no objection the gentleman from California will explain the purpose of the resolution.

Mr. CAMINETTI. Mr. Speaker, I will, with the consent of the House, explain the object of the resolution.

It will be remembered that in the sundry civil appropriation bill of the last Congress a provision was inserted providing that the land districts in the United States might be reduced ten in number. It was determined that one district should be taken from California, to which we have no objection. But in consolidating two districts to give the necessary reduction of one district they paid no attention to the topography of the country, and have consolidated two districts, the bulk of the land in one of them, the Independence land district, being on the eastern side of the Sierra Nevadas and the land in the Visalia district on the western side of the mountains, which for eight months of the year are impassable, and therefore settlers eight months of the year are impassable, and therefore settlers upon the public lands in the Independence land district, in order to go to Visalia, must make a journey of 1,300 miles, at greatexpense of time and money.

Now, we desire on the part of the people of those districts to be heard on this consolidation—that is, to be permitted to present the facts before the Secretary of the Interior with a view to allow the consolidation to be made somewhere else, where there

will be less hardship to the settlers.

Mr. SAYERS. What is the purport of the resolution?

Mr. CAMINETTI. It is to make provision to enable the Representatives in Congress from the St to of California, or anywhere else, who desire to be heard in relation to the facts of the matter, to be heard, and that upon a full hearing the consolidation may take place in regard to two other districts, eliminating the Independence district, and letting it remain as formerly, owing to the great expense this change will entail upon the settlers

Mr. SAYERS. Have not you a right to be heard without

this resolution?

Mr. CAMINETTI. No, sir.

Mr. SAYERS. Why?
Mr. CAMINETTI. Because the matter is a finality now.
Under the act of Congress to which I have already referred the
consolidation of the districts, or the order for that purpose, has
already been made, and nothing can be done now except by act of Congre

WILSON of Washington. You state that the consolida-

tion has been made. Mr. CAMINETTI.

WILSON of Washington. Have the transcripts of the

Mr. WILSON of Washington. Have the transcripts of the records been completed?

Mr. CAMINETTI. I do not know.

Mr. WILSON of Washington. I have it on very reliable information that it will cost more to transcribe the records of the consolidated districts than to maintain the districts.

Mr. CAMINETTI. That may be true.
Mr. WILSON of Washington. And permit me one moment more. Inasmuch as the entire expenses of the local land office and of the General Land Office are paid by the settlers in the West, why not continue an arrangement which has been for their convenience, when it involves no expense upon the Goy.

Mr. CAMINETTI. That is another question, which is not

before us now

Mr. WILSON of Washington. Well, that is a fact at all events

Mr. CAMINETTI. In this case the order has already been made by the Secretary of the Interior and signed by the President, and is now in force.

I am not attempting, I will state, to prevent the reduction of the districts. I am willing to allow the reduction to take place where less harm would result. Now, to every settler in the Independence district there will be caused an expense of nearly or

quite \$100, just to save to the Government \$1,200 a year.

Mr. DOCKERY. In reply to the gentleman from Washington
[Mr. Wilson] let me say that there is nothing in the law to which he refers, as I understand it, which is compulsory. The whole matter was relegated to the Secretary of the Interior by an act of the last Congress, giving him the right to consolidate the districts if in his judgment the public interest would thereby be

Mr. WILSON of Washington. But they made only a certain appropriation, and required the Secretary of the Interior to bring the land offices within that appropriation.

Mr. McRAE. That is the point exactly. It has only succeeded in giving the settlers a great deal of inconvenience with-

out any benefit whatever.

Mr. WILSON of Washington. And it is causing the Secretary of the Interior great inconvenience also without giving the

settlers any benefit. Mr. CAMINETTI.

Mr. CAMINETTI. Mr. Speaker, one word. This does not direct the Secretary to act, but only to investigate, and then to act upon his thorough investigation.

The SPEAKER. Is there objection to the request of the gen-

tleman?

Mr. COFFEEN. I desire to have the resolution again read. The resolution was again read Mr. COFFEEN. Do I understand that this applies to the State

of California alone

Mr. COFFEEN. I wish we might have Wyoming included, for there are very important matters which need attention there in the same direction. I offer that as an amendment to the gentleman's resolution, to include the State of Wyoming.

Mr. SAYERS. Do not do that—
Mr. CAMINETTI. I would like to be kind to my fellow-members, but I think it would be better in this case to act independentl Mr. COFFEEN. I think the gentleman will not object when

The SPEAKER. Is there objection to considering this bill

Mr. COFFEEN. I will object until I have an opportunity to

confer with the gentleman from California [Mr. CAMINETTI]. The SPEAKER. Objection is made.

PRINTING OF HEARINGS BEFORE COMMITTEE ON WAYS AND MEANS.

The SPEAKER laid before the House a House resolution pro-

The SPEARER and before the House a House resolution providing for the printing of hearings before the Committee on Ways and Means, with Senate amendments to the same.

The Senate amendments were read.

Mr. RICHARDSON of Tennessee. The object of this amendment of the Senate is simply to give the Senate 2.000 copies of the hearings before the Committee on Ways and Means of the House in addition to the 2,000 copies which the resolution provided should be printed for the use of the House. I move to concur in the Senate amendments. the Senate amendments.

The Senate amendments were concurred in.

REPORTS OF COMMITTEES.

The committees were called for reports, when bills of the following titles were severally reported, and, with the accompany ing reports, ordered to be printed and referred as hereafter stated:

CLERK OF UNITED STATES COURT, INDIAN TERRITORY.

By Mr. BAILEY: A bill (H. R. 4186) to regulate the fees of the clerk of the United States court for the Indian Territoryto the House Calendar.

NATURALIZATION LAWS.

By Mr. OATES: A bill (H. R. 3799) to amend the naturalization laws of the United States-to the House Calendar.

SECTION 1058, REVISED STATUTES.

By Mr. STOCKDALE (adversely): A bill (H. R. 3758) to amend section 1058 of the Revised Statutes of the United States, relating to the District of Columbia—ordered to lie on the table. Mr. LAYTON. I am directed by the Committee on the Judi-

ciary to make a favorable report on a bill, which report I am just preparing. I ask unanimous consent that I may be permitted to file the report with the Clerk during the day.

The SPEAKER. Without objection the gentleman will be

permitted to hand in the report during the day.

AMENDMENT TO REVISED STATUTES, UNITED STATES.

Mr. LAYTON, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 3981) to amend section 5391 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 339) to authorize the Chattanooga Western Railway Company to construct a bridge across the Tennessee River near Chattanooga; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing committees for reports. The morning hour begins at eighteen minutes past 12. Without objection, the matter that was up on yester-terday from the Committee on Public Lands will be passed over until to-morrow, that committee not losing its right. Chair desires to confer with the Committee on Rules on the question presented, it being an important question of practice, and there seeming to be no precedent one way or another. Without objection that will go over, the committee not losing its

right.
Mr. McRAE. I understand the committee is to be passed with-

out losing its place on this call.

The SPEAKER. Oh, of course. It will be called to-morrow.

FEDERAL COURTS IN THE INDIAN TERRITORY.

The Committee on the Judiciary was called.

Mr. CULBERSON. I call up from the Committee on the Judiciary the bill (H. R. 140) to provide for a special judge of the the Federal court in the Indian Territory.

I call the attention of the gentleman from Alabama [Mr. OATES], who reported this bill, to the fact that the bill is on the Union Calendar. I yield the floor to the gentleman from Ala-

The SPEAKER. The Clerk will report the bill, which is on

the Union Calendar.

The bill was read, as follows:

The bill was read, as follows:

That whenever the judge of the Federal court of the Indian Territory shall be disqualified to sit as said judge in the trial of any cause, or of any plea or proceeding therein on account of any interest in the subject-matter of the suit, or on account of being connected or having been connected with said suit, or other litigation or suits, involving the same subject-matter, in any way as an attorney at law therein, then, and in that event, it shall be the duty of the said judge, and he is hereby required to appoint, at the earliest practical time, a committee of three impartial attorneys at law in attendance upon said court, who shall forthwith choose some impartial and competent attorney at law to preside as special judge in the trial and proceedings of such cause, in lieu of the regular judge of said court, and said special judge shall have all the powers in such proceedings as exercised by the court in the trial of other such causes.

SEC. 2. That whenever the parties to any such suit may agree on an attorney at law to preside as such special judge as above provided they shall notify the court of such agreement, and the attorney so agreed upon shall preside in trial of said suit and all proceedings therein, instead of the regular judge of said court.

SEC. 3. That this act take effect and be in force from and after its passage.

Mr. OATES. Mr. Speaker, I ask unanimous consent that the

Mr. OATES. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole. It will take but a moment to dispose of it. It is on the Calendar of the Committee of the Whole House on the state of the Union. The SPEAKER. The Chair does not see how it got onto the

Calendar of the Committee of the Whole House on the state of the Union.

Mr. DOCKERY. It makes no appropriation.
Mr. OATES. I do not think it ought to have gone to the
Committee of the Whole House on the state of the Union.

The SPEAKER. It involves no charge upon the Treasury? Mr. OATES. Not at all.

The SPEAKER. It seems to have been erroneously referred to the Union Calendar.

Mr. CANNON of Illinois. I would like to have the bill read again, as I did not catch the first section.

Mr. OATES. If the gentleman will be satisfied with a statement I wid tell him what it is in a moment.

The bill was again read.

Mr. OATES. The bill involves no charge upon the Treasury,

Mr. CANNON of Illinois. It seems to me, from the reading of the last section, it puts it in the power of the litigants to agree to try by some other person than the judge; and when that agreement is made, although the judge may be competent to preside, that discharges the judge and employs another one.

Mr. OATES. I would state to the gentleman that this bill

was prepared by an attorney of the court, a former member of Congre s. and sent to me, and I introduced it. My friend from Texas [Mr. Bailey] is personally acquainted with the judge, who is a former law partner of his, and he has been in correspondence with him. He has a letter from the judge, suggesting an amendment to this bill, and stating that otherwise it meets his approval. It is an agreed case, will be made to meet the approval of the judge, and there is no objection from any

Mr. CANNON of Illinois. Does that amendment, now suggested, substantially do away with the section to which I refer?
Mr. OATES. It is intended to relieve the judge when incompetent by reason of interest or relationship, and provides that the parties may agree upon some one instead of him, appointing a committee of attorneys, who shall select a special judge to sit in his stead.

Mr. CANNON of Illinois. Will you amend the bill in that

particular?

Mr. OATES. I propose to hear the amendment of the gentleman from Texas, and I am going to yield him the floor for the purpose of offering the amendment.

Mr. DINGLEY. Before that is done, I would like to inquire,

will not this attorney who is employed to act as judge receive

some compensation?

Mr. OATES. There is no compensation provided for in the

Mr. DINGLEY. Will not that be a charge on the Treasury? Mr. OATES. No; there is no compensation provided for at all, and he can not receive any compensation unless you provide I will state to the gentleman from Maine that my experience at the bar is that where an attorney is agreed upon in a case where the judge is incompetent to preside in the case, I have never known one to make any charge for it at all.

Mr. Speaker, I yield the floor to the gentleman from Texas

[Mr. BAILEY]

Mr. DINGLEY. Would it not be well to insert a provision to make it certain that no compensation shall be paid?

Mr. OATES. Well, the parties interested there do not seem

The SPEAKER. The bill should properly be on the House Calendar, and will be considered in the House.

Mr. BAILEY. Mr. Speaker, the judge of the court, in a letter to me, commenting upon the bill, says this:

There is no provision in the bill for an election in case of the sickness of the judge or his relationship to the parties. It therefore seems to me that these last two should be made causes for disqualification, and should be provided for in the bill.

I have drawn an amendment covering the suggestion, but before offering it there occurs to me a very much more serious objection to the bill than that indicated in the judge's letter. The objection which occurs to my mind is this: That the bill provides for the election of a special judge. This special judge, after elected, the bill provides, shall be a judge of the United States court.

In other words, it constitutes him an officer of the United States. I submit to the gentlem in from Allabama that except in the manner provided in the Constitution there is no way in which a man can become an officer of the United States. There are three methods in which inferior officers of the United States may be created. It is provided that Congress may by law vest the appointment of interior officers of the United States in the President alone, or in the courts of law, or in the heads of a De-partment, and I submit to my friend from Alabama, that it is not competent for Congress to authorize three atto neys to elect an officer of the United States. Therefore it occurs to me that rather than attempt to amend the bill with that serious defect in it, the bill might be recommitted to the committee, and re-ported back with a provision that in all cases where the judge is disqualified he should certify that fact to the Attorney-General, who should be required to appoint a special judge, as under the Constitution he can be authorized to do.

Mr. OATES. In reply to the gentleman from Texas [Mr. Bailey] I will say that the question he raises might be raised in the event that the gentleman selected or agreed upon to try a case outside of the regular course should undertake to inflict punish-

1

ment for contempt of court. The question might be raised then as to his eligibility or as to his competency as a judge, he having been selected in this way. But as to his power to preside and try the case, no question of that kind could be raised, for the reason that even under State laws, where an agreement by the parties, or by the attorneys, selects a man to try a legal controversy his competency is recognized, and even the clerk of the court may in some cases select a member of the bar to preside and try a case.

Thus, even where the Constitution requires that judges shall be elected by the people, a trial presided over by a judge selected as this bill proposes is good, and his judgment is good on the principle of arbitration, unless one of the parties raises the question of his eligibility and litigates that. By this bill the judge is not empowered to elect or select a man to preside in his place. He is simply empowered to nominate three practicing attorneys of the court who may name a man to preside in place of the judge. I do not think it is necessary to recommit the bill on account of the technical question raised.

The bill is agreeable to the judge and to the attorneys out there, and there is no probability of any such question being raised there. If it were raised, I do not know what would be the decision. I know that where the Constitution prescribes a the decision. I know that where the Constitution prescribes a particular manner of election or of appointment, or where the law made in pursuance of the Constitution prescribes a particular manner of election or appointment, that is the method to be pursued. Now, this would be an act of Congress providing a means of selecting a judge other than that directed in the Constitution; but the selection in any case where the parties did not relieve to the principal of the principal control of the p not raise an objection to it certainly would be good on the principle of arbitration. If the question were raised by either of

the parties and litigated, it might be that the Supreme Court would hold that the judge was not legally appointed.

Mr. HOPKINS of Illinois. Mr. Speaker, I desire to state, in support of the suggestion of the gentleman from Texas [Mr. Balley], that in the State of Illinois the practice grew up at one time of the lawyers on either side of a case agreeing that a brother lawyer should sit in the judge's place and try the case and enter judgment. That practice prevailed for quite a con-siderable period, until it was brought to the attention of the supreme court of the State by another set of lawyers who came into the trial of a cause on appeal. They directed the attention of the court to this point and the court held that the judgment was void.

Mr. OATES. There was no statute providing for the selec-

Mr. HOPKINS of Illinois. There was no statute providing for it, but the order was entered and the judgment rendered by agreement of the parties on the arbitration theory of which the gentleman speaks, yet the supreme court of Illinois held that, under such conditions, the judgment was absolutely void.

Mr. OATES. Well, the supreme court of my State has held

just the contrary, that a judgment in such a case is good on the principle of arbitration, and I do not see any reason for holding

principle of arbitration, and I do not see any reason for holding the contrary doctrine.

Mr. HOPKINS of Illinois. Now, you put the supreme court of Alabama against the supreme court of Illinois. That shows that among good judges and good lawyers there is a difference of opinion upon this point, and while that difference exists it strikes me that this bill would be bad legislation. I think the idea of the gentleman from Texas [Mr. BAILEY] is far preferable, that where a case on the calendar of the court is called up in which the judge by reason of his relationship to one of the in which the judge, by reason of his relationship to one of the parties or for any other reason, is disqualified to try, he can so certify. Under our present law a district judge from any other State or from any other section of the Union can be sent into that Territory, and it seems to me that we ought not to go into the realm of speculation in a matter of so much importance as that which is involved in this bill.

that which is involved in this bill.

Mr. BAILEY. Mr. Speaker, replying to my distinguished friend from Alabama [Mr. OATES], he will permit me to say that the power of Congress to pass this particular statute is the very question at issue here. I insist that Congress has no power to provide for the selection of an officer of the United States except in the way specified in the Constitution, and whenever it undertaken the constitution of the constitution of the constitution. in the way specified in the Constitution, and whenever it undertakes to provide for the appointment in a different way the statute itself is no law, the court so constituted would be no court, and the judgment rendered by it would be coram non judice, and would be no judgment at all. Replying further to the gentleman, he will permit me to say that the court in question has jurisdiction of certain crimes, and when a criminal is arraigned at the bar, the judge having been his counsel previously, he can plead that the special judge elected by these three attorneys has no power to try him; and thus the judge being disqualified by no power to try him; and thus, the judge being disqualified by this statute if it becomes a law, and the special judge having no power to try him, the criminal must go scot-free.

I submit that it would be quite as competent for Congress to authorize three persons to elect a postmaster as to authorize three lawyers to elect a judge. This bill affects a court presided over by a friend of mine, who was formerly my law partner, and I ought to state, in justice to myself, that it was presented to the House in my absence. Otherwise I would have made this suggestion to the committee. I have drawn an amendment in accordance with the suggestion contained in the judge's letter. cordance with the suggestion contained in the judge's letter, but the point seems to have escaped him, as it did my distinguished friend from Alabama. It is no reflection on either of them, because I know they are both excellent lawyers, and the most obvious point sometimes escapes the best lawyer. I submit to my friend from Alabama that the easiest and the best way out of the difficulty is to recommit the bill and let the committee report it back amended as I suggest.

Mr. OATES. I admit that in a criminal case the pointraised by the gentleman might be well made. The principle of arbitration holds good only in civil cases where the parties agree. Of course, there may be other important considerations in connection with this question. As I stated a while ago, I introduced this bill as it was sent to me, and as I understood it was acceptable to the judge and to the members of the bar. I knew nothing about the practice in that locality. The gentleman from Texas states that the judge, a former law partner of his, desires further investigation of the matter. I have no objection to that.

Mr. BAILEY. Move to recommit the bill, and then we can

perfect it.

Mr. OATES. I am perfectly willing that the bill shall be recommitted for further examination.

The SPEAKER. Without objection, the bill will be recommitted to the Committee on the Judiciary. The Chair hears no

objection, and it is so ordered.

REGISTRY OF VESSELS, ETC.

Mr. MALLORY (when the Committee on Interstate and Foreign Commerce was called). I call up the bill (H. R. 101) to amend section 4131 of the Revised Statutes of the United States. The bill was read, as follows:

The Dill was read, as follows:

Be it enacted, etc., That section 4131 of the Revised Statutes of the United States be amended so as to read as follows:

"Sec. 4131. Vessels registered pursuant to law, and no others, except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they shall not enjoy the same longer than they shall continue to be wholly owned by citizens and to be commanded by actitzen of the United States. And officers of vessels of the United States, including engineers and assistant engineers of all steam vessels, shall in all cases be citizens of the United States."

Mr. MALLORY. I ask that the report be read. The report (by Mr. MALLORY) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was re-perred the bill (H. R. 101) entitled "A bill to amend section 4131 of the Revised tatutes of the United States," having carefully considered the same, re-pectfully report and recommend the passage of said bill, with the following

nendment: After the words "United States," in line 18 of the bill, insert the following.

After the words "United States," in this too, with the volume of the Words, however, That in cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is, for any reason, deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer."

The SPEAKER. The question is on the amendment just read as a part of the report of the committee.

Mr. MALLORY. I ask the Clerk to read a letter on this subet from the Supervising Inspector-General.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF SUPERVISING INSPECTOR-GENERAL OF STEAM VISSELS,
Washington, D. C., September 22, 183.

Office of Supervising Inspector. General Of Steam Vissels.

Washington, D. C., September 22, 1833.

Sin: I have the honor to return herewith copy of bill 101, House of Representatives, to amend section 4131, Revised Statutes, referred to this office. "for report upon the portion of the within bill relating to engineers and assistant engineers."

The amendment referred to is found in the following words: "including engineers and assistant engineers of all steam vessels, shall in all cases be citizens of the United States," to be added to section 4431 Revised Statutes, as such section read before it was amended by the act of Congress approved June 25, 1884, "An act to remove certain burdens on the American merchant marines and encourage the American foreign carrying trade;" which latter amendment would be repealed should H. R. bill 101 become law, which amendment itself is held by many persons as accomplishing all that is sought to be obtained in the proposed bill, namely, recognition of licensed engineers of steam vessels as "officers" of such vessels.

There can be no question, I think, that under the laws authorizing the licensing of officers of steam vessels, sections 4438 to 4452, Revised Statutes, engineers are classed, by implication at least, as officers of steam vessels, as much so as are the master, mate, and pilot, referred to in above sections, all of whom in the aggregate are referred to therein as officers, without distinction as to the particular position assigned to each. Inasmuch, however, as it is understood an appeal is to te made to the courts to construct the meaning of the existing amendment to section 4131, Revised Statutes, regarding its application to engineers as officers of steam vessels, it would seem to the Supervising Inspector-General that it would be better not to change the

existing amendment until the courts shall have rendered a decision upon the subject, when it is possible such decision will obviate the necessity for a change. Should the decision be adverse, this office would advocate the change proposed in the bill now under consideration.

The copy of bill is returned herewith.

Very respectfully,

JAS. A. DUMONT, Supervising Inspector-General.

The Hon. SECRETARY OF THE TREASURY.

Mr. MALLORY. Mr. Speaker, the object of this bill is to require that engineers and assistant engineers of vessels in the merchant marine of this country shall be citizens of the United

Mr. DINGLEY. In other words, you propose to include in the list of officers engineers who have not heretofore been included. As the law now stands, simply captains and mates are recognized as officers:

Mr. MALLORY. The provisions of the Revised Statutes is

Officers of vessels of the United States shall in all cases be citizens of the United States.

Since that provision of the Revised Statutes was enacted, there Since that provision of the tevised Statutes was enacted, there has been legislation on this subject in the act of June 24, 1884, alluded to in the letter of the Supervising Inspector-General. But last year the Secretary of the Treasury, in the case of the two steamers City of Paris and City of New York, ruled that this section of the Revised Statutes which I have just read did not apply to engineers

Mr. DINGLEY. That is, that the word "officers" did not

Mr. DINGLEI.

include engineers.

Mr. MALLORY. Yes, sir; and since that time, as I understand, the Treasury Department has adhered to that ruling. The result is that although for many years past it has been considered as the rule that engineers, like masters and mates, should be citizens of the United States, the door is now open to foreigners of all countries to come here and serve as engineers. The amendment proposed by the committee simply adopts the language of the act of 1884. The provision of that act is as follows: guage of the act of 1884. The provision of that act is as follows: All the officers of vessels of the United States shall be citizens of the United States except that, in cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is, for any reason, deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.

I submit, Mr. Speaker, that if it is considered by the House

I submit, Mr. Speaker, that if it is considered by the House desirable that engineers of our merchant-marine service should be citizens of the United States this bill is necessary.

Mr. LOUD. If the gentleman will permit I would like to move an amendment striking out the word "home", and inserting the word "American" before the word "port".

Mr. DINGLEY. It would be better to have the bill read "port of the United States" rather than "American port".

Mr. MALLORY. I am perfectly willing to accept that.

Mr. DINGLEY. This bill, as originally introduced, was evidently copied from the Revised Statutes, forgetting the provisions of the act of 1884, and the proposed amendment is simply to place these of 1884, and the proposed amendment is simply to place these officers on the same footing with the statute as it exists to-day in regard to other officers. What is done by the

exists to-day in regard to other officers. What is done by the bill is to include simply in the list of officers of American vessels who must be citizens the engineers.

Mr. MALLORY. And assistants.

Mr. DINGLEY. Up to the present time it has been held by the Department that captains and mates only were the officers withing the meanin of the law. But now, in consequence of the trouble arising with the steamships Paris and New York,

where the engineers were foreigners—

Mr. MALLORY. And still are.

Mr. DINGLEY (continuing). And the law did not except them. The intent of this bill is simply to include the engineers in the category with other officers of our vessels who must be citizens, and I think they ought to be included.

Mr. MALLORY. The assistant engineers are also included.

Mr. DINGLEY. Well, I do not know as to that.

Mr. MALLORY. They render the same service as the chief

engineers.

Mr. DINGLEY. However, I do not think there would be any difficulty about that. It will be remembered that when the City of Paris and City of New York came under the American flag the old engineers, who had been on the vessels when under the British flag, being so thoroughly acquainted with the vessels, it was not thought advisable to make any change for the time being. But as I understand it the assistant engineers were time being. But as I understand it the assistant engineers were appointed—the new men—as American citizens. But I think sufficient time has elapsed for this to apply, so that I do not see

Mr. MALLORY. I ask a vote on the amendment as modified. The fiPEAKER. The Clerk will report the modification.

The Clerk read as follows:

In line 23, page 2, strike out the words "its home port," and insert "any port of the United States."

The amendment as modified was agreed to.

The bill as amended was ordered to be engressed and read a third time; and being engrossed, it was accordingly read the third time, and passed.
On motion of Mr. MALLORY, a motion to reconsider the

last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent indefinite leave of absence was granted to Mr. Cousins, on account of important business.

LIFE-SAVING STATION, MORRIS ISLAND, SOUTH CAROLINA.

Mr. BRAWLEY, from the Committee on Interstate and Foreign Commerce, called up for consideration the bill (H. R. 9) to transfer the Morris Island life-saving station, near Charleston,

S. C., to Sullivans Island.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. BRAWLEY. It is on the House Calendar.
The SPEAKER. That is true; but the bill should be on the
Calendar of the Committee of the Whole House on the state of the Union, inasmuch as it involves an expenditure

Mr. BRAWLEY. I ask to consider it in the House as in committee.
Mr. SAYERS.

Mr. SAYERS. Let it go to the committee.
Mr. BRAWLEY. Then I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. RICHARDSON of Tennessee in the chair).

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to transfer the Morris Island life-saving station, near Charleston, S. C., to Sullivans Island, and for this purpose he may either cause the present station buildings to be removed to a sultable site on Sullivans Island, or new buildings to be erected thereon, as shall appear for the best interests of the Government.

Mr. BRAWLEY. I ask for the reading of the report, which will explain the object of the bill.

The Clerk read as follows:

Report (to accompany H. R. 9).

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9) totransfer the Morris Island life-saving station near Charleston, S. C., to Sullivans Island, report the same back to the House without amendment, and with the recommendation that the bill do pass. The transfer proposed in the bill is, in the judgment of the committee, not merely desirable, but absolutely necessary. The letter of Hon. S. I. Kimball, General Superintendent of Life-Saving Service, dated September 19, 1893, and addressed to the Secretary of the Treasury, which is made a part of this report, indicates this necessity in detail.

The letter of the Acting Secretary of the Treasury, dated September 19, 1893, and addressed to this committee, which is made a part of this report, indicates his concurrence in the views of Mr. Kimball.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., September 19, 1893.

Washington, D. C., September 19, 1893.

SIE: I have the honor to acknowledge the receipt of the communication of the 13th instant, referring to me a copy of bill H. R. 9, entitled "A bill to transfer the Morris Island life-saving station, near Charleston, S. C., to Sulivans Island," and requesting information as to the cost of the proposed change and suggestions touching the merits of the bill.

In reply I would respectfully state that the matter was referred to the general superintendent of the Life-Saving Service for his consideration, and I transmit herewith his report with my concurrence.

C. S. HAMLIN, Acting Secretary.

Hon. GEo. D. WISE, Chairman Committee on Interstate and Foreign Commerce, House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE, Washington, D. C., September 19, 1893.

OFFICE OF THE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE,

Washington, D. C., September 13, 1893.

SIR: I have the honor to acknowledge the reference of bill H. R. 9, "to transfer the Morris Island life-saving station, near Charleston, S. C., to sullivans Island," forwarded by the Committee on Interstate and Foreign Commerce, House of Representatives, for information as to the cost of the proposed change, and such suggestions as may seem proper touching the merits of the bill and the propriety of its passage.

The station referred to was built in the early part of 1885, and its location at that time was considered the best that could be selected. Vessels bound into and out of Charleston Harbor then had to pass through the main chancel (see inclosed chart), and were much more liable to strand or meet with accident in the neighborhood of Morris Island than near any other place where a station could be located.

Recent harbor improvements, however, have virtually obliterated this passage and the swash channel (see chart) has been dredged out and buoyed and become the great thoroughfare for the commerce of the port. This renders Morris Island almost valueless as a location for the life-saving station, and makes its transfer to Sullivans Island a necessity. I think this will be apparent upon a merc examination of the chart.

Moreover, in the fail and winter of 1891, an epidemic of malarial fever attacked Morris Island which prostrated every member of the station crew,

save the keeper (who does not perform patrol duty), in consequence of which the patrol of the beach, a requisite of vital importance, had to be abandoned. The locality still continues to be unhealthy. A sanitary examinatiom of the premises has been made by the Marine Hospital Service, resulting in a report that little can be done to improve the condition of the place except by a system of drainage which would be impracticable on account of the expense it would involve.

In reference to the inquiry of the committee as to the cost of the change, proposed I would say that some inquiry has been made as to the expense are moval of the present building to Sullivans Island would involve, but no such careful examination has been had as would enable me to give an estimate in detail. The keeper of the station, who is a very intelligent mad, reports as follows: "Crouch Brothers, who have done considerable work for the United States Engineer Department, and are prominent contractors for marine work and wharf building, are of the opinion that the removal of the old station would cost more than a new one." The former civil engineer of this service, upon a casual view of the situation, has also expressed a like opinion. To erect suitable buildings for a new station at Sullivans Island would probably require between \$6,000 and \$6,000. In this connection I would mention that the village of Moultrieville has aiready donnated to the Government very desirable premises for the site of a new station.

Respectfully yours,

S. I. KIMBALL,

S. I. KIMBALL, General Superintendent.

The SECRETARY OF THE TREASURY.

Mr. BRAWLEY. I apprehend there is no objection to the il. I move that the committee rise and report it favorably to bill. I mo

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 9) to transfer the Morris Island life-saving station, near Charleston, S. C., to Sullivans Island, had directed him to report the same to the House with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

On motion of Mr. BRAWLEY, a motion to reconsider the last vote was laid on the table.

THE BANKRUPTCY BILL.

The SPEAKER. The Clerk will report the title of the special

The Clerk read as follows:

A bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States.

Mr. OATES. I move that the House resolve itself into Committee of the Whole for the further consideration of this bill.

The motion was agreed to. The House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the chair.

Mr. DENSON. Mr. Chairman, this bill we have now under consideration is one of very far-reaching force and effect. It is one, sir, that reaches all of the interests of this country of a financial or property character. There is no telling—no proper estimate can be placed on the great power that can be exercised under the bill to retard and impair and to oppress the business interests of the country; and the great question we are to determine, whatever may be the constitutional power of Congress to enact such a law, is whether or not it is wise at this time, and under the circums and conditions surrounding our people, to exercise that constitutional authority.

The science of statesmanship, in great part, consists in the establishment of such institutions of government, the inauguration of such systems of political economy, the enactment of such laws, and the administration of the whole governmental authority in a manner and at a time as will agree with the conditions, the necessities, and the wants of a people—that will advance their interests promote their welfare, and, above all, generate and secure their contentment and happiness as individuals and develop and engage all the patriotism of good and law-abiding

citizens

Laws in the abstract are not always calculated or capable of promoting the general welfare, producing individual contentment, developing the affections of a people towards government, or maintaining the peace, good order, and strength of society.

No law of a procrustean nature can be defended upon any principle of just and wise statesmanship.

Laws must of necessity be of a concrete application, enacted and enforced with regard to the peculiar condition and needs of those

upon whom they are to operate.

It is a dogma that overthrows in numerous instances all principles of justice and equity to assert that" the greatest good to the greatest number" should be an infallible rule to guide the

begislative mind.
Upon this misleading dogma is predicated that meddlesome interference of Government with the pursuits, the energies, the genius, the ladustry, and results of human activities, that in

the end leads to confusion, depression, and stagnation in all the enterprises and engagements of human energies.

The truth of this statement is made manifest and verified by

the fact that the great part of legislative enactments of the preent day is amending, repea ing, and undoing some enactmentand

some procedure of a former Legislature.

Paternalism in government is a growing incentive and ruling stimulus in a great part of public administration.

stimulus in a great part of public administration.

Governmental control, legislative direction, and administrative protection have so entrenched themselves in the American mind as to arouse the anxiety and so icitude of the thoughtul and patriotic citizen with forebodings for the simplicity, purity. and perpetuity of our free and democratic institutions.

To such an extent has this doctrine of governmental intriger ence and paternalism been carried that many whose affections have been reverently engaged in behalf of the simple and independent manhood generated by our republican institutions and the personal freedom and exemptions from official control, born of democratic systems, have resorted to the same methods and same procedure in governmental control and administration as a means of protecting their own personal interests and as a method of vindicating their own self-defense.

This is fundamentally wrong and hostile to all democratic principle and procedure.

Simply because Congress may have the unquestioned constltutional power to enact laws upon a given subject is not, within itself, sufficient to justify legislative action.

If this is not true then it would have been wiser, more econom-

ical and efficacious to secure public tranquillity, the contentment and good order of the citizen and quiet of different localities. that all the provisions of the Constitution conferring power upon Congress should have been self-executing

Wise laws, and such as promote the public welfare, secure the general good, and advance the individual happiness, must always be suggested by the wants, needs, and condition of the

community.

If the circumstances surrounding and controlling society will not vindicate legislative enactments as wise, beneficent, and necessary, then their justification can not be defended and supported simply because there is power in Congress to enact such

Mr. OATES. I agree with my friend entirely up to that point. Now the question is whether a bankruptcy law is or is not nec

Mr. DENSON. I shall annihilate that idea, Mr. Chairman, in a few moments. [Laughter.] I say that with the profound-est respect for my very special friend and colleague.

The true principles of free government, and of Democratic doctrines, are that each and all men shall engage all their faculties, employ all their energies, and pursue their happiness, and enjoy all the fruits of such engagements and pursuits, limited only by the restriction that he shall prosecute his engagements, employments, and pursue his happiness in such manner as not to infringe upon another engaged in like employments and pursuits.

Congress has the express authority conferred upon it by the Constitution to enact a bankrupt law, and to establish all the means and instrumentalities having regard to its constitutional power that its wisdom may suggest as necessary to carry such

law into operation.

But the question is, is it wise, is it good statesmanship for Congress to exercise such constitutional authority at this par-

For a correct solution of this proposition we must ascertain the wants, needs, and conditions, as well as all the circumstances surrounding all our people of every business and locality.

Although we may discover that the greatest number may be benefited by such a law, yet we must go further and investigate

if the enactment of such a law may not be more detrimental to the minority than good will result to the majority from it. Because of the natural surroundings, climatic influences, local

differences, opposing interests, and conflicting pursuits and in-dustries differentiating our people and their business necessi-ties, this Federal Government of ours should be administered in such a spirit of compromise toward all our varied and varying interests, pursuits, and local differences that the principles of eternal and everlasting justice and humane precepts may be meted out, surround, and be enjoyed by each and every individual. I maintain if, after making the investigation into the condi-

tions and surroundings of the people in each of the localities of our broad and expansive country, it shall be ascertained that greater and more serious detriment will accrue to the minority because of such enactment as will overbalance the beneficial results that will be gained by the majority, then good statesmanship suggests that such law should not be enacted and such constituThe question is, are the majority better prepared and abler to suffer the temporary losses and only submit to present incon-veniences that result to them because of the absence of such laws than the minority are to bear the ills and endure the hardships that may accrue to them because of the existence of such

If the solution of the question is that the majority are so situated, then justice and equity demand of the lawmaking power that it withhold the exercise of its power and refrain from the enactment of such laws.

We must remember in this instance, if we refuse to enact this bankrupt law we do not take away any right the creditor has or any procedure he had in contemplation at the time he entered into the contract with the debtor, by which he would secure and collect his claim.

We take nothing away from him; the State tribunals are still open to him with all necessary machinery to secure his debt. If he is vigilant and does not sleep over his interests there is more protection and security to him in the State tribunals than in the federal bankrupt court.

This statement is authorized and made manifest by the experience and action of the past, in repealing each and every bankrupt law Congress has ever enacted, and allowing them to exist but a short duration, because the ends proposed to be reached, the purposes desired to be subserved, and all expecta-tions hoped to be realized were thwarted and never materialized.

This Government has existed near a hundred and twenty years, and during all this long period we have had three bankrupt laws, and the aggregate time of the existence of all three has been only fourteen years. And I state here, none of them was enacted by a Democratic Congress or approved by a Democratic

President.

Mr. OATES. Is it not time for us to begin?

Mr. LANE. Not to begin that kind of work!

Mr. DENSON. I think not under the present surroundings, as my speech will demonstrate.

Mr. OATES. If I had been a member of Congress I should have recorded my vote against each of the laws which the gentleman has mentioned, according to my understanding of them after examining them. This bill now under consideration does not contain the provisions which made those laws odious, and is infinitely superior to any of them

Mr. DENSON. I have no doubt my friend desires to do good to this whole country, and my experience and acquaintance with him for thirty years has convinced me that his desire has ever been to do right, and that his heart is in the right place, excepting only whatever criticism may attach upon this bill. I am satisfied that the gentleman is actuated by the highest principles of statesmanship and a desire to do good to our whole country.

There has never been any advocacy of such a law from any organized Democratic lawmaking power. Each and all the Federal bankrupt laws that have existed in this country were enacted by a political party that partook of the doctrines more or

less of Alexander Hamilton's views of government.

The first bankruptcy law was passed in 1800. That was approved by John Adams. It was repealed in two or three years. The next law we had was passed in 1841, I believe, and approved by John Tyler, who was elected by the Whigs and who went astray, as the Whigs said, on the vetoing of the national-bank law. The next bankruptcy law was enacted by a Republican Congress and approved by Andrew Johnson, who was elected by the Republicans, but who deserted them and claimed to be a Democrat. That is the history of the passage of bankruptcy laws from a party standpoint.

The parliamentary history of our country shows that bankrupt laws have ever been matters of distrust and dissatisfaction to the Democratic party, and when found on the statute book have been repealed from the force of sentiment generated by Democratic

criticism and opposition.

From these historical facts, if there were no other objections

From these historical facts, if there were no other objections to the bill, I would, as a Democrat, pause and hesitate a long time before I would give my assent to any bankrupt law.

From the history and tenets of the Democratic party and from our parliam intary history the inference is clear and the logical and natural conclusion is true that the thought and experience of the past condemns all bankrupt legislation by Congress, and that State tribunals and procedure are more conservative of the public good and beneficial to individual interests.

There is no impairment of the rights of the creditor and nother

There is no impairment of the rights of the creditor, and nothing is denied him, by refusing to enact this bill into law that the experience of the past recommends for his interest and advantage; but, on the contrary, such experience and trials of the past condemn as injurious to him and deleterious to the general good the enactment of a bankrupt law.

There has been a concensus of opinion upon this proposition

by the Republican and Democratic parties. The bankruptcy law 1867 was repealed at the instance and suggestion of President Grant in a message, and after able argument made by both Democratic and Republican members insisting upon repeal.

Bankrupt laws are practically a part of the commercial law and are not adapted to or needed in an agricultural country.

The fact that such laws have existed and are now in existence in England, affords no reason or justification to place such a law upon the American people. The conditions, pursuits, and industries of the English people are very different from us.

The territory of the British Isles is exceedingly smaller than

these United States, there are no such climatic influences and natural aspects, nor conflicting interests and pursuits as to differentiate their people and place their industries in conflict with

each other.

The welfare of one locality, the good of one individual, promotes the welfare of every other locality and advances the good of every other individual. They are one compact body of people and justice can be carried to each man's door. They are a munufacturing and commercial people, so much so as to be called an island of shopkeepers, traders, and money-lenders.

What agricultural interests are pursued are food productions

that are diversified and bring in returns at different periods

during the same year.

They do not deal on an annual period of credit, but comparatively a cash system is practiced in dealing with the agricul-

turists. Hence the debtor class are not the farmers.

Their bankrupt laws operate neither directly or remotely upon the agriculturists to any very great extent, but they reach and affect almost solely the commercial interests, and from this fact the idea is indelibly impressed upon English jurisprudence that all bankrupt proceedings are a part of the commercial law.

I will turn now and speak alone as to the condition, needs, and wants of my own immediate constituency.

Ninety per cent of the activities and energies of my constituents is employed in the field of agriculture. They are farmers, cotton farmers—a class that is sui generis in the domain of agri-

No agricultural pursuit, no avocation in the domain of agriculture, has anything akin to or like the business of cotton farming. The advancement of machinery can never benefit a cotton farmer, because it is beyond the domain of the inventive genius of man to provide a system and a means by which cotton can be chopped out and picked. It has got to be done by hand. The cotton farmer's condition, his needs, his wants, his mode of employing his energies, his system of farming, the products of his fields, and the time and frequency of the returns he receives for his labor is different from that of any other agriculturist or farmer in all our expansive and boundless territory.

It takes him twelve months to make a crop. He gets but one return. If that is not sufficient to pay his debts—the cost of production—that is a final loss to him of a whole year's labor. "One by moonlight," as suggested by my friend from Texas. I believe in June, July, and August that you can work pretty well in Texas upon the plains. I know that it is light enough to read by moonlight, and I suppose my friend read by moonlight in

that country.

It requires the constant and diligent labor of the twelve months to raise, gather, and market a cotton crop. He gets but one return a year for his products, and if the price is unremunerative then he can not recover that loss, but has to submit to it and make another crop, a year's time, to meet the demands the preceding year placed on him. He is a debtor and must have credit to make his crop. He requires this credit in the beginning of the year, and can not meet and liquidate such debt until he makes and markets his cotton, which is the end of the year.

This credit is extended to him by the local merchant in the larger country towns, and the small dealers in the immediate community. It is to such farmers the merchants and dealers aforementioned sell the most of their goods, and with whom they

have the most of their transactions.

The bulk of the property of my constituents prior to and during the war consisted of slaves, who were emancipated by the results of the war.

This species of property composed the earnings of our ancestors from prior to the establishment of the Federal Government

down to the day of emancipation.

The devistations, losses, and ruins of war came with and continued after emancipation. Society was disorganized, there was an upheaval of all social foundations, labor was destroyed, immense private debts hung over the people, and there was no circulating medium leftamong them with which to commence the upbuilding of fortunes and the readjustment of domestic affairs. The taxgatherer, however, continued his regular rounds, and what few landed estates that were left were in the main swept away, for the scalawags and carpetbaggers came, as the lice and

other pestilential scourges of Egypt, and pounced down on the body politic and bankrupted every individual and every public and private corporation and enterprise in the land, disturbing society, and brought distrust and discontent to all liberty-loving citizens.

Concomitant with these baneful misfortunes came revolution and changes in public administration and juridical systems and authority.

The bankrupt law of 1867, and the demonetization of silver in 1873, followed in the lamentable train of direful evils just mentioned. A fall in the price of all agricultural products, with-out a corresponding fall in the price of the necessaries of life, and a decline in the price of labor, took place, and owing to un-equal and unjust financial legislation, and especially the assault made upon silver, my constituency are frightfully poor, and in-volved in merciless debt.

I will state to my colleague that I am now commencing with my argument to meet the question he so appropriately propounded to me.

These debts are due mostly to the local merchants and secured by mortgages upon the homesteads of the debtors, and notes waiving all exemptions of personal property subject to payment of debts.

Thus it is at once discovered that my constituency are at the mercy of the creditor, his home is in peril, and the personal ef-

fects necessary to secure a livelihood are jeopardized.

I admit that the farmer, the agriculturist, and the wage-earner are not embraced in the involuntary clause of this bill, but this does not relieve them from its baneful effects. They are in a painful degree subjected to its merciless ravages, and the defenseless victims of an expensive, and in my district, of an alien and partisan court.

They being the debtors of the local merchants, who are subject to the provisions of this bill, their homes and personal effects will be at once exposed to forced sale, amid the dearth, stringency, and contraction of money, the medium of exchange, and standard of value.

Let us consider the condition of the local merchant. He is and has been subject to the operation of all the legislation aforementioned, and to the results of that hellish visitation of the carpetbagger that plundered the public treasury, destroyed private substance, and leached his dishonest and gluttonous fangs into all that was of pecuniary value in our land; and what he could not carry with him in his ignoble flight he befouled it with his harpy-like touch, and made it useless and unprofitable.

The local merchants had for their customers the farmers, who, as before shown, commenced to fail in ability to pay, yet with increasing necessity for goods and for credit. The merchant was his personal friend, maybe his old army comrade; if not, a catholic philanthropy that should actuate every noble soul incited him, and as a matter of human kindness he continued to advance necessaries to the oppressed farmers and laborers, until he found himself embarrassed and unable to go further. He secured his claims by waive notes and mortgages on the homesteads of the farmers.

Having a sympathy with his fellow-citizen and fellow-man in his misfortunes, he has extended the time of the payment of the notes and mortgages due him from the farmers, looking forward to the near future when the Democratic party would come into the control and administration of the Federal Government, and the financial system and practices of the Republican party would be overturned, and the same rehabilitated so as to meet the necessities of the farmers and laborers, the sons of toil, and that cessities of the farmers and laborers, the sons of folf, and that silver would be restored as a money metal along with gold, as provided in our Constitution, and as practiced by our Democratic fathers and leaders for sixty years prior to the war, when they had control of the Government; that is so forcibly and perspicuously set forth in the last Democratic platform, so faithfully promised by each and every candidate for office, all public speakers, and Democratic journals in the land.

One of the clauses of that Democratic platform is to store the

One of the clauses of that Democratic platform is to stop the "hammer of the sheriff" on the mortgages of the people. That has been ridiculed by the Republican press, and here we have, coming here and originated in a Democratic House, from a Democratic source, a bill inaugurating the crucial performance of the sheriff's hammer, with silver demonetized and destroyed.

[Loud applause on the Democratic side.]
Mr. PATTERSON. Does my friend deliberately tell this
House that the policy of the Administration will demonetize silver and eliminate silver from the circulation of the country?

Mr. DENSON. Yes; most solemply.
Mr. PATTERSON. You say that is true?
Mr. DENSON. You will have to hunt some Cassandra. That is an enigma with the Democrats. The White House has not determined what it wants. It has declined one proposition. Mr. PATTERSON. I put the question to my friend, do you

now tell the country and tell this House that it is the object and purpose of the Administration, of those Democrats who are supporting the Administration, to eliminate silver from our cir-

Mr. DENSON. As an humble citizen, as an humble member of this House, according to my own conscientious judgment, formed upon the facts presented, I say: Yes. Is that distinct and plain enough for you? [Loud applause on the Democratic

Mr. PATTERSON. I have nodoubt in my own mind but what the purchasing clause of the Sherman act will be unconditionally repealed, ultimately.

Mr. DENSON. Why?

Mr. PATTERSON (continuing). And I predict now, that if it is, that not one dollar of the silver of this country will be eliminated from our circulation, but it will be retained in our circulation, and retained on a posity with gold. Mr. PENCE. But there will be none added.
Mr. BLAND. Will the gentleman from Alabama permit me?
Mr. DENSON. Certainly.

Mr. BLAND. Certainly.
Mr. DENSON. Certainly.
Mr. BLAND. It remains in circulation like greenbacks, to be
Mr. BLAND. It remains in circulation like greenbacks, to be

Mr. BLAND. It remains in circulation like greenbacks, to be redeemed in gold. It is virtually, as money, demonetized, and the gentleman from Tennessee can not deny it. [Applause on the Democratic side.]

Mr. PATTERSON. Well, then, I understand my friend from Missouri to admit that notwithstanding the purchasing clause of the Sherman act may be unconditionally repealed, that our volume of silver circulation will remain just as it is, the money of the people.

Mr. BLAND. Mr. Chairman, I do not admit any such thing. The bill that demonetizes silver, called the repeal bill, goes further than that. It reënacts the provision of the Sherman law that all the silver shall be redeemed in gold. [Applause on the Democratic side.]

Several MEMBERS. Yes, that is it.

Mr. PATTERSON. I do not so understand; but I do admit
that it is the policy of the Administration to retain every dollar
of silver now in circulation on a parity with gold.

Mr. BLAND. It proposes to retain the greenbacks in the same way, by redeeming them in gold. You simply make silver the same as greenbacks, instead of making it standard money, and if that is not demonetization I do not know what it is. [Ap-

If that is not demonstration I do not know what it is. [Applause on the Democratic side.]

Mr. DENSON. Now, Mr. Chairman, my friends have had a little family quarrel; and I just ask my amiable friend from Tennessee a question. Do you not know that the Wilson act is a direct rescript of the Sherman bill, introduced in the Senate in the last Congress, to repeal merely the purchasing clause of the bill, and you a Democrat voting for a Republican measure?

Mr. PATTERSON. Oh!

Mr. DENSON. I will read it, and I will submit it to the intelligence and information of this House. But I have got the

Mr. DENSON. I will read it, and I will submit it to the intelligence and information of this House. But I have got the bill there in my desk. You here, as a Democrat, professing to stand upon the Democratic platform, voting for a Republican measure to repeal the purchasing clause of the Sherman law! There are the two bills; take them and read them; and the only difference is that the Sherman law, introduced by Senator SHER-MAN, a Republican Senator, is far better for the welfare and the interest of the people than the Wilson bill. [Loud applause on

the Democratic side.]
Mr. PATTERSON. Mr. PATTERSON. I am doing another thing. I am voting for the repeal of the purchasing clause of the Sherman act, in pursuance of the declaration of the national Democratic platform. [Cries of "Oh!" on the Democratic side.]

Mr. BRYAN. May I ask the gentleman a question?

The CHAIRMAN. The gentleman from Alabama has the

Mr. DENSON. I yield to the gentleman from Nebraska [Mr.

BRYAN Mr. BRYAN. I ask the gentleman to point to the plank in the Democratic platform which ever asked for the repeal of the purchasing clause of the Sherman act, and I ask him further, whether he is in favor of the repeal of the whole Sherman law

Mr. PENCE. Oh, that is cruelty! [Laughter.]
Mr. PATTERSON. My understanding of the Chicago platform is that it demands the repeal of the purchasing clause of the Sherman act. It does not use that language; it says the Sherman man law, but that has reference to the purchase of silver bullion and piling it up in the Treasury.

Every Democrat in this land knows that the thing that the Democratic party was attacking at Chicago was the purchase of silver bullion and piling it up in the Treasury of the United States. Now, I desire to say in this connection that I have never been and am not now in favor of the demonetization of silver, but I am willing to admit that it is by gold, by the gold roserve,

that silver is maintained on a parity with gold. I say further-more, that the real issue before Congress now is this: Whether we are to have the single gold standard in this country or the single silver standard, and I maintain, and those who believe with me maintain, that if you continue the purchase of silver bullion and continue to pile it up in the Treasury as we have been doing for the past two or three years, it will ultimately break down the Treasury reserve and precipitate this country to the single silver standard. the single silver standard.

That is the opinion and the judgment of Democrats who be-lieve as I do, and our object is not to eliminate silver from the circulation of this country; our object is not to demonstize the silver we have got. Our object is to stop the purchase of silver bullion and to maintain the present standard of exchange, the present standard of value, and to hold our silver on a purity with that standard. That is the purpose and the object of the Democrats who believe as I do, and I do not want it to go out to the country that we are in favor of the destruction of the silver that we now have in circulation, because that is not our object

Mr. BLAND. Now, Mr. Chairman, I will ask the gentleman whether he has not admitted everything I said, viz, that he wants to continue the gold standard in this country?

Mr. DENSON. Mr. Chairman—

Mr. PATTERSON. I want to reply to my friend from Mis-

Mr. DENSON. Mr. Charles Mr. PATTERSON. I want to reply to my friend from souri, who has asked that question.
Mr. DENSON. How pleasant it is for brethren to dwell together in unity! [Laughter.]
That one word more, Mr. Chairman. I Mr. PATTERSON. Just one word more, Mr. Chairman. I want to say to my distinguished friend from Missouri [Mr. BLAND] that when the resumption act went into effect on the Ist of January, 1879, this country was on the gold standard, and it has been at the gold standard from that day to this, and the question which now confronts the country is whether or not we shall retain that standard, holding silver and Treasury notes and greenbacks on a parity with gold-whether we shall maintain that, or whether, under these conditions, the country shall be driven from that standard to the single silver standard.

Mr. BLAND. That is, you are opposed to bimetallism.
Mr. DENSON. Mr. Chairman, I think that in the month of August last my friend from Tennessee [Mr. PATTERSON] took an hour or more to have a crack at the silver question, but it seems that he is not satisfied with his effort on that occasion, and he comes here now in the ides of October and tries to inject and he comes here now in the dies of October and tries to inject a silver speech into a debate on a bankrupt law. [Laughter.] I am satisfied, sir, that every man who voted as he voted here upon that silver question will need more than sixty days to explain to his constituency the justice of that vote. I do not blame my friend from Tennessee for trying to inject speeches on every occasion in vindication of that Sherman repeal bill, and of his vote upon that act which so terribly murdered the financial wel-

Row, Mr. Chairman, I will resume the thread of my remarks. But alas! all these faithful promises to observe the former constitutional and Democratic attitude of silver have become as apples of Sodom, ashes upon our lips, and for those eager promises of relief upon which the honest farmer and sturdy laborer ises of relief upon which the honest farmer and sturdy laborer went to the ballot box and cast his vote and placed the Democratic party in complete control of this Government we are offered the Torrey bankrupt bill, the most crushing and damnable instrumentality to oppress the farmers, laborers, debtors, and small dealers of my section that the avarice, the greed, and the soulless cupidity of a Shylock could suggest.

Mr.OATES. My colleague does not charge that I have brought forward this bill in lieu of the other promises or pledges made to the party at the last national convention?

Mr. OATES. Because, as he knows, I reported this bill and advocated it long before the convention at Chicago met and

adopted the last national platform. Mr. DENSON. Mr. Chairman, I do not intend to make any charge against any member of this House in my remarks uny this bill, or in any other speech that I ever expect to make here. I acquit my colleague [Mr. OATES] of all partnership, of all connection with this bill outside of his legislative duty.

Mr. OATES. My legislative duty to all classes of honest peo-

Mr. DENSON. The Torrey bankrupt bill is the substitute offered for all the pledges and promises of financial relief and aid made to my people. I will not accept it for them, neither indeed will they accept it for themselves. [Applause.] Let us now examine some of the provisions of this bill. Strange, indeed, it is; a bill that would be more appropriately named to emasculate the energies and enterprise of the small merchants of the land, and confiscate their little property and the small remnant in the possession of the farmers and laborers, and collect the same at the

expense of the unfortunate debtors and deliver it all over to the

money power and the gold advocates of the country.

The Constitution, the Congress, and the courts must be employed post haste to speedily dispossess the unfortunates and dependents of the land of the little substance left from the burdensome and exhausting effects of unfair and unjust legislation, and with which they can at best and under most favorable conditions eke out only a scant and penurious living for themselves, their wives, and children, and yet retain their humble homes, and deliver it over under the form of cruel and harsh laws into the pos-session and ownership, at less than one-half its value, to the money class, the opulent, the haughty, the proud, the insolent, and unfeeling

If this bill becomes a law, it shall go into effect in six months, and then the cruel and excruciating process of wicked and in-solvent oppression of my unfortunate and helpless constituency

will commence.

The humble homes and few acres of the honest, hard-working, the sturdy and patriotic farmers and laborers will be seized, the occupants dispos sessed and turned out homeless and defenseless upon the generosity of an already exhausted and depleted com-

As though inspired by the voracious and ravenous instincts of the stealthy and cunning jackal to kill and devour its crouching prey, the bill declares that all appeals shall be returnable in ten days to the appellate court, thus giving precedence to bankrupt proceedings over all other interests. Robberies and destruction of the public tre sury and public property may take place, citizens may be despoiled of their homes by the strong arm of the lawless, yet the public and individual interests must be set aside that the rapacious creditor may strip the carcass of an unfortunate debtor, and deprive unfortunate and helpless women and children of their homes and means of sustenance.

Insolvent, as applied to a person under this bill, means that his property is not sufficient in amount at a fair valuation to pay

his debts. (Section 1, subdivision 15, page 3.)

What fair valuation means must be determined of course by the debtor or the court. Here is room for the most wide and varied conclusions and most difficult of correct solution. A definition of this phrase has been perplexing to the judicial mind for years, as we are informed by decisions as to the value of land taken under the law of eminent domain. But in the phrase under this law it is even more difficult of solution.

Under the authorities as to value under the condemnatory proceedings of eminent domain the value is not considered as at a forced sale, but must be considered as a voluntary sale, and when one can extend time and make conditions so that the sale may be consummated as to yield the largest price possible to the seller.

Such construction can not be placed upon the phrase in this bill, the definition is not so liberal, it is more limited and cir-

A merchant or trader must meet his obligations within thirty See section 2a, subdivisions 2 and 6, page 5; subdivisions 9 and 10, page 6.

You see that question of insolvency comes upon every local dealer, every small merchant, in every aspect of his day's duty and of his day's business. He has to keep in his mind a constant and exact idea of what his property will sell for on that day, and for thirty days thereafter, in order that he may not be hurled into bankruptcy by some petitioning creditor, and God has never not made a min so crifted that he can'd make that certified yet made a man so gifted that he could make that estimate on each and every day with any degree of accuracy. There is no man who has been so gifted by God that he can make an estimate of this sort every day; it is a moral and mental impossi-bility. Yet gentlemen come here and in advocacy of the rights bility. Yet gentlemen come here and in advocacy of the rights of creditors seek to impose on the people of this country a bill

with such clauses in it as that.

It is clear, then, that the "fair valuation" as used in the bill must unquestionably mean a cash sale, and at any time, whether the owner desires to sell or not, as the very bill itself calls for a daily value in view of certain conditions of the debtor.

If during any term of thirty days the liabilities of the debtor

exceed his assets, on account of the depression in the money marexceed his assets, on accounter the depression in the dependent when the dearth of currency—even though his property may be worth 10 to 1 as compared with his liabilities—yet under this bankrupt law he can be put into bankruptcy. Why? Because

bankrupt law he can be put into bankruptcy. Why? Because a 'fair valuation' means in this case a cash valuation.

I say there is in the bill an engine of oppression to which the most honest, the most prudent, the most careful citizen of this land, though he be gifted with sublime powers, almost approaching omnipotence, may be subjected to bankruptcy on account of his inability to meet the demands and exaction of this clause of

And the debtor must determine this matter in the first instance for himself, because the presumption of integrity, the

presumption of honesty is as strong as the presumption of innocence. Suppose a man makes an error, makes it honestly; yet there is no equity, no flexibility in this statute. If a man makes a mistake and in view of the depressed condition of finances his property under this thirty-days provision will not meet his commercial obligation, he is hurled into bankruptcy, I do not care how honest he may be

To avoid being petitioned a bankrupt the debtor must always have property that he can realize on in thirty days, funds with

which to discharge his obligations.

These clauses are inhibitions upon the business acumen, energy, and legitimate trading of the very shrewde stand most sa-

gacious men in the country.

It will be discovered at once that too great and too oppressive power is placed in the hands of the creditor class, it puts the debtor and his property under the control of the creditor.

This is but another means, another instrumentality to be set

on foot, in connection with the demonetization of silver, to put the property and personal liberty of the citizen under the con-trol and direction of the money and creditor classes.

It places all business of the country under the supervision of the wealthy, or those who have more or less capital.

The energies and capabilities of all the young and vigorous men and enterprising capacity are placed in a state of perilous and embarrassing condition.

Capacity without money must be banished from the commer cial world, or so embarrassed as to yield no commensurate profit. Mr. OATES. Although he is insolvent, still he may be re-

stored by a discharge?

Mr. DENSON. Yes; provided he is insolvent under this idea of a "fair valuation."

Mr. OATES. But the gentleman admits that that would be a question to be decided by a court or a jury, if the defendant

Mr. DENSON. That is the ultimate decision; but I say that the debtor himself has got to pass upon that question, in view of his condition and circumstances. It is he who is to determine this question in the first place. Suppose he acts honestly, fairly, justly, desiring the equal interest of all his creditors, yet that does not save him from judgment. Action may still be taken against him. I say that, in this way, the presumption of honesty is overturned, trust in human integrity is destroyed.

Opportunities, unless backed by cash, must be declined, and the young and capacious must be dwarfed in all enterprise.

Honesty, credit, and capability must be circumscribed by the reflecting sheen of the gold dollar.

If the debter fails for thirty days to meet his commercial pa

per, he is liable to be hurled into a bankrupt court, his property equestrated, all business arrangements overthrown, and all hopes blasted.

Suppose this bankrupt law had been in force from 1st of January last to the present hour, with this terrible, cruel, and destruc-tive panic upon the country, what would have been the result? The property of the debtors would have been thrust into the

bankrupt courts, as not one of them could have paid his commercial obligations within thirty days, and no property could have been sold or hypothecated by which money could have been

The national banks are exempted from this law. up the money of their depositors, refusing to pay it out to them, refusing to meet demands which they are bound to meet in law, in justice, and in conscience. If this bankrupt law had been in force during our recent financial condition numbers of these institutions under its provisions might have been put into bank-

ruptoy.
Mr. OATES. My colleague will recognize the reason that the national banks are exempted from this law, that they are under another law of Congress; are completely subject to Congress.

sional power. Mr. DENSON.

I understand that; I am not making any spe-Mr. Daniel view of this.

Mr. OATES. And no corporation can obtain the benefit of this act as a voluntary bankrupt, but may be proceeded against as

an involuntary bankrupt.

Mr. DENSON. Then if the local tribunals are sufficient—are all powerful to hold in check these gigantic institutions that stretch out their arms from the Atlantic to the Pacific, binding this country with iron bands—if the State tribunals are sufficient to control these corporations, then why, in the name of God, are they not competent to control these questions between debtor and creditor? The suggestion of the gentleman is an argument in favor of letting well enough alone—of adhering to our own domestic tribunals for the vindication of our rights.

Mr. CULBERSON. Will the gentleman allow me a suggestion?

Mr. DENSON. Yes, sir.

Mr. CULBERSON. The effect of the provision which he is now discussing is to allow the banks to hold the money of the debtor, and to allow the creditor to put that debtor into bank.

ruptcy. [Laughter.]
Mr. OATES. I will ask my friend from Texas [Mr. Culber. Son], the Chairman of the Judiciary Committee, whether he ever proposed to include the national banks in the operation of this bill?

Mr. CULBERSON. This is a Republican measure, introduced by a Republican in a Republican Congress. When it was last considered I was not here. In the Fifty-first Congress I opposed it. And there was then no complaint that the national banks had ever closed their doors against their depositors, and refused a live their conditions the money by which they could now their to give their creditors the money by which they could pay their

debts.

Mr. OATES. I wish to say in that connection that I, as well as the gentleman from Texas [Mr. CULBERSON], opposed the bill in the Fifty-first Congress, spoke against it, and voted against it. This bill has been very largely changed since that time, and the objectionable features which it then had have been climinated from it. I have never heard yet that my friend from Texas proposes to subject the national banks to a bankruptcy law. My colleague [Mr. DENSON] supposes that other corporations are totally exempted from the bill. They are exempted only from the benefits of it. They can not become voluntary bankrupts.

Mr. CULBERSON. The gentleman knows that I have never been in favor of an involuntary provision in a bankruptcy law.

Mr. CULBERSON. The gentleman knows that I have never been in favor of an involuntary provision in a bankruptcy law.

Mr. OATES. I agree to that statement of the gentleman's position; but at the same time he has never proposed to subject national banks to the bankruptcy law.

Mr. CULBERSON. When you put the ordinary retail merchant of this country under the provisions of an involuntary bankruptcy law, and then permit the national banks who hold the merchant's coin to close their doors and refuse to pay his money out to him upon his check, and thereby compel him to turn his property over to be devoured by a set of officers in a turn his property over to be devoured by a set of officers in a bankruptcy court, it is manifestly unjust, oppressive, and wrong. Applause.

Mr. OATES. I wish to say in that conrection, if my friend wants to offer an amendment to this bill to subject national banks

to its provisions, I will vote for it.

Mr. DENSON. Mr. Chairman, such conditions may come about at any time as the result of vicious financial legislation, and no debtor be at fault morally, legally, or from a business standand no debtor be attault morally, legally, or from a business standpoint, and yet because of the contraction of the currency and
locking up depositors' money and refusing to honor their checks,
temporary embarrassments overtake the debtor. There is no
demand or sale of property and no money with which to buy it,
and the debtor under such condition and the provisions of this
bill could be petitioned into bankruptcy.

Mr. Chairman, I am very much pleased with that paragraph
of my speech. From the remarks of my distinguished friend
from Texas [Mr. Chairmson] and of my colleague from Als-

of my speech. From the remarks of my distinguished friend from Texas [Mr. Culberson] and of my colleague from Alabama [Mr. Oates], I find them making the same argument, and I did not know that they had ever thought about it. It must be

right.
Under the present conditions of the business of the country, the monetary embarrassments surrounding all, and the prospects that this state will not be relieved for sometime to come, no fair-minded and liberal-hearted creditor desires any such law

as set forth in this bill.

Usurers, skinflints, and Shylocks alone are so merciless and unfeeling as to make any such demand, or ask for any such

advantage over their fellow-men.

Under such circumstances I distrust the good faith and sincerity of any creditor who will make such exactions upon Con-

Again, to show what an unjust law it is, even in good times, and how cruel and selfish the creditor is, the bill requires the bankrupt to pay the attorney's fee for the petitioning credi-

Out of the estate. I wish to ask my colleague right there if the amount is not in effect deducted from the dis-

tributive share of the creditors?

Mr. DENSON. Suppose the bankrupt's estate was able to pay up all the debt excepting the costs and the lawyer's fees; he would lose that under the bill. I am trying to save for my unfortunate constituents every dollar that they can from the ravages of

this iniquitous bill.

Section 2, subdivision 4, and now listen to this clause, because affords to every insolvent debtor the right of exemption—
The CHAIRMAN. The time of the gentleman has expired.
Mr. CULBERSON. I ask that the gentleman have leave to

I ask that the gentleman have leave to continue his remarks Mr. OATES. I join in that request.

The CHAIRMAN. In the absence of objection the gentleman

The CHARMAN. In the absence of objection and gentlemen and from Alabama will proceed.

There was no objection.

Mr. DENSON. I am very much obliged to the gentlemen and to the committee for its kind indulgence.

I was about calling your attention to section 2, subdivision 4, which absolutely forces all claims of exemptions to be tried in

the bankrupt court.

In Alabama a debtor has got to file a statement of his liabilities and of his assets. Under the laws of Alabama a debtor desiring to claim the benefit of the exemption laws may at any time file his written declaration in the probate court asking such exemptions to be allowed him. Of course this amounts to a "written statement admitting his inability to pay his debts."

This law says that upon a written statement of the debtor as to his inability to pay his debt—that is the language of the bill—and if he makes any declaration of that kind on the records of

and if he makes any declaration of that kind on the records of the country or anywhere else, that is, that he is unable to pay his debts, he can be petitioned into bankruptcy.

According to the terms of this law, if the merchant or trader files such a declaration at once he can be petitioned into bankruptcy, and the bankrupt court, with its distant place of holding its session, and its expensive and costly procedure, at once seizes such exempt property or has a trial to determine the right and extent of the exemption. Court costs and witnesses fees attending a distant court will exhaust such small allowance.

Again the exemptions must be allotted as authorized by the laws of the State "wherein the adjudication is made." Section 5a, page 9, provides that—

This act shall not affect the allowance to bankrupts of the exemptions which are prescribed by the State laws in force at the time of the filing of the petition in the State wherein the adjudication is made.

Now, gentlemen, yeu will notice that we have here another serious objection to the bill which will work great detriment and hardship on the poor in this country. The exemptions must be allowed by the laws of the State where the adjudication is made

Then there is another clause to which I wish to call your at-

tention.

Mr. OATES. Does my colleague contend that the costs and fees are to be paid out of the exempted property?

Mr. DENSON. No; of course not. I am speaking of the question of the allowance to the debtor of the exempted property, not by the court of his own State, but according to the provisions of this bill the exemptions made according to the laws of the State wherein the adjudiction is made. the State wherein the adjudication is made. Do you catch my idea? I anticipate my argument a little in this, but I want to explain this matter thoroughly as I go. If I, a citizen of Alabama, for instance, born, reared, educated, living there all my life, should be adjudged a bankrupt in New York, under the provisions of this bill I am compelled to claim only the exemptions which may be provided by the New York laws, and not those of Alabama

Mr. OATES. How could you be adjudged a bankrupt in New

York?

Mr. DENSON. I will show you. I interjected that so you might eatch my idea. As I have said, it is a little in anticipa-

tion of my argument.

Now, suppose that New York requires that a man, before he shall be allowed exemption under the law, shall be a citizen or resident of New York. I can not claim it according to the laws of Alabama, because the bankruptcy law says the exemption must be allowed according to the laws of the State wherein the adjudication is made, and I can not claim exemptions under the laws of New York because I am not a citizen of New York.

Mr. OATES. But it says the exemption laws of the State

where the bankrupt resides.

Mr. DENSON. No; my colleague is entirely mistaken. I have read the exact language.

Mr. OATES. That State which may be the residence of the

bankrupt. Mr. DENSON. No. sir. Read on and see what exemption is

Mr. OATES. It must be in the State of the bankrupt's resi-

dence.

Mr. DENSON. It does not so provide.

Mr. OATES. But it does in another part of the bill.

Mr. DENSON. No, I have investigated it fully.

Authority and jurisdiction is conferred on a New York court, if I have done business there within six months of the time of the filing of the petition, and the New York court can adjudge me a bankrupt, according to the terms of this bill, and thus defeat the exemption law of the State of Alabama.

Section 17, subdivision 1, page 17, provides that the bankrupt court is invested with jurisdiction to

edjudge persons bankrupt who have done business, resided, or had their

domicile within their (the courts) respective territorial jurisdiction for the preceding six months, or the greater portion thereof.

These provisions utterly defeat the laws of exemptions, as the allowance must be made by the court according to the laws of the State "wherein the adjudication is made," and the adjudication can be made in any district wherein the bankrupt may have done business within preceding six months to the filing of the petition.

So the bankrupt may have his residence and be a citizen of a different State than the one wherein he did business. This bank-

rupt law, then, has the power either to destroy or impair the exemptions allowed by the States.

Since this bill is pressed so vigorously at such an unfavorable time, when financial distress and a money drought are prevailing throughout the land, and the provisions as to exemptions are set forth as in this bill, my suspicions are aroused as to whether or not there is not a settled determination of the creditor class to defeat all exemptions and grab all the debtor has, yet

professing to secure all exemptions allowed by the States.

Mr. Chairman, I fear these gift-bearing Greeks; I am not impressed with the pious purposes of those creditors who offer these benevolences, yet have provided an ambuscade to defeat

The bankrupt law of 1867 allowed the bankrupt to claim his exemptions according to the laws of the State where the bankrupt was living at the time the bankrupt proceedings were com-menced. That language is plain. Why did they not use it in this bill? Why was it not inserted as an independent phrase or

Mr. OATES. If you wish to make the exchange and adopt that language in lieu of that used, I will accept it. That is what

is aimed at.

Mr. DENSON. Mr. Chairman, with no disrespect to or criticism of my colleague, I wish to wash my hands of this infamy entirely and have nothing to do with it. [Applause.]

The exemption laws of the States secure these benefits alone

to their citizens, and of course one could not claim an exemption in the State wherein the adjudication as a bankrupt is made unless he was a citizen of such State, although he may do or has done business in such State.

The bankrupt court determines all claims of exemption to be

allowed the bankrupt. (Section 17, a, subdivision 9, page 18.)

The trustees set apart the bankrupt's exemptions and report the items and estimated value thereof to the court. (Section 47, line 24, subdivision 11, page 39.)

These provisions are unconstitutional, because the amounts in-

These provisions are unconstitutional, because the amounts involved are of more value than \$20.

I repeat, that that provision giving authority to the bank-ruptcy court to settle these exemptions is unconstitutional, because it does not provide for a jury. The provisions of the bank-ruptcy law that set out the cases in which a jury may be had do not include the exemption laws. The people of my district, my unfortunate constituency, are tied hand and foot by this bill, as to their sacred rights of exemption and homestead, to the will of a judge who is allen to my people and not in sympathy with of a judge who is alien to my people and not in sympathy with

Now, the Federal Constitution says that in any case where the amount involved is over \$20, the right of trial by jury is guaranteed in a Federal court to every American citizen. The exemptions in my State are over \$20, and yet there is no provision in this bill for a jury trial. The laws of Alabama provide for a jury trial to estimate the value of these exemptions, but here the wight of the altiton is taken away the sleet to have the provision of the second control of the second the right of the citizen is taken away, the right to have his case tried by a jury of his peers is denied him, and is carried to a distant court and put in the hands of a one-man power, which is always an iniquity to an American citizen to whatever party he belongs.

I say you can not meet that argument by saying that a bankruptcy court is not subject to the proceedings of the common
law. I know that the Constitution says "proceedings under the
common law." The bankruptcy proceeding is a common law
proceeding. Bankruptcy was known to the common law. The
first English bankruptcy act was in the reign of Henry VIII,
and that, under our decisions, is made a part of the common law, and, indeed, British statutes become common law in our coun-

and, indeed, British statutes become common law in our country evendown to the reign of Queen Elizabeth, subsequent to the reign of King Henry VIII.

Subdivision B, section 8, of this bill, page 11, is a most oppressive and tyrannical law; if it is not unconstitutional it is clearly at war with the genius of our institutions and the spirit of American liberty. I wish to read to you that subdivision B section 8: B, section 8:

The judge may, at any time after the filing of a petition by or against a person and before the expiration of six months after he has been adjudged a bankrupt, upon amidavit of any party in interest that such bankrupt about to leave the district and that his departure will defeat the proceedings therein, issue a warrant to the marshal directing him to bring such

bankrupt forthwith before the court; if upon hearing the evidence it shall appear to the judge that the allegations of such affidavit are true and that it is necessary, he shall order such marshal to keep such bankrupt in custody, but not imprison him, until he shall be released or give ball conditioned for his appearance, from time to time, as required by the court and for his obedience to all lawful orders.

I do not say it is unconstitutional, but it is verging so closely upon the line of the genius and the spirit of American liberty that I never will lend my vote to the enactment of any such law. It is impairing the liberties of the citizen, and not merely the personal liberty, the right to enjoy property, but the right of locomotion, to go anywhere he pleases, and engage in any business he sees fit and proper. Here, taking up the illustration, if he be judged a bankrupt in New York, he may be made to remain in New York during the whole pendency in the proceedings, and under the practice of Judge Busteed in Alabama, it may be ten years before he will be discharged, and in the mean time he would be compelled to stay there. For me, I would want to be with my family; and under such circumstances, having to remain away until a judge of a bankrupt would discharge me, when I got home I might find their hopes blasted, their expectations defeated, bankruptcy and ruin surrounding them in their old age. [Laughter.] I will never give, under any cir-cumstances, my advocacy and my vote to such an infraction or infringment of the liberty of locomotion or the personal liberty of the American citizen.

I do not say it is unconstitutional. You may perhaps justify it upon the common-law principle of the writ of necreat, but that does not meet this question. There you had to have a trial, and you could not imprison until there had been a flagrant violation of the performance of some duty. This proceeding is to take place within the territorial jurisdiction of the Federal court, their writs run throughout the United States. While you have to submit to the limit of their territorial jurisdiction of the district prescribed in the statute in the commencement of the suit, after jurisdiction takes place its writs run against parties throughout the United States.

Mr. OATES. Does my friend not know that the purposes of ne exect is simply to retain the party, so as to give his evidence, and prevent him from defeating a judicial proceeding on account

of his absence? Mr. DENSON. I confess that, but it is a harsh means to procure such a beneficent end as assumed by the creditor class who You shall not depart from the kingdom of Great Britain, from the broad expanse of the British Isles; but that is preferable to the ne exeat initiated in this bill.

Mr. STOCKDALE. He is here in custody.
Mr. DENSON. Yes; he is in custody. Under ne exeat regno, in the language of the common law, I live in one particular district, the northern district of Alabama, and a man sues me in bankruptcy in the southern district, he can force me to reside in the southern district, because it says "within the district where the suit is commenced." That makes me reside in the southern district of my own State, where I do not want to reside. I want district of my own State, where I do not want to reside. I want to get away from the negro population and live among white folks. [Laughter.] Now, under that law they could force me to live there until the case is determined or give bond, notwith-standing that I have not any interest in the southern district, that all my interest and business, and all my business relative, that all my interest and business, and all my business relative, that all my interest and business, and all my business relative, that all my interest and business are in the northern district. Yet, under the express language of this bill, you can force me to remain in the southern district in the custody of the marshal, unless I am able to execute an appearance; if I could not secure such bond I would have to remain in custody in the southern district.

to remain in custody in the southern district.

Mr. GOLDZIER. Does my friend mean to say that the man is compelled to permanently reside in the district until the case shall be determined, or does he not admit that he may be released on bond and make his appearance from time to time, so that during the time he is not wanted in the court he can reside anywhere

Mr. DENSON. No, sir; he has to remain in custody of the marshal, unless he execute a bond as above mentioned. would be the necessity for this provision if you give that right?

You can strike it out. I think you ought to do so.
Mr. GOLDZIER. I would like to hear the gentleman as to
the portion of the bill where he considers that a man must after

the portion of the bill where he considers that a man must after his arrest permanently remain within the district?

Mr. DENSON. "He shall be in the custody of the marshal."

What jurisdiction has the marshal of the northern district over a citizen of the southern district? But the marshal will release him if he can give bail, you say. Suppose he can not give bail; then he is to remain in the custody of the marshal, and you tell me that means constructive custody? No, sir; it means under the control and direction of the marshal every minute until he is released by the court. is released by the court.

Mr. BAILEY. A rich man would be in constructive custody.

Mr. DENSON. Undoubtedly, because small favors are always allowed them, they are able to use the palace car, champinge, and have gold dollars to pay the porters, but what would become of the poor man who had not even a little silver, and the whole power of the Government is invoked to deny it to him? [Laughter.] Now, I say this, that under this law it is a deprivation, without due process of law, of the liberty of the citizes. You need not incarcerate a man in jail to deprive him of his liberty, If I take my friend [Mr. CULBERSON] on the street and hold him by force it is false imprisonment and a deprivation of his liberty. I shall not vote for a bill of that class; never; no. never.
The boast of American institutions is that this is a country

governed by laws and not by men. To deprive one of his liberty that is guaranteed by all State and Federal Constitutions it is not necessary that he should be incarcerated in a jail or prison house, but the least detention of one contrary to his will and without lawful authority is an invasion and infraction of the constitutional security of every

citizen.

The right of locomotion, of changing situation, or moving one's person to whatsoever place one's own inclination may direct without imprisonment or restraint are the very essence of personal liberty.

Upon proof of the matters set forth in section 8, subdivision b, and the judge shall deem it necessary, he may order such bankrupt into the custody of the marshal, until he shall be re-

leased or give bond for his appearance.

This is too great a burden to personal liberty to be left to be

imposed at the discretion of a judge.

A man's home may be in Massachusetts or New Jersey, and he may do business in New York, and under the power conferred under this section the bankrupt could not leave New York to visit his family, or commence business at his home or elsewhere, unless he could give an appearance bond. He can be tied up for an uncertain and indefinite time and prevented from using his energies and efforts to support himself, his family, or to repair his fortune.

This section puts too small a price upon personal liberty and

makes it too cheap. I oppose the bill on this ground.

This deprivation of personal liberty takes place when no crime has been committed. It violates the soul and spirit of Magna The great writ of habbas corpus arose from conduct offensive than this, and yet the judges of England annulled the king's verbal order, and restored the drunken and blasphemous Jenks to liberty.

No appeal is given; forced to submit to what a judge may consider necessary without any statements as to what facts are essential to establish such necessity.

Indefinite and unlimited time, remanded to the custody of the marshal, and with no means prescribed to have the matter re-viewed by an appellate tribunal, or by any court of any kind whatever, the judge acts and his determination is final, and per-

sonal liberty is destroyed.

Under a statute allowing one to be imprisoned two years on the ground of habitual drunkenness, can not be sustained by a chamber order.—State v. Ryan, 70 Wis., 676.

And it there is any member from Wisconsin present, I refer to him to the decisions of the courts of his own State that such a chamber order was an infraction of the privileges and rights of the citizen, and that it was unconstitutional and void, no matter if the Legislature had said that the judge might issue it, because it was against the very genius of the constitutional provisions for the preservation of liberty.

Mr. Chairman, if this provision of the bill should become a law,

Mr. Chairman, it this provision of the one should become traw, liberty would be the cheapest and most valueless thing known in this country, even below the price of silver. [Laughter.] This provision of the statute can not be justified under the old writ of ne exeat regno sued out in courts of chancery. It appears creditors must be protected in their hopes, their expectations, and in their greed, even if personal liberty has to be trampled under foot and destroyed.

Poor and honest debtors must suffer, their enterprises, their hopes, and their expectations, their liberty and their freedom may be destroyed by legislative enactment, and there is no redress. It is a false idea that in this day and time it is an act of dress. It is a false flow that in this day and time to is an accordance to take everything a person has, especially the producer, farmer, and laborer, and turn them and their families houseless, homeless, and in penury upon the community, that in my section can with difficulty and most extreme frugality care

Mr. OATES. My colleague does not insist that any farmer would be subject to be adjudged a bankrupt otherwise than upon his own petition under this law. He only contends, I suppose, that it may affect the farmer because his property may be under mortgage or he may be in debt to the merchant.

Mr. DENSON. My colleague is correct. That is my argu-

ment. I do not say that the farmer is subject directly to this bankrupt law, but I do say that for the purpose of his destruction, for the annihilation of all his hopes, prospects, and expectations, it is just as effectual as if he were; I say that this law reaches him as effectually as if he was nominated in the bond itself, because he is the debtor of the local merchant who is to be thrown its to bankrupter under this law, and the court has to called the into bankruptcy under this law, and the court has to collect the assets of the local merchant, and those assets are the mortgages and the waive notes of my constituents.

There is no surplus for anyone for any purpose. Whatever is lost or taken away can not be supplied, as there

Poverty and misfortune, intensified by unfavorable financial and revenue legislation, must be made more excruciating by taking at once what little pittance is left. The liberal exemption laws of each State provide sufficiently and benignly for unfortunate debtors without the gift of a bankrupt bill from the creditors of the country.

These exemptions, however, are to be destroyed by costly and expensive litigation in a Federal court distant from the citizen's home, the payment of a large attorney's fee to protect it; to say nothing of the attorney's fee, the bill requires the bankrupt's estate to pay the creditor's lawyer for destroying that estate

The idea of a bankrupt law was suggested in some part by the cractice of continental Europe and the ancient common law allowing the creditor to imprison the debtor and in some jurisdictions sell the debtor into slavery to settle his debt. But hap-pily for the present there is no imprisonment for debt and no slavery, and each State has provided through its exemption laws perfect security for the honest debtor, and relieved him of all that depression, mental anxiety, and robbery of his family of the fruits of his labor, and fortified that paternal superintendence so eloquently referred to by Judge Story and laid down by him as the basis of the bankrupt law.

Judge Story's eloquence and reasons are beside the condition

of things at present

To charge that the State laws and State institutions will not secure justice and equity to all is to doubt the integrity of the people and imply a want of capacity in the State for self-govern-

It carries suspicion as to any heartfelt interest in the debtor's welfare, when we reflect this bill is the embodiment of the views of the creditor class, and so much research, so much learning, so much eloquence is commanded by its advocates in behalf of the unfortunate debtor, whom they deprive of the last vestige

of property and every means of support.

Bankrupt laws are justified by Hamilton and Story as an instrumentality in aid of commercial pursuits; and so the common law writers declare them a part of the commercial law, and it is not wise or expedient to apply them to an agricultural people

either directly or remotely.

Statistics show that there are only 2½ per cent of failures among merchants and traders. This is a most infinitesimal minority, and certainly no appreciable injury can result to the people and business of the country from so small amount of failures. But to this small per cent of failures this bill proposes to add a majority of my constituents by the remote operations of this law, by sending its ravages to their homes, and deprive them of their

houses, lands, and personal effects upon which to live.

Mr. OATES. My friend's assumption that this law would deprive his constituents of their homes and ruin them is not, of course, based upon the idea that they would come directly under its provisions, farmers and wage-earners not being subject to be put into bankruptcy, but only allowed to go into it voluntarily if they so desire. Therefore, the unfortunate results to them of which he speaks are to come by reason of the insolvency of the

merchants.

Mr. DENSON. Yes, sir.

Mr. OATES. I understood my colleague to state a while ago that only a little over 2 per cent of the mercantile community fail

Mr. DENSON. Yes, sir. Mr. OATES. The last statement I noticed put it at 1.7 per Mr. OATES. The last statement I noticed put it at 1.7 per cent per annum. Now, is not prediction of the general ruin of the farmers and laborers which my colleague makes, based upon the hypothesis that all the merchants in his district and in his State may be put into bankruptcy under this law? And how does that hypothesis reconcile itself with the fact which he states, that only about 2½ per cent of the merchants fail?

Mr. DENSON. Mr. Chairman, unfortunately for my constituency 2½ per cent of the merchants ewn, by virtue of mortgages, all that they have got. [Laughter.]

all that they have got. [Laughter.]
Mr. SIBLEY. Mr. Chairman, if I understand the gentleman's argument, it is this: That the silver legislation is the seed which was sown to produce this great crop of ruin, and this bankrupt

bill follows as a harvester and thrasher to enable Shylock to

bill follows as a narvester and thrasher to chante begather in his crop. [Laughter.]

Mr. DENSON. Yes, sir; I do say that.

Mr. OATES. Do you say that that is true when this bill, in one form or another, has been before the Congress and been considered for the past six years?

Mr. DENSON. I say again I do not want my colleague [Mr.

Mr. DENSON. I say again I do not want my colleague [Mr. OATES] to think that I am impugning him in any way. I exonerate him entirely. I know him too well not to know that he would never engage in the oppression of any man in Alabama or

anywhere else.

Mr. OATES. I thank my colleague for the compliment, but if this bill has been before Congress and considered for the past six years, does it not follow that it has no part or lot with any

recent measure of legislation?

Mr. DENSON. Mr. Chairman, twenty years ago silver was demonetized, and this financial legislation for the destruction of the laborer, the farmer, the producer of this country has been going on ever since 1865, when the last shot was fired on the battlefields of this country. I do not say that this is the only stage of it; the Wilson repeal bill, passed in this House, is the sum total of all the iniquities and crimes perpetrated against the people. While it is iniquitous and monstrous, other acts of legislation equally vicious lie behind it.

Ah, Mr. Chairman, this bankrupt bill is but another cruel and

destructive instrumentality employed by the demon Money to crush out the farmers, the laborers, and the masses of the country, and make them subservient to and obedient slaves to the privileged classes-the capitalists and money power of this land.

I here raise my voice against this infernal engine of ruin, slavery, and destruction to the masses. I look upon it, in connection with the financial system now established and administered In this Union, as the last stroke necessary to destroy free institutions and drive home the last screw in the coffin of liberty.

A great revolution can not be successful and final until it has touched the proprietorship of land. No people ever lost their independence who owned their homes; a landowner was never known to become a slave or dependent so long as he could retain the unincumbered ownership and peaceable possession of his land.

William the Conqueror could not subjugate the Anglo-Saxon, he could not destroy English institutions and subdue the English spirit, until he had overturned English ownership of land and divided it among his retainers and followers.

So, too, in this country, popular liberty and free institutions will never be overturned so long as the brave and liberty-loving farmers, the patriotic landowners, and indomitable laborers own

land and homes

This is well known to the banks, capitalists, and money owners; This is well known to the banks, capitalists, and money owners; these are the anglo-maniacs who are attempting every maniacs known to human ingenuity, human strategy, and voracity to secure the lands and homes of the masses, make them dependents, subject them to alien or distant landlordism, establish privileged classes, and usher in the pride, pomp, and glittering splendor of monarchial systems and procedure.

Mr. PATTERSON. Will the gentleman permit a question?
Mr. DENSON. Certainly.

Mr. PATTERSON. Do you attribute the misfortunes of your

Mr. PATTERSON. Do you attribute the misfortunes of your people to the currency legislation, or to unjust, unfair, onerous,

oppressive, unequal taxation?

Mr. DENSON. To both, but more to the financial legislation. [Laughter and applause.] I want you to understand that I am opposed to the revenue-taxation system of this country, and also opposed to the revenue-taxation system of this country, and also to its financial legislation. I want you and the country to understand that from these fruitful sources of evil to my people have resulted their present condition. I want you and the country to understand that I attribute the large majority of the ruin that has come upon the people to the financial legislation of this country. [Applause.] I attribute it mainly to the demonetization of silver, cutting off the money supply of the people, that prices went down and the farmer could not get the productive cost of raising his cotton error when he had to make it or gradity cost of raising his cotton crop when he had to make it on credit at exorbitant and usurious rates of interest.

This voluptuous magnificence in part is to find a support upon the galled and overburdened shoulders, and tough and bruised hands of the farmers, laborers, and producers of this country.

Opulence always had a progeny of poverty and want that fol-

lowed in its train.

Behind the scenes of regal splendor, affluent surroundings, and princely enjoyments, if not in the open retinue of indigents, may be found the victims of avarice and cupidity, the enthralled dependents of gain and oppression.

Ill fares the land to hastening ills a prey. Where wealth accumulates and men decay.

You have seriously impaired if not destroyed silver as money.

Contraction of the currency has been going on for years; the Contraction of the currency has been going on for years; the dearth of monsy, the representative of values, has become so pinching that all business is unprofitable, all industry is depressed, all prices and values so fallen and depressed that there is no demand for property. It will not bring half its value in open market, and with this painful and distressing condition of the people, it is proposed to put a bankrupt law on them; that through it, what little substance they have left, and upon which, if a little time is given them, with favorable financial legislation, they could soon pay the last pound of flesh, liquidate the last debt they could soon pay the last pound of flesh, liquidate the last debt with interest and save their homes, secure happiness and content to their families and preserve their freedom. Shall ft be swept away and go into the possession and ownership of the capitalist and meney classes, because they are the only persons who have money with which to buy at the public sales. [Applause.]

This bill provides, if it should become a law, that it shall go into effect within six months from the date of its passage.

Avarice and cupidity can not wait longer; flushed with a trimplant victure over the rights of the people in the destruction

umphant victory over the rights of the people in the destruction of their constitutional money, guaranteed to them by the institutions, faith, and practices of our fathers, they come, ere the fervor of their exultations have died away from this Hall, and propose the procedure and tribunal by which letters of administration may be sued out upon the estates of living men, and the little remaining substance of the masses may be speedily brought under their control, and finally collected in their ravenous and

under their centrol, and finally collected in their ravenous and insatiate maws. [Applause.]

Binding through their financial systems and the restrictions thrown around the use and coinage of silver as money the unfortunate and embarrassed, yet honest and patriotic producers, laborers, and farmers of this country tightly and helplessey, their purposes and ends, through the provisions of this bill, they propose with vulture instincts and wolverine appetites to gnaw out the very vitals of honest labor and provident toil. [Applause.] Ahl and all this nefarious work to be inaugurated and executed under the plac of relieving honest debtors.

plane.) An and all this negarious work to be inaugurated and executed under the plea of relieving honest debtors.

Mr. STOCKDALE. Who do not want it.

Mr. DENSON. Yes, sir. The devil never attempted to quote Scripture, but he made a bungling mess of it at last. There never was an act of tyranny, an invasion of constitutional liberty, but that it was committed in pretended solicitude for the honest masses of the common people. This is always the cry of the tyrange the water to propositivitional and targangical except the masses of the common people. rant, always the pretext for unconstitutional and tyvannical exactions made by creditors upon the suffering and helpless debtor class. That is the way government is overturned; that is the way tyranny takes its march over the free institutions of the

The vampire seeks its slumbering victim in the warm climate, and with its soft wings produces the cooling breeze and fans him to sound and refreshing sleep, and then thrusts its absorbent tongue into the veins and draws out the life blood until death ensues to the unsuspecting victim. So, too, this bill, vampireensues to the unsuspecting victim. So, too, this bill, vampirelike, allures the confiding as well as distrustful by proclaiming
that the provisions of the bill are conservative of the honesty,
the freedom, and relief of the oppressed debtor, and when it becomes a law, then Rhadamanthus, the judge of the Inferno, will
hold his orgies, and the poor, the depressed, the unfortunate
will be brought in myriads and offered up as a hecatomb to the
rapacious exactions of avarice and cupidity. [Applause.]
In my speech, delivered on a former day of this session, upon
the bill to repeal the Federal election laws, I attempted to point
out the difference between the distinct and conflicting civilizations of the different sections of this Union, their conflicting and
different industries and pursuits, and the two different and on-

different industries and pursuits, and the two different and op-pesing methods of construing the Federal Constitution, and the two antagonistic and wholly dissimilar systems and administra-tion of this Government that arise from such construction of the

I assert now that the Hamiltonian, as distinct from the Jeffer sonian method of construing the Constitution, will inevitably lead to such impairment or downfall of free institutions as will bring in their stead the similitude of a monarchical system, with the callous hauteur and insolent bearing of a privileged class created by special favoritism in the administration of government and the execution of authority as its basis and moving

The least that can be hoped for, if this theory of government is to obtain, and free representative government displaced, will be an imperial republic, possibly after the order of the French system, with this difference, it will be our tendency to depart from the principles of free institutions, and our Government will become more despotic, as the tendency of France will be to advance towards free institutions it will become more liberal

The elements in our country to produce attrition and conflict are increasing daily by the influx of different nationalities with their different civilizations.

We do not now fully appreciate this, because there are not yet sufficient numbers. No race has ever produced a free representative government and one restricted by constitutional limitations protective of personal liberty and individual right except Anglo-Saxon. [Applause] Constitutional liberty regulated by law has never existed only among Anglo-Saxon people. This age of learning and advancement being as we might suppose almost the climax of human progress in the science of free government, gives no evidence there ever will be free representative government among any other people but the Anglo-Saxon. The passage of this bill, in my humble judgment, at this time will cause a change in the proprietary of the property to a great extent in the South and West. It will cease to be Southern and Western, it will become Eastern, English, and Scotch. Then

Western, it will become Eastern, English, and Scotch.

will be distress and mourning in the land.

Mr. Chairman, the immediate irritating cause of our civil war was a conflict between the labor systems of the North and South. and slavery was the principal factor in that irritation.

Slavery was an ephemeral incident in the institutions of our country, and abolitionism was an ephemeral sentiment in the minds of men. Each will have another equivalent, though under another form.

The conditions that produced our recent sectional conflict exist now, and they will spend their force in other directions.

Varied climate, natural surroundings, and opposing interests will always tend to renew these contests in the parliament of

Climate, natural aspects that surround us, and the legitimate incentive to take care of ourselves control men's thoughts and actions.

They are fretful sources of irritation, renewing and intensifying the attritions and contests attendant upon the competitions operating and energizing their powers under the influences of different natural and climatic surroundings and opposing in-

Free coinage of silver is now the equivalent of slavery; its demonetization and the single gold standard is the equivalent of

abolitionism. [Applause.]

The demonstization of silver and the establishment of the single gold standard is the basis upon which the control of the labor and commercial systems and the industrial enterprises of this country is to be erected.

Destruction of silver as money is to enhance and augment the power and control of money, to insure the creditor class in its struggle for more wealth, and heartless exactions upon the labor and debtor classes of the land. [Applause.]

It is to make the masses subject to the privileged and money

classes, to enthrone the money power and dethrone the people; to aggregate and secure the wealth of the country and its riches and affluence in the possession of a few, and produce a multifude in poverty and rage; to establish a ruling and privileged class supported and defended by wealth and the power of money, and thus lord it over the serving masses held in subjection by want,

penury, and poverty, and unjust and oppressive legislation.

The bill under consideration is but one of the instrumentalities by which the downfall of the farmer and laborer of the

South and West is to be secured, and to be made subjects to the contumely and insolence of money.

Mr. Chairman, the results of this bill upon the South and West is to change the proprietorship of the property of the two sections, shift it from the common masses and toiling millions, and invest it in the ownership, possession, and control of the money power.

That power knows the indebtedness of the two sections, it knows the depression in all prices and values, brought about by unjust and iniquitous financial legislation, superinduced by the demands of the money power. They know they can not rob the people of their heritage by force, but they propose to despoil and plunder them under the protection of law, and we see it now in the shape of this bankrupt bill. [Applause.]

Pæans are sung in praise of the honest debtor, condolence at the unfortunate condition of the debtor class is the potent manifestation of the advocates of this bill, by undergoests all these

festation of the advocates of this bill, but underneath all these protestations is the hidden but keen knife of the Shylock to take both blood and flesh of these unfortunates whose condition he so much bewails.

The lachrymose expressions and manifestations have been too

profusely set forth in the bill to produce any other belief in my mind but that there is a sinister motive behind it all.

It may be beautiful in its reliefs, composite in its designs, but it is filled with the elements of oppression and destruction to my people, and I will not support it. [Applause.]

my people, and I will not support it. [Applause.]
Mr. Chairman, legislative enactments, legislative remedies can not alter that condition of a people generated by aspect of natural surroundings, varied climate, and the different and opposing pursuits suggested by such natural surroundings.

They can not change that pursuit of intellectual achievement, and that trend of development evolved by natural laws.

and that trend of development evolved by natural laws.

Man owes not his advancement and progress to the aid or interference of government, but such are due to his intellectual energies and acquirements. Governmental interference has always impeded and retarded, or made unequal the results of human activities. Government, when administered within its legitimate and rational bounds, has but a small sphere in which to operate, save the enforcement of good order, and its police regulations.

Mr. BROOKSHIRE. Will the gentleman allow me a ques-

Mr. DENSON. Yes, sir.
Mr. BROOKSHIRE. Blackstone, I think, states in his Commentaries that governments are constituted for the purpose of securing to mankind personal liberty, personal security, and the rights of private property. You claim that this bill defeats those

Mr. DENSON. I do—that this bill by its operation, together with the workings of the financial legislation of the country, is calculated to have that result.

The true theory of progress and liberty is the maximum of

human activity with the minimum of governmental control consistent with peace and good order. [Applause.]

While it is true slavery was the immediate cause of the war, yet the great causa causans like beyond and behind this, and must be attributed to the facts so hastily and cursorily meationed before.

And these great facts will find expression, and subjects to operate upon, in directions as different as the masterly force be-

hind them may suggest.

As I said before, the direction given to these forces now is the

money question.

The territorial plane upon which the contest is being waged is enlarged and extended, the numbers engaged are quadrupled and increasing, the cause more popular and nearer the hearts of the people, and the results involve the destiny of the human race.

Gold is the support of aristocracy and imperialism; silver is the defender of liberty and the maintenance of the masses. [Great

applause.]

applause.]
If the contest with the South by the North was made doubtful, what may we not expect when that South is allied in heartfelt smypathy as to ideas, and bound by the dictates of self-interest, with the dwellers in the Great Basin, those of the Pacific Slope, those with the Columbian Northwest? [Applause.] Estrangements subside when men mutually begin to inquire into the causes of each other's wants, distress, and suffering conditions and discover that there arises from like conditions and armoundings a bond of sympathy and self-interest, and the cause

surroundings a bond of sympathy and self-interest, and the cause

of such vicissitudes come from a common source.

Let there be no more conflict with arms; let the contest be waged in parliamentary halls; let it be based upon philosophic truths, devoid of all crimination, inspired by that patriotism and love of country, that devotion to truth for truth's sake that arouses those sublime and all-healing principles of eternal and everlasting justice to all, the only basis upon which our Union can be maintained, and that destiny of happiness intended for us by our fathers can be secured, when they laid deep in American institutions, and that has grown strong in the American heart, a leve of free institutions and devotion to constitutional liberty

regulated by law. [Applause.]
Mr. DALZELL. Mr. Chairman, I have no intention of addresing the committee upon the merits of the pending measure. I have not been able to give it careful consideration, and could I have not been able to give it careful consideration, and could not, therefore, intelligently say anything either in favor or in criticism of it. My colleague [Mr. WILLIAM A. STONE], however, on yesterday addressed the committee not only in condemnation of the bill now before the House, but also in condemnation of any system of bankruptcy at all; and in view of the fact that he represents a constituency which is identical in character with the constituency which I have the honor to represent, and in view of the further fact that I shall not be able to be present in the House when the vote on this bill is taken, it has occurred to me that it would be proper for me to suggest to the House to me that it would be proper for me to suggest to the House what my position with respect to the question of a bankruptcy law is. I have the honor to represent a constituency which is largely engaged in manufacture and in trade; and, in my opinion, some such measure as that now before the House is absolutely necessary to the commercial welfare of that people. Aside from the individual opinion which I have upon the subject, I have heard no word from my district against the enactment of a bank-ruptcy measure, while on the other hand I have heard many words in approval of it.

I am not entirely clear, but my recollection is, that when a bankruptcy bill was suggested in a prior Congress the Chamber

of Commerce of the city of Pittsburg sent a memorial here in indersement of it. But, aside from the opinion that I entertain as to the interests of my immediate constituency and aside from the opinion that they entertain as to their interests, I am in favor of a bankruptcy bill upon other and higher grounds. I believe that it was the intention of the framers of the Constitution that a water of wallown have with a more than the constitution of the framers of the Constitution that a water of wallown have with a more than the constitution of the framers of the Constitution that a water of wallown have with the constitution of the framers of the Constitution of t tution that a system of uniform laws with respect to bankruptcy should constitute a permanent part of the Federal system. I regard the power granted in the Constitution to provide for "uniform laws with respect to bankruptey" as part of a harmonious scheme in which that power is interwoven with other powers granted under the Constitution, all of which were intended to be exercised and none of which were intended to be

I find in the Federalist that Mr. Madison, in commenting upon this particular clause of the Constitution, has grouped together a number of powers vested in the Federal Government by its organic law, as constituting by themselves a particular class, which he calls the third class, and which he enumerates as fol-

To regulate commerce among the several States and the Indian tribes; to coin money, regulate the value thereof, and of foreign coin; to provide for the punishment of counterfeiting the current coin and securities of the United States; to fix the standard of weights and measures; to establish a uniform rule of naturalization, and uniform laws of bankfuptcy; to prescribe the manner in which the public acts, records, and judicial proceedings of each State shall be proved, and the effect they shall have in other States; and to establish post-offices and post-roads.

I believe it was the intention of the framers of the Constitution in creating the Federal system that every one of these separate powers should be exercised, so as to make one harmonious whole, one Federal structure so to speak, of power; and I call attention to what Mr. Madison further says in connection with this subject:

The power of establishing uniform laws of bankruptcy is so intimately connected with the regulation of commerce and will prevent so many frauds where the parties or their property may lie or be removed to different States, that the expediency of it seems not likely to be drawn into question.

In my judgment the Congress of the United States has as much right to refuse to legislate with respect to the exercise of any of these enumerated powers as it has to refuse to legislate for the enforcement of a system of uniform bankruptcy throughout the country; and if that be true, then every citizen in the United States has a right under the Constitution of the United States to such benefits as shall accrue to him by the enactment of a uniform bankruptcy system; that is to say, every unfortunate debter in the United States has the right to the benefit of a wise bank-ruptcy law to his relief, and has a right to call on the Congress the United States to enact such a bankruptcy law to his relief, and every creditor, every business man in the United States who carries on business outside of his own State lines, and has debts incurred outside of his own particular State jurisdiction, has a right to invoke the Federal power to the protection and collection of his debts in accordance with a uniform law, and not be turned over to the separate individual and varying laws of forty-four different States.

And let me call the attention of the committee to some suggestions of wisdom on this subject in the direction I have indicated. I quote from a speech of Mr. Webster, in the Senate of the United States, on the 1st of April, 1849. He says, after arguing the question as to whether or not the States could pass bank-

ruptcy laws:

ruptcy lawe:

The States, then, can not pass effectual bankrupt laws; that is, effectual for the discharge of the debtor. There is no doubt that most if not all the States would now pass such laws if they had the power, although their legislation would be various, interfering, and full of all the evils which the Constitution of the United States intended to provide against. But they have not the power: Congress, which has the power, does not exercise it. This is the peculiarity of our condition. The States would pass bankrupt laws, but they can not; we can, but we will not. And between this want of power in the States and want of will in Congress, unfortunate insolvents are left to hopeless bondage. There are probably one or two hundred thousand debtors, honest, sober, and industrious, who drag out lives useless to themselves, useless to their families, and useless to their country, for no reason but that they can not be legally discharged from debts in which misfortunes have involved them, and which there is no possibility of their ever paying. I repeat again that these cases have now been accumulating for a whole generation.

And so we may say now that such cases have been accumulating in our country since the repeal of the bankruptcy law of 1867, and no man can pick up to-day his newspaper and read the list of closing banks, of failing manufacturing establishments, and failing merchants and not have impressed on him the present neces-

sity for the passage of some sort of bankruptcy law.

And Mr. Webster goes on to say, arguing in an extreme way, with respect to this acknowledged right of the citizen to be pro tected by the United States Constitution as to bankruptcy matters:

Sir, we talk much, and talk warmiy, of political liberty; and well we may, for it is among the chief of public blessings. But who can enjoy political liberty if he is deprived permanently of personal liberty and the exercise of his own industry and his own faculties? To those unfortunate tadiyid-

nals, doomed to the everlasting bondage of debt, what is it that we have free institutions of government? What is it that we have public and popular assemblies? What is even this Constitution itself to them inits actual operation, and as we now administer it? What is its aspect to them, but an aspect of stern, implacable severity; an aspect not only of austerity and rebuke, but, as they must think it, of plain injustice size, since it will not relieve them nor suffer others to give them relief. What love can they feel toward the Constitution of their country, which has taken the power of striking off their bonds from their own paternal State governments, and yet, inexorable to all the cries of justice and of mercy, holds it unexercised in its own fast and unrelenting grasp? They find themselves bondsmen, because we will not execute the commands of the Constitution; bondruen to debts they can not pay, and which all know they can not pay, and which take away the power of supporting themselves. Other slaves have masters charged with the duty of support and protection; but their masters neither clothe, nor feed, nor shelter: they only bind.

Every word so eloquently spoken by the great statesman from

Every word so eloquently spoken by the great statesman from Massachusetts applies, Mr. Chairman, with equal force and elfect to-day, and calls on this Congress to enact in the interest of both creditors and debtors some sort of uniform bankruptcy

Now, sir, this bill may be defective; it may be defective in many particulars; it may be criminally cruel in some of its provisions, as has been suggested. I have nothing to say as to that. But we must enact some sort of measure or we will never have any wise bankrupt law upon our statute books at all. If, after this bill has gone through the Committee of the Whole and been subjected to debate and amendment on every paragraph, it should still present features to which I could not agree, I should feel inclined to vote for it as an opening to the passage of a law which, after going through both Houses and the committees of conference to its passage, and enjoying perhaps the experience of a year or two of practical tests, would finally eventuate in bill that would secure to all of the citizens of this country the benefits intended to be secured by this unused power given to us in the Constitution of the United States. [Applause.]

Mr. RAY. Mr. Chairman, I regret that as a member of the Judiciary Committee I am compelled to criticise this measure in

Mr. RAY. Mr. Chairman, I regret that as a member of the Judiciary Committee I am compelled to criticise this measure in some of its provisions. I am in favor of a bankruptcy law, and I am in favor of a bankruptcy law which shall contain both voluntary and involuntary features; but I believe that it is the duty of this Congress, in the framing of such a law, which will necessarily affect all business men and indirectly all of our people, to give most careful consideration to the measure, and to see to it that it is not enacted into law until it has been perfected, so far

as human wisdom in this Congress can perfect it.

Very wisely and justly the Constitution of the United States has vested in the Congress the exclusive power to make uniform laws on the subject of bankruptcy. The States may pass insolvent laws, but to Congress exclusively belongs the power of making a uniform bankrupt law and providing uniformly for the release and discharge of creditors from their obligations. The States are forbidden to make any law impairing the obligation of a contract. Congress may provide by law that creditors shall be discharged from their debts and obligations when their property has been surrendered and applied to the payment of their creditors. And this law may be uniform throughout the whole length and breadth of the United States.

length and breadth of the United States.

Of course, a State may pass an insolvent law providing for the discharge of debtors under them in certain cases which will apply to all contracts made in the State, made and entered into subsequent to the enactment of such law; for the laws which exist at the time and place of making the contract enter into and form a part of it, and such contracts may embrace alike those State laws which affect its validity, construction, discharge, and enforcement.

The obligation of the contract is the law which binds the parties to perform the agreement. And as the parties contract with reference to existing laws, if a law is in existence providing for a discharge of the debtor without full payment, it is a part of the contract and applies to all contracts made while it is in force, but not to contracts made anterior to its passage.

But Congress may pass a law impairing the obligation of a contract and providing for the discharge of debtors from their debts in all cases, all those made by any citizen and before the enactment of the bankrupt law. Therefore, the powers of Congress are much broader, and reach much farther than the laws of any State can reach.

At three several times in our national history, the years 1800, 1841, and 1867, a bankrupt law was passed, approved, and put in operation, but each was unpopular and short lived for the reasons, among others, that it was too complex and the administration of estates too expensive. In the last law placed upon the statute book on this subject the attempt was made to so guard the estate against unjust claims that a majority of the estates administered upon were eaten up and wasted by the expense incurred in the complex red-tape proceedings necessary to be gone through with.

The same objection applied to the first law ever placed upon

the statute book. If you will look at the debates in the United States Senate in 1824, you will find that Senator Tiswell said that he had been engaged in every bankruptcy case in his city, which was a seaport town, since the existence of the law; and that while many of the estates were large, not one penny as yet had ever reached the pockets of the creditors. The same objection was found in quite a degree to apply to all the laws we have had heretofore upon the statute books. In many cases the creditors received nothing, and in many other cases the dividends were so small that the creditors became disgusted with the whole proceeding, and in a few years there was an irresistible clamor for the repeal of the law.

In the present case the committee has exercised great care and has expended great labor in the effort to frame a law as free as possible from intricate proceedings, and has done its best to provide for the inexpensive administration of the estate of bankrupts. The efforts of the Committee on the Judiciary in three different Congresses have been directed to this end.

different Congresses have been directed to this end.

It is to be regretted that the members of the Judiciary Committee favorable to a bankrupt law have been unable to agree upon all the details of the bill. While nearly all favor a bankrupt bill, quite a number are opposed upon principle to any law on the subject containing provisions for involuntary bankruptcy. Such gentlemen insist that no man should be adjudged a bankrupt without his consent, and that the property of no man should be taken and applied to the payment of his debts pro rata without his consent.

It will be conceded that creditors should have the right to obtain judgment against their debtors, and enforce collection from the property of the debtor. Where this course is pursued, the one who first comes is first served, but the debtor has it in his power, by confessing judgment in the one case and by refusing in another, to give preference in judgments, and in addition to this, by means of mortgages and bills of sales, he may apply all his property to the payment of the favored few, while the many honest creditors are cheated of their honest dues.

I am in favor of a bankrupt law, and I am in favor of a law that shall provide for involuntary as well as voluntary bankruptcy in proper cases. Every man ought to have the right to surrender his property to his creditors, and have the same applied to the payment of his just debts, and then be discharged in all proper cases. While a few rogues will take advantage of such a law, the great mass of insolvents will be able to free themselves from their business entanglements and commence life anew, instead of being perpetually weighed down by a mass of debts, from which they can never hope to escape.

which they can never hope to escape.

The greatest good to the greatest number will be effected by a wise bankrupt law. I am opposed to this bill as it stands, but, with a few amendments, its bad features can be so remedied that I shall be glad to give it my hearty support. I trust that gentlemen of this House will see to it that the objectionable features are eliminated before it is enacted into law. If these bad features, however, are not eliminated, then I hope no man in this House will give it his support. No bankrupt law should be so framed that any person can use it as a means of oppression. I have already caused to be inserted in the RECORD certain amendments to this bill which I shall offer at the proper time, and to these proposed changes I propose to direct my remarks.

Section 2 declares what acts shall constitute acts of bankruptey, and it provides that a person may be adjudged a bankrupt who shall within six months prior to the filing of a petition against him have concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid service of a civil process and to defeat his creditors; (2) who shall have failed for thirty days while insolvent to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold under such process then until three days before the time fixed for such sale and until a petition is filed; (3) made a transfer of any of his property with intent to defeat his creditors; (4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts; (5) made while insolvent a contract, personally or by agent, for the purchase or sale of a commodity with intent not to receive or deliver the sume, but merely to receive or pay a difference between the contract and the market price thereof at a time subsequent to the making of such contract; (6) made while insolvent a transfer of any of his property, or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference; (7) procured or suffered a judgment to be entered against himself with intent to defeat his creditors; (8) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors; (9) suffered while insolvent an execution for \$500 or over or a number of executions aggregating such amount against himself to be returned no property found unless the amount shown to be due by such

executions shall be paid before a petition is filed; or (10) suspended and not resumed for thirty days and until a petition is filed while insolvent the payment of his commercial paper for or

filed while insolvent the payment of his commercial paper for or aggregating \$500 or over.

There is no saving clause, except in two or three cases, and any person who has committed any of these acts or who has suffered any of these occurrences may at any time within six months thereafter be adjudged a bankrupt, even though he has long before the filing of a petition against him repented and wholly cured the effects of the act defined and declared to be an act of bankruptey.

wholly cured the elects of the act defined and declared to be an act of bankruptcy.

If a person at any time within the six months prior to the filing of a petition has concealed himself with intent to avoid the service of civil process and to defeat his creditors he may be adjudged a bankrupt and his property may be taken from him and administered in a court of bankruptcy even though he is at the time of the filing of the petition perfectly solvent, able to pay his debts, and even though he may have returned and surrendered himself to the process of the courts and paid the debt or claim from which he in the first instance fled.

Now, it was said by the gentleman having this bill in charge [Mr. Oates] yesterday, that this objection could be easily avoided, as no court would give to this act the construction I have placed upon it, and he also said that this language is substantially that used in the statutes of the various States where attachments are granted. I beg leave to differ with the gentleman. This morning I took occasion to examine the laws of all the States which grant attachments in certain cases, and I find that the language differs very much from the language used in this bill.

this bill.

The amendment which I propose or shall propose provides that if upon the hearing on the petition filed it shall appear that before the filing thereof the person so concealing himself, or so departing and remaining away from his place of business, etc., has returned and submitted himself to the process of the court, and that no priority has been gained by any other creditor by reason of such absence, that then the petition, if based upon such act, shall be dismissed. It seems to me that this amendment is necessary, just, and proper. No person should be thrown into bankruptcy because he has committed an act of the nature described, if, before any action is taken, he has repented, and so placed himself and property that his credhas repented, and so placed himself and property that his creditors have suffered no loss.

It is no answer to this objection to say that the court would construe the law to mean that the concealment, departure, or remaining away must continue until the filing of the petition. In the first place no court or judge would ever give the act as here written any such construction. The very words of the bill forbid any such construction, and were intended to forbid any such construction. such construction. As drawn it reads:

Acts of bankruptcy by a person shall consist of his having within six months prior to the filing of a petition against him, I, concealed himself, teparted, or remained away from his place of business, residence or domi-cile with intent to avoid the service of civil process and to defeat his cred-

It is an act of bankruptcy if at any time within six months he has done any one of these acts. The time is six months, and each of the acts defined is couched in language of the past tense—referring to an act that has been done, not to one that is being done, or one not completed.

If the gentleman who has charge of this bill [Mr. OATES] speaks in good faith, why not use the words "conceals himself," departs, or remains away, etc., importing a present act or one not completed.

I refer to the laws of the State of New York providing for the issue of an attachment, and that act says:

If the defendant is either a foreign corporation, or not a resident of the State, or if he is a natural person and a resident of the State, if he has departed therefrom with intent to defraud his creditors, avoid service of a summons, or keep himself concealed, etc.

Using language imparting a present act and a continuing act, whereas this act declares that if the alleged bankrupt at any time within six months before the filing of the petition has done any of the acts specified then, upon petition of three persons, he may be adjudged a bankrupt. That is an infamous provision as it now stands in this bill, and it should be corrected; and I can say for one that I shall never vote for its enactment into law. In the second place, if, as he says, the court will construe the language in the bill to mean that the act must be a continuing one at the time a petition is filed, why not put it in the law and not leave it open to construction?

In enacting a law of so much consequence, one that will affect

determined. In such litigations the attorneys will reap rich harvests, but it will be at the expense of suffering debtors and wronged creditors

Far better will it be to leave debtors to the mercy of their creditors under the State laws, and creditors to the remedies they now find in their local courts and laws. If we know what we mean let us say it plainly; let us use simple and straightforward language, and make the way so plain that the way faring man may walk in it and not go greatly astray.

I shall also insist that the law provide in its very terms for a

dismissal of the proceeding in certain cases. The law proposed, as it stands, seems to contemplate that if a man has committed an act of bankruptcy, and a petition has been filed by the requisite number of creditors at any time within six months theresite number of creditors at any time within six months thereafter, that the offending debtor must go through bankruptey in any event; that his estate must be filtered through the bankruptcy machinery. And so far does this bill go that it forbids the alleged bankrupt the poor privilege of offering a composition until he has been examined in open court, or at a meeting of his creditors, and filed a schedule of his property and a list of his creditors. (See section 11, page 11.) Why not let him compromise at any time, if he can? Why expose to the whole world all his troubles, if he can satisfy all his creditors?

The amendments to be proposed also provide that if a petition has been filed the alleged bankrupt may have the petition dismissed by paying the claim of the petitioner with all legal costs incurred. It is eminently just and proper that a debtor should not be forced through a court of bankruptey at the instigation of a creditor when he is willing to pay and offers to pay the claim

of a creditor when he is willing to pay and offers to pay the claim

of the creditor instituting the proceeding.

The proposed amendments also provide that if a debtor has transferred property with intent to defeat his creditors that he shall not be forced through bankruptcy if the property so transferred has been restored to him in good faith before the filing of a petition. If a debtor has transferred property with the intent to defeat his creditors he should not be forced into bankruptcy if he has repented and reclaimed the property before any proceedings are instituted against him.

So in the case of property secreted, if it has been restored and subjected to a levy under the legal process of the court, or if the claim upon which the process was issued was paid before the filing of the petition, then the debtor ought not to be forced into bankruptcy. The door to repentance ought always to be open for repentant sinners, and if anyone sins against the law in such cases and repents and puts himself and property in statu quo before legal proceedings are instituted, the creditors should be content, and if after proceedings are instituted the debtor repents and subjects himself and property to the process of the court, or pays the claim to escape which he has offended, with costs, then the proceedings is handwarder ought to fail. the proceeding in bankruptcy ought to fail. And in all cases where a particular creditor offended against has been fully satisfied before another creditor institutes a proceeding, such other creditor ought not to be permitted to take advantage of the act which has been fully mended.

Section 2 provides that if a debtor fails for thirty days while

section 2 provides that if a debtor falls for thirty days while insolvent to secure the release of any property levied upon under process of law for \$500 or over, such act shall constitute an act of bankruptcy, and at any time within six months thereafter any creditor may file a petition against him: and it follows that upon showing such omission the debtor would be adjudicated a bankrupt even though he could show that before the filing of the petition he had secured the release of the property and had paid the debt upon which the process issued. the debt upon which the process issued.

This is the fair meaning and interpretation and the only interpretation that can be put upon this act as it now stands. This should be changed.

Mr. CULBERSON. Suppose he has become solvent in the meantime?

Mr. RAY. Certainly. That is in the line of my argument. If a man has committed any act of bankruptcy as defined in this bill at any time within six months prior to the filing of the petition, he can be forced through all the machinery of the bankruptcy court, even though he has since the commission of the act become perfectly solvent and able to resume business, and

may be adjudged a bankrupt. That is an infamous provision as it now stands in this bill, and it should be corrected; and I can say for one that I shall never vote for its enactment into law. In the second place, if, as he says, the court will construct the language in the bill to mean that the act must be a sontinuing one at the time a petition is filed, why not put it in the law and not leave it open to construction?

In enacting a law of so much consequence, one that will affect so many of our business men, and which in fact will affect directly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be rectly or indirectly almost every man in the land, we should be inserted the words "and until the filing of a petition is filed," found in line 11, page 5, should apply to the fall-ure for thirty days to secure the release of property levied upon; but such is not the grammatical construction or reading of the rectly or indirectly almost every man in the land, we should be reserved the words "and until the filing of a petition is filed," found in line 11, page 5, should apply to the fall-ure for thirty days to secure the release of pr

complished by inserting the words "and until the filing of a petition in bankruptcy" after the word "days," in line 7, and by striking out the words "and until a petition is filed," in line By the one amendment or the other it should be made cer tain that a debtor shall not be thrown into bankruptcy if before the filing of a petition in bankruptcy he has secured the release of the property levied upon under process of law, whether it is to be sold or not.

The fifth act of bankruptcy, as defined in section 2, is of very doubtful propriety. In effect it provides that a person who deals in futures and options shall be thrown into and forced through bankruptcy if he is at the time insolvent, while it leaves the door wide open for all persons who are solvent to engage in this kind of gambling. In other words, the solvent man may gamble in futures and options to enrich or impoverish himself and his creditors without being subjected to the penalty of being forced into bankruptcy, while the poor man who is carrying on the same business for the purpose, perchance, of bettering his condition and making money with which to pay his honest debts, may be thrown into and forced through bankruptcy as a penalty for resorting to this mode of making money with which to meet

his honest obligations.

Mr. HAINER of Nebraska. Do you think it would be fair or right for a man who has not enough property to pay his debts to use his small means in speculating on the board of trade rather

than in paying his debts?

Mr.RAY. I will come to that question directly. What I am about to say will deal with that proposition. This discrimination is unwise as well as unjust. If the insolvent may not imperil the property he has by engaging in such transactions because it would tend to defeat his creditors, surely the solvent man should not be permitted to imperil his property and consequently his creditors by engaging in precisely the same transactions or business. It is no more improper for the insolvent than for the solvent man to engage in the business of gambling in options and futures.

Such a transaction endangers the creditors of the insolvent no more than it endangers the creditors of the solvent person. Congress should not enact a law which permits gambling by the solvent but forbids it by the insolvent. The truth is that the solvent but forbids it by the insolvent. whole provision has no place in a bankrupt law, and if we provide against this kind of gambling in this bill, then we should provide against all kinds of gambling, and insert a provision that any person who plays a game of chance for money may be adjudged a bankrupt at any time within six months thereafter. it more wicked or dangerous to creditors for a person to risk his money in a chance deal on options and futures than it is to risk it in a game of cards at the gaming table or at a horse race?

Mr. HICKS. How would you reach a man who has the inclination to deal in options.

Mr. RAY. I would not reach dealers in futures and options through a bankrupt law. If the gentleman will permit me, I will answer his question as I proceed in the regular course of my argument. This provision can not be defended except on the theory that a person who contracts to purchase or sell proporty with intent not to actually receive or deliver the same, but only to receive or pay the difference between the contract and market price at some future time, enters into a contract which may create a debt against him to the injury of his creditors, while he adds nothing to the actual property within his control or which might be made subject to levy and sale on an execution. By such dealings it will be acknowledged many men have been enriched, while hundreds of others have been impoverished. But if we make one act which endangers a man's estate an act of bankruptcy, then let us make all acts which endanger a man's estate acts of bankruptcy. If we apply this rule to commodities, why not apply it to all stocks and shares in railroad and other corporations, and apply it to the solvent as well as to the insolvent persons who operate in this way?

Mr. HAINER of Nebraska. Then that provision ought to be widened and extended, in the gentleman's opinion?

Mr. RAY. I think it has no place whatever in a bankrupt law, but if it is to be here, let the provision take in all kinds of gambiers when they are caught at it. That would be, perhaps, an effective way of stopping gambling among the rich in the large cities. But if we make one act which endangers a man's estate an act

large cities.

Mr. WOLVERTON. How can a man be a bankrupt who can

pay his obligations?

Mr. RAY. Well, he might be unwilling to pay them. might flee from the process of the court. He might conceal or

dispose of his property fraudulently.

Mr. WOLVERTON. But if he is willing?

Mr. RAY. If he is willing, and if he has property to pay all his debts, he ought not to be declared a bankrupt, especially if he can raise the money to meet his obligations as they fall due. In such a case he is not an insolvent person. But bankruptcy

implies a status which is fixed upon the individual by law. Insolvency is simply a condition where a man either has not or can not command, the money to meet his obligations. A man may be insolvent without being a bankrupt; he may be a bank

rupt without being insolvent.

Mr. WOLVERTON. Then you could not extend this bank

rupt law to the rich gambler, because he can pay his obligations. Being solvent, he could not be declared a bankrupt.

Mr. RAY. I do not know about that. You say the "rich gambler." Now, we might confine it, under the principle of this bill, to the insolvent gambler; but this bill is not confined to in-I can see no justice, as I have already said, in making any distinction between gamblers. I see no justice in applying this law only to the man who is insolvent at the time he gambles. any distinction between who is insolvent at the time megamore, this law only to the man who is insolvent at the time megamore, because he does not endanger his creditors much, if any, more than does the rich man or the well-to-do man who risks his money in large sums at the gaming table. The latter may become in large sums at the gaming table. The latter may be come in the gampling at any minute. Every time ha in large sums at the gaming table. The latter may become in-solvent through his gambling at any minute. Every time he engages in a gambling operation he endangers his creditors, and if the one is to be forbidden to engage in that business, then the other ought to be, because both, though perhaps not in an exactly

equal degree, endanger their creditors.

Or is it a provision intended to protect those who run this kind of business, and enable them to swoop down, like the hawk upon a chicken, the moment they have embarrassed a victim and force him into bankruptcy and come in and share in his estate, and prevent his applying his property solely to the payment and perhaps full discharge of his honest nongambling debts?

I say, Mr. Chairman, that this provision was put into this bill for the purpose of benefiting the stock-jobbers of Wall street, New York, and in the other great cities of the country. It was put there with the idea that when the insolvent man came in, through the hope of gain, and indulged in such transactions, the men who had seduced him within the charmed circle might turn around and swoop down upon him like the eagle upon its prey. Strike the gambling clause out of this bill. It has no place

The more one ponders upon this provision the more unjustand out of place does it appear. I am opposed to gambling of all descriptions, but I am not willing to single out this particular act of gambling and by law pronounce it more dangerous to the creditor class than are the other forms of gambling prevalent in this country. The man who places money on the gaming table and risks its loss on a chance game is much more a foe to his creditors and prejudices their rights to a greater degree than the one who speculates in wheat, corn, and other commodities by dealing in what are commonly called futures and options. us, if we retain this provision at all, strike out the words, in line 16, "a commodity," and insert in place thereof the words "any property or thing in action;" and also, in line 15, strike out the words "any property or thing in action;" and also, in line 15, strike out the words "while insolvent;" and to the title of the bill let us add the words "and to prevent gambling and dealings in futures and options.

GOLDZIER. Does the gentleman hold that Congress

would have a right to pass a law to prevent gambling?

Mr. RAY. If we have a right to pass this bill in its present form, then we have a right to pass a law such as the gentleman

suggests.

Mr. GOLDZIER. I am with the gentleman as far as his pressured to a hour passing the state of the s ent point is concerned, but as to his suggestion about passing a law against gambling, I have doubts as to our power.

Mr. RAY. I do not think we have any right or power to pass

have regulating gambling or preventing gambling or permitting gambling, and for that reason, as well as on the ground of the expediency of the provision, I shall ask to have this subdivision stricken out, not because I am in favor of gambling, but because believe in wise and proper and constitutional legislation-"a place for everything and everything in its place.

If we retain this provision (5), let us make the title of the bill read "A bill to establish a uniform system of bankruptcy throughout the United States, and grant the exclusive privilege of gambling and dealing in futures and options to solvent persons." The title of a bill should express generally its objects

and purposes Again, should it be possible for a creditor to throw his debtor into bankruptcy if he discovers that at some time during the preceding six months he has, while insolvent, contracted for the purchase or sale of a commodity with the intent not to receive or deliver the same but only to receive or pay a difference between the contract and market price of the same at a future day? Suppose the transaction has long been closed, the profit pocketed or the less made good, shall this constitute an act of bankruptcy of which a creditor may take advantage? Nothing of the kind, so far as I can ascertain, has appeared in our bankrupt laws heretofore, and I do not consider it proper to insert such a provision in this bill.

The further proviso which I suggest is "that no person shall be adjudged or declared a bankrupt except on the petition of a person directly affected or injured by the act alleged to consti-

tute the act of bankruptcy."

In my judgment such a provision is absolutely essential if we would have a just law, one not open to abuse, one not capable of being prostituted and used for oppressive purposes. An act done to defeat creditors, if not fully atoned for and remedied before a petition is filed, does directly affect and injure all creditors. Therefore the proviso will not interfere with any creditor when the act alleged was done with that purpose. And take a case where the debtor has failed to procure the release of property levied prop. then all creditors are injured for the taking erty levied upon, then all creditors are injured, for the taking and sale of the property will deprive other creditors of their just share of the assets, and so in nearly all the cases named in the

But take the case of an insolvent person who has a note in the bank with a good indorser for \$500 or over. For some good reason the bank is unwilling to renew and the debtor has not the son the bank is unwriting to renew and the dector has not the ready meney, and the indorser gets time or pays the note. The indorser is willing to wait, to give the debtor time, but Mr. Shylock, who has suffered no damage or injury by the transaction, steps in, and taking advantage of the circumstances, plunges the debtor into bankruptcy. This ought not to be permitted. If the indorser, or the bank, or other creditor holding the paper to willing to wait all graditors who are not injured about he is willing to wait, all creditors who are not injured should be

willing and compelled to wait.

A petition in involuntary bankruptcy must be filed by three creditors, if the number of creditors are twelve or more, and may be in any case if their claims aggregate \$500 or over, so that three creditors, one with a claim of \$499 and two with claims of 50 cents each, can in any case throw a man into bankruptcy, and this regardless of the fact that none of the claims of the petitioners are due.

Mark that. It makes no difference whether the claims are due or to become due a month or six months hence. A man with a claim of \$499 and two other men with claims of 50 cents each on open accounts can come in and throw the debtor into

bankruptcy.

If all the creditors are less than twelve in number, then any one may file a petition in bankruptcy if his claim is \$500 or over, and it matters not that the claim is not due. If the claims are provable in bankruptcy, this is all that is necessary. There is not bing providing that the claims shall be due in order to be

Therefore, if an insolvent debtor owes a note of \$500 or more, and it has remained due and unpaid for thirty days or more, and all other debts owing by the debtor are not due and not to become due in many months, three creditors whose debts are not due, if the whole number of creditors is twelve or more, or any one creditor, if the number is less than twelve, may plunge the debtor into bankruptcy, even though the creditor whose debt is due is perfectly willing to wait. In such case the creditors suffer no damage or injury whatever, and creditors (or a creditor) whose debts are not due should not be permitted to institute a proceeding based on such an act or omission.

Involuntary bankruptcy should be based on fraud, or on acts and sins of omission or commission which actually endanger or damage all or substantially all the creditors. In no case should a person or creditor who is not injured by the actalleged be permitted to institute the proceeding. Mere insolvency should not be a ground of bankruptcy, for this would not permit good business men of little or no property to engage in business on borrowed capital. A small loss one day would involve him in a bankruptoy proceeding, which loss he might make good the next if let alone. I can not consent to a law that places the insolvent and the fraudulent debtor on the same plane.

Before it is enacted into a law this bill should be so guarded as to make it impossible that it be used as a means of oppression.

No one actuated by spite or malice should be committed to take

No one actuated by spite or malice should be permitted to take advantage of its provisions unless actually injured in a pecuniary sense by some act of the alleged bankrupt.

A person actually unable to pay his present debts has on borrowed capital and credit engaged in business (and hundreds, yes thousands do), and by honesty, fidelity, and hard work has made money legitimately and ultimately become a man of wealth. Thousands are now doing business in this way and on such capital. We should be wareful they there to be the same of the Thousands are now doing business in this way and on such capital. We should be very careful, then, that we do not enact a law which will permit the Shylocks to crush and drive out of business this large class of honest and enterprising dealers. Every little business mishap or neglect should not be turned into an act of bankruptcy. As I before said, only those acts and omissions should be so declared which defraud the one or all, or directly tend to the injury of substantially all the creditors in a particular one. Legitimate business enterprise is to be encourparticular case. Legitimate business enterprise is to be encouraged and fostered, not discouraged. It is not every case where

we should permit the cutting of the pound of flesh, although under the law it may be legally claimed

Let us be cautious lest we make the ruin of business men a matter of easy accomplishment by grasping men and tricky attorneys, who with itching palms eagerly watch for an opportunity to pocket fees from wasted estates. Let us be cautious lest in permitting the taking of the one pound of flesh we make it possible and feasible for the business vultures to pick the victim to the bone, unjustly, unnecessarily, and to the damage of business and of the great community.

Section 7 provides that the death or insanity of the bankrupt shall not abate the proceedings, but that the same shall be con-

ducted and concluded in the same manner so far as possible as though he had not died or become insane. To this provision should be added the following, "and in such case the executor or administrator of a deceased person and the committee of a lunatic or insane person shall be brought in and made a party to the proceedings." the proceedings.

It is no answer to this proposition to say that this might be done or probably would be done. The act itself should provide for the bringing in of the representative of the estate of the

bankrupt or of the insane person.

Section 10 provides that suits pending against a bankrupt at the time he is so declared, if upon a claim from which a discharge in bankruptcy would be a release, shall be stayed until after an adjudication in bankruptcy or the dismissal of the peti-

arter an adjudication in bankruptey or the dismissal of the perfition. It then provides that such action may be stayed until twelve months after such person is adjudicated a bankrupt or until the question of a discharge is determined.

I can see no good reason for this latter provision. All suits brought by or pending against a person declared a bankrupt at the time of the adjudication should be permitted to proceed to final judgment in the court where commenced in order that the final judgment in the court where commenced, in order that the claim may be there adjudicated and its amount determined and fixed or pronounced unfounded. Why should the determination of a contested claim be either stayed or transferred to another tribunal? The trustee of the estate may be substituted, and then the claim should be adjudicated where the suit is

The same section provides that the court may order the trustee to enter his appearance as defendant in a pending suit. To this should be added the words "against the bankrupt and defend the same." fend the same.

If a suit is pending against a bankrupt, the trustee should be made defendant and he should be required to defend the suit. Neither the trustee nor the creditors of a bankrupt should be permitted to allow or pay a claim which the bankrupt himself declares to be unfounded or exaggerated in amount.

While it may be perfectly prepare and just to take an estate.

While it may be perfectly proper and just to take an estate, preserve it, and apply it to the payment of the debts of the bankrupt, the bankrupt should not be deprived of the power to defend or have defended unjust claims made against him. To him

it is all important that his estate pay a good dividend.
Section II provides for compositions with creditors and for the confirmation of the same, and it provides that, if a composition has been made, the consideration to be paid to the creditors and the money necessary to pay all preferred debts and the costs of the proceedings shall be deposited in a place to be designated by the court and subject to the order of the judge before the composition shall be confirmed.

I can see no good reason for this provision. How is the bankrupt to procure the money and make the deposit before a confirmation of the composition? It would be impossible in nine cases out of ten for this to be done. The property is in the hands of a trustee, and the bankrupt would have no power to give security and no one would be willing to advance the money for deposit until he had assurance that confirmation of the composition is to be made.

position is to be made.

Far better will it be to provide that the composition may be confirmed by the court and that the money necessary to pay the creditors and preferred debts and the costs of the proceedings shall then be deposited in a place designated and subject to the order of the court. Also add a provision that before hearing an application for the confirmation of a composition the court may require the filing of a sufficient bond conditioned for the payment into court of the money necessary to perfect and carry out the terms of such composition. This will insure protection to the creditors, and such a bond the bankrupt could easily give. Men of money are not inclined to raise money and deposit it in court upon an uncertainty.

To this end I propose that on page 13, in lines 15 and 16, the words "and subject to the order of the judge" shall be stricken out and that in place thereof there shall be inserted the following:

The judge within ten days after the confirmation of such composition. Before hearing an application for the confirmation of a composition the

court may require the filing of a sufficient bond conditioned for the payment into court of the money necessary to perfect such composition or to carry out and make effectual the terms thereof.

Also, in line 14, strike out the words "have been," and insert in place thereof "shall be."

Mr. HAINER of Nebraska. There might be a property com-

Mr. RAY. Yes, as the gentleman suggests, there might be a property composition; but in any event, if the debtor was compelled to get the money from some other source, as he would be, he would find it impossible to give the security and get the money unless the composition were confirmed by the court, so that the one lending the money or advancing it might have some assurance that he would have good security on the property turned out. Usually this would be the property of the debtor involved in the proceeding. Why not confirm first and pay afterwards? Why compel a bankrupt to come into court with a large amount of ready money until it is decided that he will have use for it? Section 12 provides that the composition may be set aside at

anytime within six months after it has been confirmed. well enough; but no provision is made for the reinstatement of the parties to their original position. This section should provide that, if a composition is set aside on the motion of any party or parties in interest, they shall return what they have received, and that only the parties moving and those making restitution shall be entitled to the benefits derived from their action. To this end I shall propose an amendment adding to section 12 these words:

In case such composition is set aside, the creditors who have received their pay thereunder may or may not return into court the sum or sums received by them respectively, pursuant to the terms of such composition, and only the creditors so refunding shall share the benefits of subsequent proceed-

Section 18 does not provide for the service of the writ of sub-pcena on the creditors. It seems to me that the writ should be served on each creditor named in the petition at least ten days before the return day thereof, in order that the creditors may appear and plead to the petition, in order that they may have notice of the proceeding. Otherwise the second subdivision of section 18 is of no avail. And how is the creditor to appear and controvert the facts alleged in the petition unless he has notice that the petition has been filed?

All petitions in bankruptcy should state the names and places of residence of the creditors, so far as known or reasonably as-

certainable.

The gentleman who framed this bill has very wisely provided that a creditor may appear and contest the petition, may answer it, but he has not provided any means whatever, and thus far has refused to provide any means whatever, and thus far has refused to provide any means, by which the creditor may be notified of the pendency of the proceeding in the first instance. All this has an object, a deliberate object and purpose, and that is in the interest, as I said, of the creditors and against the in-terests of the debtors.

The third subdivision of section 18 should also provide that the bankrupt or any of his creditors may not only controvert the facts alleged in the petition, but that they may present any defense thereto. There may be a defense to the petition which could not be proved under a simple denial of the facts alleged in the petition. Especially would this be true if some of the amend-

ments suggested to section 2 should be adopted by the House.
Section 29 in some of its aspects is a curiosity. It is made an offense punishable by imprisonment for a period not to exceed two years for the trustee to embezzle the entire estate of the bankrupt. If the estate is \$2,000, or \$1,000, or \$500, and the trusbankrupt. If the estate is \$2,000, or \$1,000, or \$500, and the trustee steals it and is caught, prosecuted, and convicted, he may be imprisoned for a term not exceeding two years. If the estate is \$100,000, and the trustee steals it and is caught and convicted, still he can not be imprisoned for more than two years.

The amount of punishment meted out to him within this pre-

scribed limit would depend altogether upon the condition of the scribed limit would depend altogether upon the condition of the judge at the time he pronounced the sentence. If the judge felt a little ugly, then a man who had stolen only an estate of \$100 might, and probably would, get two years. On the other hand, if the judge happened to be a little mellow and tender-hearted from the effects of a good dinner, then, if the trustee had stolen an estate of a hundred thousand dollars, perhaps he would receive a light imprisonment, say two months; in any event however the imprisonment can not exceed two years.

event, however, the imprisonment, can not exceed two years.

It seems to me that there is truth in the old rhyme, "It is a

sin to steal a pin, but still a greater to steal a tater."

The theory of this rhyme is that the greater the theft the greater the offense, and it does seem to me that we ought not to declare by law that the stealing of a million dollars shall not be more heavily punished than the theft of \$500. Or is it so respectable to embezzle a large amount that the offender ought to be let off with a small punishment? I would suggest that a change be made in this respect. It will be noted that the trus-

tee may steal the whole estate and only be punished by impris-onment for two years, while the poor bankrupt is subjected to precisely the same punishment if he should attempt to account for \$5 of the property belonging to his estate by a fictitious loss If the poor bankrupt should steal from the trustee or expense. a cow for the purpose of providing milk for his infant children or should conceal one dollar of the fund, he is liable to the same punishment as is the trustee who steals the entire estate after it has come to his hands.

[Here the hammer fell.]

Mr. BRYAN. I ask that the time of the gentleman be extended until he concludes his remarks.

The gentleman from New York [Mr. RAY] is a Mr. OATES. member of the Judiciary Committee. I hope his time will be extended indefinitely. The Chair hears no objection. The gen-

The CHAIRMAN. tleman will proceed.

Mr. RAY. So, if some creditor proves a false claim against the estate, and the bankrupt fails to hunt up the trustee and disclose the fact, he may be sent to prison for two years, while the trustee, who has stolen the entire estate from the creditors, occupies the adjoining cell under precisely the same term of imprisonment. So, under the seventh subdivision of section 29, if the bankrupt, in contemplation of bankruptey, has obtained on credit any property, even five dollars' worth, with intent not to pay for it, or with the intent to prefer a creditor therewith, he may be punished the same as the trustee who has stolen the en-tire estate. So, under subdivision 11 of section 29, if the bankrupt, in contemplation of bankruptcy, shall have transferred any property purchased on credit otherwise than in the ordinary course of "his business," he may be punished in the same manner and to the same extent as the trustee who has stolen the entire estate.

This section, in my judgment, is mighty hard on the poor bankrupt, but very lenient to the thieving or dishonest trustee. Some merchant hard pressed by his creditors is contemplating bankruptcy; he has not determined on bankruptcy, but does not see his way out clearly, and sits on a keg of mackerel and seriously and sadly contemplates bankruptcy. Bankruptcy stares him in the way out clearly, and sits of a meg of mackerel and seriously and sadly contemplates bankruptcy. Bankruptcy stares him in the face. At his home up the street his children are crying for bread and perchance for fish. It so happens that he purchased the keg of mackerel on credit. In the ordinary course of "his business" he sells mackerel to his customers, but on this occasion he transfers some of the mackerel to his home to feed his children, or, to bring myself within the exact language, meaning, and intent of subdivision 11 of section 29, I will put it that he trades the mackerel to the baker for bread to meet the immediate necessities of his family

This act is declared to be a crime under section 29 of this bill, and if his contemplation of bankruptcy works out in actual bankruptcy, either upon his own petition or upon the petition of his creditors, he may be convicted of the offense, and in the discretion of the judge, sent to prison for two years. The trustee of his estate appointed by the court steals the whole of it and he too is convicted, but under the provisions of the same law cannot be sent to prison for a longer period than the bankrupt himself who listened to the cry of his children and sinned against a

keg of mackerel.
Mr. OATES. You do not mean to say th
man to the penitentiary for two years?
Mr. RAY. Certainly, if he is convicted.
Mr. OATES. How could he be sent to the You do not mean to say that a judge can send a

How could he be sent to the penitentiary with-

out a jury trial?

Mr. RAY. But a jury under the precise facts I have stated would be compelled (if they were honest men, abiding by their would be competied (if they were nonest men, abiding by their oaths, to find the man guilty; upon his own testimony he would have to say, "I am guilty." Did he not get trusted for the mackerel; did he not at the time he took it and traded it off for bread-contemplate bankruptcy? Did he not know and think he must go into bankruptcy? The gentleman is too good a lawyer not to know that this man, trading fish for bread, though it was done to feed his children, was notacting "in the ordinary course of his business".

Mr. GOLDZIER. Do you not think it is rather a fishy case?
Mr. OATES. I did not take issue with you on your fish and bread trade at all. I take issue with you on the assertion of fact that a judge could send a man to the penitentiary.
Mr. RAY. Did I say penitentiary?
Mr. OATES. Well, penitentiary or prison, whatever it was.
Mr. RAY. I thought I said prison. Under the provisions of this bill the judge could do so.
Mr. OATES. Oh, no. Will the gentleman point out any clause of the bill that allows it?
Mr. RAY. Why, Mr. Chairman, the gentleman from Alabama is too good a lawyer to deny that statement. Who sentences a man, let me ask, when convicted of a criminal offense? Mr. GOLDZIER. Do you not think it is rather a fishy case?

Mr. OATES. But it is for the jury to find him guilty, and then

the sentence of the law is enforced.

Mr. RAY. Yes; but here the jury must find the man guilty, because under the provisions of this bill he must plead guilty if because under the provisions of this bill he must plead guilty if because under the provisions of this bill he must plead guilty if he pleads honestly, or be found guilty by the jury. The man who has done the simple thing that I have suggested must plead guilty as an offender against the law, if he tells the truth. The jury would be compelled to convict on that evidence.

I will admit, Mr. Chairman, that my illustration is an extreme one, but I could stand here and detail circumstances liable to arise within the operation of this law where it would be just as barsh and just as outrageous to imprison a man as in this sup-

harsh and just as outrageous to imprison a man as in this sup-posed case. It is a violation of the law to do what I have sug-gested, and this bill so makes it and provides the penalty. That is what I mean.

Now, you enact a law that makes such a little trivial thing as that an offense against the law subjecting the offender to a harsh and unusual punishment, if you pass this bill as it stands.

Mr. OATES. I think if a jury convicted a man under such circumstances he could get out under the old law principle de

cumstances he could get out under the old law principle de minimis non curat lex.

Mr. RAY. Well, the gentleman is so learned in his Latin that I will not undertake to follow him. I will not stop to bandy words with him. I wish he was more learned indrawing bankruptcy bills, and had given less of his time to Latin.

Mr. OATES. You had a part in the consideration and framing of the bill. Did you ever offer these amendments?

Mr. RAY. Why, the gentleman knows I had a quarrel with him constantly over these matters. Some of the amendments

Mr. RAY. Why, the gentleman knows I had a quarrel with him constantly over these matters. Some of the amendments that I suggested were put in; some were objected to; and since the gentleman has asked the question I will state that a majority of the Committee on the Judiciary were unable to agree upon this bill, and it only came into this House under a promise or agreement that every member of the committee should have the right on the floor of the House to propose such amendments as

e saw proper or thought necessary to perfect the bill. Mr. OATES. And that promise will be kept as far as I am

Mr. RAY. I know it will; but you were intimating the possibility, as I understand, that I had assented to the bill in its present form.

Mr. OATES. Oh, no; I understand that you did not in its mr. OAIES. Oh, no, I understand that you did not in its present form. In the main you did, but you wanted it amended.
Mr. RAY. That is correct. I am in favor of a bankrupt law. I think we need one on the statute books of the country. I think we should have a permanent one; but what I am fighting against here are the unwise and harsh provisions of the bill which have found their way into the proposed measure and are in it as it came from the committee room. But I do not criticise the

came from the committee room. But I do not criticise the gentleman from Alabama therefor. I acknowledge his great ability. At the same time I will criticise him in the way I have, and I do not think he will be angry at what I say.

Mr. BAILEY. If it will not disturb the gentleman from New York, I beg leave to remind him that when this bill was reached there was a bare quorum of the Judiciary Committee present. So far as the bill itself is concerned, unless it be amended the majority of the committee will acted grant the state of the committee of the committee will acted grant the state of the committee of the c

so far as the bill itself is concerned, unless it be amended the majority of the committee will vote against it.

Mr. RAY. Well, I do not know how that may be. I am not prepared to give an opinion on that subject. I was only justifying myself in the opposition I am making to it, because I should not like to appear on the records of this House as having approved of a bill in committee and then come in here upon the floor of the House and attacked it in any feature. Every member of the committee comes to the control to the life. ber of the committee comes to the consideration of the bill with the permission of the committee to exercise his right of opposition in the manner that he may think wise and proper. We may

tion in the manner that he may think wise and proper. We may advocate it, oppose it, propose, and, if possible, carry amendments. In the end we may vote for or against it.

Subdivision 11 of section 29 should be stricken out of this bill. It is impossible for any business man to live and do business without transferring property otherwise than "in the ordinary course of his business." Every man has a business which in legal contemplation is "his business." The business of the blacksmith is to make and repair implements and shoe horses: the business of the lawyer is to draw every sive advice and attend to suite of the lawyer is to draw papers, give advice, and attend to suits and proceedings in court: the business of the clergyman is to attend to the spiritual needs of his people and preach on the Sabbath day; the business of the merchant is to buy goods and sell them to his customers at wholesale or at retail, as the case may be; the business of the hotel-keeper is to lodge and feed his guests. Each may have property which he has obtained on credit, and this property may not be such as he uses in conduct-ing "his business." In contemplation of bankruptcy, with bankruptcy staring him in the face, he transfers this property for money with which to meet present and pressing necessities. He does with it what he has never done before, what the ordinary

course of his business would not require or permit him to do. He is not versed in the law; he has not studied this act, or if he has he does not understand the meaning of this provision, and so he has become a criminal and subjected himself to imprisonment for two years.

I ask the members of this House, will you assent to it? Will you enact the provision I have just referred to into a law? If you doubt what I assert, examine subdivision 11 of section 29 of the bill. Read it for yourselves, and you will be convinced that my criticisms are justifiable. I repeat, then, this subdivision should be stricken from the bill.

Turn to subdivision 6 of section 29, in line 17, page 28. It is there provided that the bankrupt may be imprisoned for two

years if he has-

made a substantially false valuation, as a bankrupt, of any of the property of his estate in his schedule of property, or omitted therefrom any the property of his estate, or from the list of his creditors any person of whom he is indebted in a substantial amount, or included therein any person to whom he is not indebted, or included therein a creditor for an amount substantially more than the true indebtedness.

I would respectfully suggest that this be amended by inserting the words "knowingly and willfully" before the word "made," in line 17. If the bankrupt should knowingly and willfully do any of these things he ought to be punished, but he should not be punished if he does those acts or any of them willfully merely. If he omits from his schedule property belonging to his estate he does it willfully, of course, but he may not do it knowingly. What would be better would be to insert the words "knowingly and" before the word "willfully," in line 3, page 27.

Section 61 provides for the designation by order of certain

banking institutions in which the moneys belonging to a bankrupt shall be deposited. The money thus deposited becomes the money of the bank, and the relation of debtor and creditor arises between the bank and the trustee or the bank and the creditors of the estate. While there is little chance for loss in such cases, it imposes no hardship on the bank to require it to give security in each case for the money deposited. If the bank is to have the benefit of the deposit during the pendency of the proceeding it should be willing to go to this expense and trouble.

It seems to me that the law itself should contain some provision as to the form and the amount of the bond to be required, and that the giving of the bond should in all cases be obliga-

Section 62 provides that the actual and necessary expense in-curred by officers in the administration of estates shall be re-ported in detail, examined, and approved or disapproved, and that if approved by the court, they shall be paid or allowed out of the assets of the estate in the administration of which they were incurred.

It seems to me that greater restrictions should be imposed upon the officers who administer estates in the matter of expenses. What class of expenses shall be considered necessary? penses. What class of expenses shall be considered necessary? May the trustee employ an attorney: and if so, how many may he employ, and what shall be the measure of their compensation? It seems to me that the door is left wide open for all ordinary estates to be swallowed up. The trustee may prosecute suits and the trustee may defend suits. The trustee may involve the estate in all sorts of contests, and in the large towns and cities especially the fees of lawyers and the expenses of such litigations could be swelled to unlimited amounts. In my judgment no litigation should be permitted without the consequent ment no litigation should be permitted without the consent and approval of the bankrupt himself and of a majority of the creditors, with a provision that such consent may be dispensed with by the court on a hearing of the parties, in case such consents can not be obtained.

I am quite well aware that it is impossible to provide by law expressly for all the exigencies of a proceeding in bankruptcy, but a bankrupt law which is so lax or wanting in safeguards as to permit the wasting of estates will result in no good and will produce great harm. Such a law, like its predecessors, will get speedily into disrepute and excite a popular clamor for its

Such a law, if enacted at all, should in its operation be just to the debtor and just to the creditors; it should be speedy in its operation, simple in its provisions, and easily understood. It should guard against frauds, whether committed or attempted by the debtor class, the creditor class, or the officers charged with its execution. It should provide for the saving and equitable distribution of the estates of bankrupts, and should be so that the greditors and not a head of the transport of the saving and equitable distribution of the estates of bankrupts, and should be so framed that the creditors, and not a horde of attorneys and of-

ficials, shall receive the assets of the estate in final distribution. Such a law will meet the approval of all classes of our citizens, and while it will work no hardships, it will enable thousands of honest hard-working men to escape from financial troubles into which they have fallen, or into which they may be precipitated by the faults and wrongdoing of others, or by unwise legislation respecting the financial and industrial interests of our great

It is now conceded by our Democratic friends that under this Administration the revenues are insufficient to meet the current expenses of the Government. The money in the Treasury to the extent of about \$53,000,000 is made up of the proceeds of bonds sold to provide a fund for the payment of outstanding United States notes. It is a trust fund, and we have no more right to use it for the current expenses of the Government than we would have to sell the bonds on deposit to secure the national bank note circulation and appropriate the proceeds to meet such expenses. The Government is guilty of a breach of trust every time it puts its hand on a dollar of this gold reserve for any other purpose than the redemption of Government notes. And according to the report of the Democratic members of the Judiciary Committee every dollar now in the Treasury belongs to that fund. (Report

Still, it is proposed, seriously and gravely, to reduce the revenues of the Government by cutting down the duties on imports. It seems to be the theory of some that the less money we receive It seems to be the theory of some that the less money we receive into the Treasury the more we will have. They argue that the lower the import duties, the greater will be the receipts from that source. The same men argue that if we largely reduce the duties on imports there will be a great increase in the importation of foreign-made articles, and that therefore there will be a large increase in the duties collected and paid into the Treasury. Is it not true that we now import all the foreign-made articles and all the foreign merchandies that our people need?

Can we largely increase such importations without a correspond-Can we largely increase such importations without a correspond-ing decrease of our home productions, and if we have a large decrease in home productions shall we not throw our home labor out of employment, close our mills and factories, and bring disaster and ruin upon thousands of our traders and manufactu-

It seems to me that if the present policy of this House as semi-officially announced, and as well understood, is carried out that we shall have widespread disaster, not only in financial but in industrial circles. We shall have almost universal bankruptcy and absolute need for a bankrupt law.

It is wise for our Democratic friends to be prepared for the woe that has some to a slight extent through the mere threat of tariff tinkering and which is sure to come and bring universal suffering and distress if the tariff plank of the Democratic party is to be lived up to.

Therefore, let us pass this bill, and by it, so far as pe provide a way out for those who are to be plunged into this gulf of financial and industrial ruin, and who, even now, through well-

of financial and industrial ruin, and who, even now, through wellgrounded fear, seem to totter upon the ragged edge of the abyss
being prepared for them. [Applause.]

Mr. BRYAN. Mr. Chairman, I do not rise to enter into a discussion of the bill, but to put upon record my objections to it in
its present form, or in any form which it is liable to assume before it is put upon its final passage.

Without discussing whether it is as good a bill as can be drawn
upon the theory which it embodies or not, I am willing to concede that those who have framed the bill and who have presented

cede that these who have framed the bill and who have presented it are gentlemen of high ability as lawyers, and as I have ob-served this debate 1 have been impressed with the belief that we will give to those who framed the bill our praise, and then give

our votes against their offspring.

The purpose of this bill, it seems to me, is apparent; and perhaps the gravest objection which can be made to it is that its real purpose is not the one which is most emphasized in its disreal purpose is not the one which is most emphasized in its discussion. When we attempt to discuss a bankruptcy bill, we always speak, if we speak in favor of the bill, of the great hardship to the debtor who is honest, who has given up his property to his creditors; the hardship to him in not being able to be relieved of the balance which he owes, so that he can commence life again; and we all recognize that if it were possible to so frame a law that every honest man who has failed without his intentional fault could give up his property fairly to his creditors, be released, and commence life again in a business way, that it would be wise. it would be wise

But the difficulty is that this bill is not demanded by that class of people. I think if we would look at the requests which have come to this body and to us individually in behalf of the bill we would find very few if any from the debtor class. The bill comes from the wholesaler, who desires some better way of collecting his debts; and the sympathy which is wasted upon the poor debtor who can not be relieved of the burden of his debt is wasted in the interest of the man who has much more concern for his debt than for the man who owes it. And I think one of the best evidences that the purpose of the bill is to aid the remote wholesaler is the fact that no bond is provided here to secure the debtor against injury, if the petition is wrongfully filed.

If a man goes into a State court and files an attachmentagainst

a debtor, it being an extraordinary process, he is required to give bond, and if the attachment is wrongfully issued he is liable in damages to the man whose property is taken, or whose credit he

has attacked.

In this bill there is no such provision. A man may be a dealer in a small town. He owes some person in a distant State. That person can come and file a petition in bankruptoy. He can throw discredit on that man, and in nine cases out of ten the petition will make the man a bankrupt, whether he was a bankrupt to begin with or not. You take a man in business, a business which is reasonably profitable, a man who is able to meet his debts as to pay all his debts. Put that man into bankruptcy, compel him to sell his assets at what they will bring, and, besides paying his debts, compel him to pay the cost of collecting his debts through a bankrupt court, and I assert that nine-tenths of the business men of the country would not be able to go through that court and pay their creditors in full.

Mr. OATES. Will the gentleman from Nebraska [Mr. BRYAN] Mr. ÖATES. Will the gentleman from Nebraska [Mr. BRYAN] allow me just there to say that while he truly states that the bill as framed does not require the petitioning creditors to give a bond when they undertake to put a man into bankruptcy, yet they can not seize nor interfere with his property. It remains in his possession, so that the proceeding against him to put him into bankruptcy is just like any other suit that is brought of an ordinary character, and the defendant has a right to defend against it. So if the grounds alleged in the petition are not true, according to the terms of the law, he gains his suit and is not adjudged a bankrupt at all. If they want his property seized, or suspect that he is going to dispose of it improperly, they are required to make affidavit to that effect and give bond, and if that bond is not given his property is not interfered with, unless and until after he is adjudged a bankrupt.

and until after he is adjudged a bankrupt.

Mr. BRYAN. The gentleman's answer does not meet my objection. The attack is upon the man's credit, and when that petition in bankruptey is filed, that man will be known through. out the business community as a bankrupt, and he can not wait until after he has gone into court and disproved it, nor can he recover, from this man who files the petition, the damages

which he wrongfully suffers by having his credit attacked.

And I insist, Mr. Chairman, if the purpose of this bill is to protect the debtor, it must have a provision in it that if a person attacks the credit of a business man by filing a petition in bank-ruptcy, he shall give a bond to pay the defendant the damages which he suffers if he is mistaken in filing that petition; and I insist that unless that is done the gentlemen who favor this bill should withdraw their remarks about its being in the interest of the debtor.

Mr. OATES. If the gentleman will allow me, when we consider the bill under the five-minute rule, such an amendment will be in order.

will be in order.

Mr. RAY. - I want to call attention further to the fact that the poor debtor, when they file the petition against him, as the bill now stands, is not even permitted to get rid of the proceeding by going to the creditor who filed the petition and paying the debt. He should be permitted to get rid of the proceeding either by paying the money to the creditor, or, in case the creditor will not take it, he should be permitted to pay it into court.

Mr. BRYAN. The gentleman from New York has very ably presented in detail many of the objections to this bill, and I fully agree with him that the objection which he now points out is a valid one, and I agree also that the objection which he called attention to, that the trustee was subject to the punishment of only two years in prison in case he embezzled the funds of the

only two years in prison in case he embezzled the funds of the bankrupt, no matter how great those funds were, is an important one.

But without going into details, I simply call attention to the absence of a bond to show that the purpose is not to protect the debtor. If a creditor comes into my State and destroys the credit of one of the business men, that business man whose credit is destroyed should have his remedy. Can he go to St. Louis, Chicago, or New York, or to a distant city to prosecute his suit? It is impossible, sir, and yet you say to that business man that he can have his business destroyed, his credit ruined, and his property taken, and he shall not have the protection of a bond of the man who does it. a bond of the man who does it.

a bend of the man who does it.

Mr. ALLEN. I would like to ask the gentleman from Nebraska if he thinks the creditor class would need any protection if we get rid of this silver legislation that we are likely to have. [Laughter.]

Mr. BRYAN. Mr. Chairman, my opinion is, that if the news is true which has reached us to-day, of the probability of the unconditional repeal of the Sherman law and the establishment of a gold standard in this country, as I believe that contemplates, we will need some law to relieve the debtor of his debts; but I would rather have a voluntary bankrupt law than an in-

voluntary one, because, Mr. Chairman, there will be enough voluntary bankruptcy when we feel the full force and effect of that change in our monetary system.

Mr. OATES. Then that limits your opposition to the invol-

untary clause?

Mr. BRYAN. I was going to say, Mr. Chairman, that if there could be introduced here a bill providing that whenever a debtor should fairly give up his property to his creditors and, as far as that property would go, honestly discharge his debts, and that, having done that, he could then come in and ask for a discharge, I would favor it; but I do not know that I would favor any plan ten investigations and the property would favor any plan ten investigations.

for involuntary bankruptcy enforced through the machinery of

in the Federal courts.

Mr. OATES. Will the gentleman allow me just there? Does the bill meet your approbation except as to the involuntary part?

Mr. BRYAN. If all the involuntary part of this bill were taken out, the influences at work for the last four or five years to secure the passage of the bill would not be in favor of the bill. The great wholesale associations have inspired this measure; I do not mean to say any person in this House favors it for that reason, but that it has been inspired by the wholesale associations through their attorney. I do not believe they would ever come to Congress and ask for a voluntary bankruptcy law, and if you ever take the involuntary features out you will destroy all

if you ever take the involuntary features out you will destroy all the bill that has propelling force in it.

Mr. ALLEN. Does the gentleman intend to intimate that he suspects Mr. Torrey, who has been around here for four or five years advocating this bill, is here purely in the interest of the oppressed debtors? [Laughter.]

Mr. BRYAN. I can not make the suggestion as gracefully as the gentleman from Mississippi, but in saying what I have in regard to the action of Mr. Torrey, as his name has been mentioned, I do not mean to reflect upon that gentleman, because I have had occasion to remark that I have never known of any person interested in the passage of a bill through this House who accement to be sofair in the presentation of a case or as courteous who seems to be so fair in the presentation of a case or as courteous as Mr. Torrey; and I wish that all outside persons who desire to assist in legislation here would follow the example of Mr. Torrey. But the fact that he is fair, the fact that he is simply, as far as I know, trying to show the advantages of this bill to the members does not take away the fact, nor does it disturb the fact, that the bill was drawn, brought to this House, and is urged through not in the interest of the poor debtor who is to be discharged, but in the interest of the creditor, who desires better means of Mr. OATES. Wi Mr. BRYAN. Ye

Will my friend allow me right there? Yes, sir.

Mr. BEYAN. Yes, sir.
Mr. OATES. Now, as Judge Torrey's name has been brought
into this debate, and as on yesterday a gentleman saw proper to
speak of a lobby here getting \$15,000 per annum to carry this
bill through, I desire to state that I have been serving on the Judiciary Committee through ten years, and I remember the first bankruptcy bill ever brought in was the Lowell bill, one framed by Judge Lowell, of Massachusetts, and was under the control of Mr. Pat Collins. Then the next one that was introduced and referred was the one known as the Torrey bill. Judge Torrey is the only man who in all these years I have ever met who could be said to be lobbying or working in favor of the bankruptcy

I have met him frequently. He has sat with the Judiciary Committee at its request in order that we might ask him ques-tions. He is an authority upon questions of bankruptcy law. I have never seen a more gentlemanly man or one who deporte himself in a more commendable manner than Judge Torrey. is here now, because I telegraphed to him the other day that the bill was going to be considered and requested him to come. I have consulted with him frequently about this subject. The bill bears his name, and I suppose he would take great pride in seeing it pass; but as to any lobby, or anybody being paid to come here in the interest of this bill, I believe that to be an absolute and downright falsehood. Certainly if there was, or if there is, any such thing, no man has ever dared to approach me in that way.

I desire to say further that in the statement of the gentleman from Nebraska [Mr. BRYAN] as to Judge Torrey I entirely concur. I have never seen anything to object to in his conduct, and if there is any lobby in the interest of this bill, or if there has been such at any time, I have never met any body connected with it, nor have I ever seen or heard any authoritative statement, nor do I believe that it existed.

Mr. BRYAN. The gentleman from Alabama does not understand that anything that I have said reflects upon Judge Torrey,

or upon any other person in connection with this matter?

Mr. OATES. No, sir; but inasmuch as the subject came up, Iasked permission of the gentleman from Nebraska [Mr. BRYAN] to make this statement.

Mr. BRYAN. I am perfectly willing, Mr. Chairman, to have the statement go into the RECORD, and to say further, that if there is to be any person here in the interest of this bill, there could be no better person here in the interest of this bill, there could be no better person than Mr. Torrey. He gave evidence of desiring to be perfectly fair. He asked me what objections I had to the bill, and seemed to be anxious to know whether anything could be done to perfect it, but I was not able to find any way of perfecting it without destroying all of the bill that would make it useful to those who desired it.

Mr. OATES. I have differed with Judge Torrey myself as to the provisions of the bill.

some of the provisions of the bill.

Mr. ALLEN. Mr. Chairman, with the permission of the gentleman from Nebraska, I desire to make a brief statement. I happened to mention Col. Torrey's name, but I did it by way of resenting any imputation upon him, because I regard him rather as my attorney in this matter. [Laughter.] Being one of the debtor class myself and very much interested in this bill, probdebter class myself and very much interested in this bill, probably too much so to vote upon it [laughter], I have supposed all the time that Col. Torrey was here as a pure philanthropist, representing me and trying to find a plan to get me out of my difficulties, which are similar to those in which a good many other people in this country find themselves, and, I repeat, I mentioned his name rather by way of resenting the imputation that he was here for any improvement.

that he was here for any improper purpose. [Laughter.]
Mr. BRYAN. Mr. Chairman, I have been led by the questions
which have been put to digress from what I had intended to say. simply rose to express my objections to the bill in its present form, or, as I have said, in any form which it is likely to assume. I do not believe that our experience of bankruptcy laws leads us to hope that this bill, if passed, will differ in its fate from those

which have preceded it.

I believe that the difficulties which attended upon the operation of previous bankrupt laws were inherent difficulties, and can not be eliminated from any law which seeks to enforce through the Federal Government and its courts involuntary bankruptcy. I believe that any such law will be oppressive and will work hardship, and that that oppression and that hardship will make the people who vote for it regret their action, and that it will be only a question of a short time when Congress will be glad be only a question of a short time when Congress will be glad to undo what many gentlemen now seem so willing to do. If we could, as I-have said, devise a law which would permit a man to obtain a release from his obligations when he had acted honestly with his creditors, and given up his property in settlement of his debts, I would be in favor of it; but I do not hope from this Congress, or perhaps from any succeeding Congress, any such law, because that kind of a bill does not come into Congress. The debtors do not ask it, but those who seek better means of enforcing their claims against debtors come in with these hills.

enforcing their claims against debtors come in with these bills enforcing their claims against debtors come in with these bills which involve both voluntary and involuntary bankruptcy, and the benefit of the debtor is made the excuse for giving additional advantage to the creditor. Therefore, sir, I shall vote against this bill. I shall be glad to vote for any amendments which may improve it. Many of these proposed by the gentleman from New York [Mr. RAY] I shall be glad to favor. Any amendments which may make the bill better I shall vote for, but when all have been adopted, and when we have improved it as much as we can, even if we should put in the clause providing that a bond shall be given by the man who files a petition, so that the debtor shall be to that extent protected, it should not be passed if the involuntary feature is retained. Even if we provide passed if the involuntary feature is retained. Even if we provide for a bond, I believe still that in our larger Western States you can, under such a law, take men from one corner of the State, drag them to the Federal court in another part of the State, and there make them give up their property and have it all absorbed in expenses and in the fall in price resulting from its sale under such circumstances.

I believe that as long as you undertake to administer a bank-rupt law in the Federal courts you will subject your citizens to the danger of being carried away from home, to the hardship of being taken from their State courts and local tribunals, and made to settle their difficulties in the Federal courts, and that, therefore, the law will be so obnoxious to the people as to make

its speedy repeal necessary.

Mr. OATES. Mr. Chairman, I move that the committee rise.
The motion was agreed to. The committee accordingly rose, and the Speaker having resumed the chair, Mr. OUTHWAITE, from the Committee on the Whole, reported that they had had under consideration a bill (H. R. 139) to establish a uniform system of hankruptey, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. Covert, by unanimous consent, obtained leave of absence for four days on account of important business.

The House then, on motion of Mr. Oates (at 4 o'clock and 42)

minutes p. m.), adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Judiciary was discharged from the consideration of the bill (H. R. 2692) to permit Anna M. Coleman, a widow, to prosecute a claim, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows: By Mr. MUTCHLER: A bill (H. R. 4228) to amend an act en-

By Mr. MUTCHLER: A bill (H. R. 4228) to amend an act entitled "An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico," approved March 2, 1889—to the Committee on Military Affairs.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 4229) to abolish the office of naval office at ports of entry or other places—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of New York (by request): A bill (H. R. 4230) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, in such manner as to secure the just and orderly conduct of the American railroad system—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Washington: A bill (H. R. 4231) providing for the construction of two steam revenue cutters for the Pacific coast—to the Committee on Interstate and Foreign Com-

By Mr. BROSIUS (by request): A bill (H. R. 4232) to establish a gold and silver currency on a basis of interchangeable value—to the Committee on Banking and Currency.

By Mr. FLYNN (by request): A bill (H. R. 4233) granting the Oklahoma Central Railroad Company the right of way across

Oklahoma and Indian Territories-to the Committee on Indian

Affairs.

By Mr. BINGHAM: A joint resolution (H. Res. 79) for the relief of Peter Hagan—to the Committee on Claims.

By Mr. CAMINETTI: A joint resolution (H. Res. 80) fixing construction to be given to section 3 of "An act in aid of the California Midwinter International Exposition," approved September 1, 1893 so as to prevent the importation of foreign laborers prohibited by existing laws—to the Committee on Immigration

and Naturalization. By Mr. SAYERS: A resolution to amend clause 4 of Rule XXIV—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of New Hampshire: A bill (H. R. 4234) for the

relief of John O'Brien-to the Committee on the District of Columbia.

By Mr. BELL of Colorado: A bill (H. R. 4235) granting a pension to Richard C. Snow—to the Committee on Invalid Pen-

By Mr. BRECKINRIDGE of Arkansas: A bill (H. R, 4236) for the relief of John A. Smith, of Pine Bluff, Ark., for injuries received in the employ of the United States Government—to

the Committee on Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 4237) for the relief of Serena M. Clay, of Toronto, Kans.—to the Committee on War

Also, a bill (H. R. 4238) granting a pension to Samuel Myers, of Topeka, Kans.—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 4239) for relief of M. J. Gel-

strap-to the Committee on Invalid Pensions.

By Mr. HOUK of Tennessee: A bill (H. R. 4240) to correct the military record of Riley Miller—to the Committee on Military

Affairs.

By Mr. WHITING: A bill (H. R. 4241) for the relief of David Sarsfield—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows: By Mr. BRECKINRIDGE of Arkansas: Affidavit of John A.

By Mr. BRECKINKIDGE of Arkansas: Amdavit of John A. Smith in his claim for relief—to the Committee on Claims. Also, affidavit of Cole A. Carlisle in claim of John A. Smith for relief—to the Committee on Claims.

Also, affidavit of S. M. Taylor, M. D., in claim of John A. Smith for relief—to the Committee on Claims.

By Mr. HITT: Petition of the Northwest Swedish Annual Conference of the Methodist Episcopal Church, Galesburg, Ill., 75 ministers, 10,000 members, for the repeal of the Geary law—to the Committee on Foreign Affairs.

By Mr. LUCAS: Petition of miners in Custer County, S. Dak., against extending time for doing assessment work on mining against extending time for doing assessment work on mining claims—to the Committee on Mines and Mining.

By Mr. McNAGNY: Papers to accompany House bill 4223

for the relief of Isaac Thompson—to the Committee on Military Affairs

By Mr. STRAIT: Resolutions of the Kershaw County Farmers' Alliance, of South Carolina, favoring the abolition of national banks at the expiration of their present charters—to the Committee on Banking and Currency.

Also, resolutions of the Kershaw County Alliance, of South Carolina, requesting Congress to authorize the issue of legaltender notes (as bank notes are now issued) in amounts sufficient

tender notes (as bank notes are now issued) in amounts sufficient to move crops when harvested, the same to be equitably apportioned among the several States, upon ample security, such as State bonds, nonperishable farm products, etc.—to the Committee on Banking and Currency.

By Mr. WEADOCK: Petition of Michigan Annual Conference of the Methodist Episcopal Church, for the repeal of the Geary law—to the Committee on Foreign Affairs.

By Mr. WILSON of Washington: Petition of 48 citizens of Fruitland, Stevens County; of 116 citizens of Rockford: of 43 citizens of Washington: of 78 citizens of Kettle Falls; of 20 citizens of Tyler; of 87 citizens of Loomis; of 18 citizens of Mount Hope; of 46 citizens of Mead; of 16 citizens of Kinnewick; of 68 citizens of Fairfield; of 15 citizens of Sunk Point; of 147 citizens citizens of Fairfield; of 15 citizens of Sunk Point; of 147 citizens of Lincoln County; of 9 citizens of Spokane County; of 30 citizens of Cooperville; of 39 citizens of Junction City; of 30 citizens of Oroville; of 39 citizens of Junction City; of 30 citizens of Benbury; of 63 citizens of Franklin County; of 202 citizens of Spokane County; all of the State of Washington, in opposition to the repeal of the Sherman act, unless said repeal shall provide for the continued use of silver on terms more favorable to silver-to

the Committee on Coinage, Weights, and Measures.

Also, resolutions of the Republican Union of Spokane, relative to the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, October 25, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.]

The Senate met at 11 o'clock a. m., at the expiration of the The VICE-PRESIDENT. The Senate resumes its session.

The Chair lays before the Senate the unfinished business, being House bill No. 1, which will be stated by title.

The SECRETARY. A bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and

for other purposes."

The VICE-PRESIDENT. The Senator from Nevada [Mr. STEWART] is entitled to the floor. Before he proceeds the Chair will lay before the Senate a bill from the House of Representatives for reference; and also present several petitions.

HOUSE BILL REFERRED.

The bill (H. R. 9) to transfer the Morris Island life-saving station, near Charleston, S. C., to Sullivans Island, was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Democratic State committee of California, praying for the enactment of legislation placing certain restrictions upon the immigration of Chinese and Japanese; which was referred to the Committee on Foreign Relations.

He also presented petitions of the drug trade section of the New York Board of Trade and Transportation; of the Iroquois New York Board of Trade and Transportation; of the Iroquois Club, of Chicago, Ill.; of citizens of Duluth, Minn.; of the Wholesale Saddlery Association, of St. Louis, Mo., and of the Trading Men's Democratic Club, of Peoria, Ill., praying for the immediate repeal of the silver-purchasing clause of the so-called Sherman law; which were ordered to lie on the table.

Mr. MCMILLAN presented a petition of the Michigan Annual Conference of the Methodist Episcopal Church, of Grand Rapids, Mich., praying for the repeal of the so-called Geary Chinese law; which was referred to the Committee on Foreign Relations.

Mr. TELLER presented a petition of bankers and members of

Mr. TELLER presented a petition of bankers and members of the Franklin Club of Cleveland, Ohio, representing the views of the wage-workers of that city, praying for the unconditional re-peal of the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the table.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 1126) granting to the Des Moines Rapids Power Company the right to erect, construct, operate, and maintain a wing dam, canal, and power station in the Mississippi River, in Hancock County, Ill.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. WOLCOTT introduced a bill (S. 1127) for the relief of Nasario Gonzales; which was read twice by its title, and referred to the Committee on Indian Depredations.

to the Committee on Indian Depredations.

Mr. HOAR introduced a bill (S. 1128) for the relief of Barney Morgan, teamster, Quartermaster's Department; which was read twice by its title, and referred to the Committee on Pensions.

JUDICIAL OPINION ON SILVER COINAGE.

Mr. PEFFER. With the consent of the Senator from Nevada, I ask leave to offer a resolution, and I will state the way in which it comes. There is some difference of opinion on the part of it comes. There is some difference of opinion on the part of members of this body, and also persons outside of the body, who are discussing the matters pertaining to the financial situation, and they are anxious to have the resolution I submit referred to the Committee on the Judiciary in connection with the one referred there a few days ago, offered by the Senator from Alabama [Mr. Morgan]. I ask that the resolution may be read and then referred.

Mr. HOAR. Let it be read for information, the question of its

The VICE-PRESIDENT. The resolution will be read for the

information of the Senate.

The Secretary read the resolution, as follows:

Whereas a difference of opinion exists as to the legal effect of the repeal of a part of the act of February 28, 1878, by the passage of the act of July 14, 1880; and
Whereas some persons maintain that the free and unlimited coinage of the silver dollar at the ratio of 16 to 1 is the law of the land and has been since the passage of the act of February 28, 1878: Therefore, Resolved by the Senate, That the Committee on the Judiciary be, and it is hereby, directed to investigate and report on this question at its earliest convenience.

Mr. PEFFER. I will state that the resolution comes from per Mr. Perfer. I will state that the resolution connection per sons on the outside of this Chamber. It is entirely respectful, and I hope it will be referred to the Committee on the Judiciary. The VICE-PRESIDENT. The resolution will be referred to the Committee on the Judiciary.

STATEMENT REGARDING PACIFIC RAILROADS.

Mr. KYLE. Will the Senator from Nevada yield to me for

just one moment?
Mr. STEWART. Yes, sir.
Mr. KYLE. I have here a statement in reference to the Central and Union Pacific Railways. It is a statement of the operating expenses, gross earnings, net earnings, etc., of the two railways, compiled from the report of Governor Pattison, of Pennsylvania, and Poor's Railway Manual. It is a very important statement, and is in a condensed form. I should like to have unanimous consent that it be published as a miscellaneous docu-

ment.

Mr. CULLOM. By whom was it compiled?

Mr. KYLE. It was compiled by Mr. Selden Cowdon.

Mr. CULLOM. A Government officer?

Mr. KYLE. A statistician of this city.

Mr. CULLOM. Not a Government officer?

Mr. KYLE. Not a Government officer.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none, and it is so ordered. is so ordered.

COÖPERATION OF FOREIGN GOVERNMENTS IN WORLD'S FAIR.

Mr. SHERMAN. I ask the unanimous consent of the Senate to report back; without amendment, from the Committee on For-eign Relations the joint resolution (H. Res. 66) that the acknowl-edgments of the Government and people of the United States edgments of the Government and people of the United States be tendered to various foreign governments of the world in commemoration of the discovery of America by Christopher Columbus. It is a joint resolution passed by the House of Representatives expressing the acknowledgments of the Government and people of the United States to the various governments of the world who have generously and effectively cooperated in the Quadro-Centennial Exposition held in Chicago. If the joint resolution is to pass at all it should be passed before the close of the Exposition, as it requires acknowledgments to be delivered to the representatives of various countries, and I ask that It be put upon its passage now. I think there will be no objection to it.

The VICE-PRESIDENT. The joint resolution will be read. The joint resolution was read, as follows:

Resolved, etc. (1) That it is the sense of Congress that the acknowledgments of the Government and people of the United States betendered to the various foreign governments of the world who have so generously and

effectively cooperated in the quadricentennial Exposition held in Chicago in commemoration of the discovery of America by Christopher Columbus.

(3) That a certified copy of the foregoing resolution be prepared in suitable form by the Secretary of State of the United States, and forwarded through the customary diplomatic channels to the respective foreign governments who have participated in said Exposition.

ernments who have participated in said Exposition.

The Senate, by unanimous consent, proceeded to consider the joint resolution as in Committee of the Whole.

Mr. HOAR. The joint resolution is reported from the Committee on Foreign Relations?

Mr. SHERMAN. Yes; it is reported unanimously.

Mr. HOAR. It seems to me it is an exceedingly awkward and imperfect method of dealing with this question. The joint resolution provides that the acknowledgments of the United States be tendered to the various foreign governments, and the mode be tendered to the various foreign governments, and the mode of doing it is to give a sort of circular copy of the resolution, so that the Government of Great Britain will receive from President, or the Department of State, a copy of a resolution that our Government presents its compliments or tenders its auknowledgment to all the foreign governments of the world. It

Mr. SHERMAN (in his seat). You are mistaken. Mr. HOAR. The Senator says sotto voce I am mistaken. Mr. SHERMAN. I will state—

Mr. HOAR. Very well, let me proceed. It seems to me that the President of the United States should make an express courteous acknowledgment to each government by name, saying that the Government of the United States tenders its acknowledgment to the Government of France, or Mexico, or whatever may be the government. Let the joint resolution be read again, Mr. President.

Mr. CULLOM. The joint resolution reads as follows:

That it is the sense of Congress that the acknowledgments of the Government and people of the United States be tendered to the various foreign governments of the world who have so generously and effectively cooperated in the quadricentennial Exposition held in Chicago, in commemoration of the discovery of America by Christopher Columbus.

That a certified copy of the foregoing resolution be prepared in suitable form by the Secretary of State of the United States, and forwarded through the customary diplomatic channels to the respective foreign governments who have participated in said Exposition.

Mr. HOAR. That is just what I object to exactly.
Mr. SHERMAN. The Committee on Foreign Relations con-

Mr. SHERMAN. The Committee on Foreign Relations considered the resolution and unanimously regarded—
Mr. HOAR. I had not yielded the floor. I have not finished what I wish to say. I ask to have the joint resolution read. The Senator said sotto voce that I do not understand it.
Mr. SHERMAN. The Senator is mistaken. The committee

Mr. SHERMAN. The Senator is mistaken. The committee regarded the second clause of the joint resolution as enabling the Secretary of State not only to—

Mr. HARRIS. I do not know whether it is because Senators

do not speak loud enough or because there is too much conversation, but I can not hear a word.

Mr. HOAR. The Senator from Ohio was speaking in a low voice because he had not the floor.

Mr. HARRIS. I should be glad to hear.

Mr. SHERMAN. I thought the Senator from Massachusetts

had yielded the floor.

Mr. HOAR. I had not.

Mr. SHERMAN. Then I will sit down until the Senator is

Mr. HOAR. I think we should observe some degree of ceremonial or propriety in dealing with foreign governments. The governments of the world have with great generosity contributed vastly to the success of this wonderful national event, the commemorative Exposition at Chicago; and it is proposed very properly to make an acknowledgment to every government that has so contributed. How is it proposed to be done? It is proposed to be done by passing a joint resolution that the Congress of the United States tenders its acknowledgment to the various governments of the world which have done so and so, not specifying by name any one whatever, and then the second clause of the resolve is:

(2) That a certified copy of the foregoing resolution be prepared in suitable form by the Secretary of State of the United States, and forwarded through the customary diplomatic channels to the respective foreign governments who have participated in said Exposition.

The Emperor of Germany, and the President of the Republic of France, and the Government of Great Britain will receive a certified copy of the first resolution. What ought to be done, it seems to me, is that instead of the second resolution the Presiseems to me, is that instead of the second resolution the President shall be authorized to communicate to each government by name the obligations of the United States to that government specifically for its share, and that the mode proposed in this hastily drawn resolution would be almost a slight on any government. It is as if we should pass a resolution that the Government of the United States expresses its thanks to those citizens who contributed to the Exposition. There is no compliment to anybody in it, and no courtesy to anybody in it, and nothing which is individual or personal to any nation in it. If the Senator from Ohio will accept an amendment to the effect that the President of the United States be requested to forward to each foreign government that has participated in said Exposition the acknowledgment of Congress for such participation it would conform to my ideas. Otherwise I shall object to the further consideration of the joint resolution. Mr. CULLOM. That would involve the necessity, I think, of

Mr. CULLOM. That would involve the necessity, I think, of remodeling the joint resolution.

Mr. HOAR. I think it would.

Mr. CULLOM. Almost entirely.

Mr. HOAR. No; not the first resolve.

Mr. CULLOM. I am inclined to think it would, but whether that is the case or not, I agree with the Senator from Massachusetts. The truth is that the Government of the United States. setts. The truth is that the Government of the United States can not say too much within reasonable bounds in returning its thanks to the separate governments of the world which have taken part in this great Exposition. If the joint resolution as proposed does not cover the ground sufficiently, and it strikes me it does not, as the Senator from Massachusetts indicates, I think it would be well for the committee to change it, so as to make it as strong as the duty of the Government would dic-

If the Secretary will take down the amendment I suggested I will move an amendment, and then let the committee consider it. I move to substitute for the second resolution the following:

That the President of the United States be requested to communicate to each foreign government that has participated in said Exposition the acknowledgment of Congress for its contribution.

That is the substance of what I should like to have incorpor-

Mr. SHERMAN. Although I do not know that the joint resolution came from the Secretary of State or the State Department, I have no doubt that it did. It was introduced in the House of Representatives and it passed there in this form. I think it contains in precise form what is desired. Here is an expression in proper language, to which the Senator does not object, of the acknowledgment of the Government and people of the United acknowledgment of the Government and people of the United States passed by Congress, and then this acknowledgment by Congress is to be communicated to these different governments, as a matter of course, each one separately, embodying a copy of the resolution, and in language that may be prescribed by the Secretary of State in due form. The Secretary of State would undoubtedly, in proper form, as here authorized, in a suitable way, through the customary diplomatic channels, communicate to each government a copy of the resolution of Congress, which is the expression of the will and acknowledgments of the people of the United States. ple of the United States.

The Committee on Foreign Relations regarded this as a com-pliment which ought to be bestowed now, before the Exposi-tion closes. It was thought proper to pass the joint resolution in the present form, but I have no objection to any amendment that may be suggested, and if the Senator from Massachusetts wants time until to-morrow to look over it and suggest an amend-

ment I have no objection.

Mr. HOAR. I am satisfied with the one I have suggested.

Mr. SHERMAN. The Committee on Foreign Relations were unanimous on the subject and thought the joint resolution ought to be acted on promptly; but one day will not make much difference, and if the Senator desires time to look over it until tomorrow and prepare an amendment, let the joint resolution go

Mr. CULLOM. I agree with the Senator from Ohlo that we ought to act on the resolution very promptly. There are only three or four days remaining before the time for closing the Fair. Mr. HOAR. Is the Sonator satisfied with the amendment I

Mr. CULLOM. I think that amendment will be entirely sufficient if it does not conflict with any other portion of the joint

Mr. HOAR. Suppose we let the matter stand over and the Senator from Ohio can call it up again.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. Without objection the resolution

will go over

Mr. SHERMAN subsequently said: The Senator from Massachusetts (Mr. Hoar) has submitted an amendment to the joint resolution, to which I have no objection, and upon which I should like to have the action of the Senate now.

The PRESIDING OFFICER (Mr. BERRY in the chair). The

amendment will be read.

The SECRETARY. Strike out all of paragraph 2 of the joint resolution and insert in lieu thereof:

That the President of the United States be requested to communicate to ach foreign government that has participated in said Exposition the acnowledgment of Congress for its contribution.

The PRESIDING OFFICER. The question is upon agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

On motion of Mr. HOAR, the title was amended so as to read:

"A joint resolution (H. Res. 66) that the acknowledgments of the Government and people of the United States be tendered to various foreign governments of the world who have participated in commemoration of the discovery of America by Christopher

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House to print copies of the hearings before the Committee on Ways and Means.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Sen-

A bill (H. R. 101) to amend section 4131 of the Revised Statutes of the United States; and

A bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes.

W. L. HARDY AND OTHERS.

Mr. BUTLER, from the Committee on Foreign Relations, to whom was referred the resolution submitted by Mr. George on the 19th instant, reported it without amendment, and it was read, as follows:

Resolved, That the Secretary of State be, and he is hereby, directed to communicate to the Senate the present status of the claim of W. L. Hardy. John L. Carter, and William T. Holland against the Government of Spain for damages occasioned by their illegal arrest on board the brig Georgian, of the coast of Yucatan, by a Spanish warship, in May, 1850, and their subsequent imprisonment; what obstacles exist in the enforcement of said claim, and what action, if any, is needed to be taken by Congress in reference to the settlement of the same.

Mr. BUTLER. The resolution simply calls upon the State Department for information, and I ask for its immediate consideration.

The VICE-PRESIDENT. Is there objection to the present

consideration of the resolution?

Mr. FAULKNER. I do not rise for the purpose of making any objection, but it is understood, of course, that these proceedings are taken by unanimous consent, not displacing the measure now before the Senate.

The VICE-PRESIDENT. By unanimous consent. Is there objection to the present consideration of the resolution just read? The resolution was considered by unanimous consent and agreed to.

MARSHAL'S EXPENSES IN NEW YORK.

Mr. KYLE. With the permission of the chairman of the Committee on Finance, I should like to call up the resolution submitted by myself on the 16th of October calling upon the Secretary of the Treasury for certain information relative to the expenses incurred by the United States marshal for the southern district of New York.

Mr. VOORHEES. If it leads to no debate there is no ob-

The resolution was read, and agreed to, as follows: Resolved by the Senate of the United States. That the Secretary of the Treasury be, and he is hereby, directed to furnish to the Senate, as soon as may be practicable, a statement in writing of the expenses incurred by John W Jacobus, United States marshal for the southern district of New York, on account of deputy, assistant deputy marshals and special deputy marshals appointed by him, the said John W Jacobus, in and about the Presidential and Congressional election of 1892; the amount paid to each such deputy, assistant deputy marshals and special deputy marshals, together with their names and amounts of such payments to each.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 101) to amend section 4131 of the Revised Statutes of the United States; and

A bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed considera-tion of the bill (H.R.1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other pur-poses," the pending question being on the amendment proposed by Mr. PEFFER to the subctitute reported by the Committee on Finance.

Mr. STEWART. I do not want to parcel out the floor, but the Senate has been very kind to me in allowing me to suspend my speech that my colleague might proceed. The Senator from Alabama [Mr. Pugh] desires to submit a few remarks this morning, and if the Senate will allow me to go on after he concludes, I will give way. I ask unanimous consent that that course may

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. FAULKNER. What is the request? Mr. STEWART. That I may give way to the Senator from

Alabama [Mr. PURES], and then go on with my speech.

The VICE-PRESIDENT. The Senator from Nevada asks
permission to resume the floor after the conclusion of the remarks of the Senator from Alabama. Is there objection? The Chair hears none, and the Senator from Alabama will proceed.

Mr. PUGH. Mr. President, the debate on the bill to repeal the provision of the act of 1890, known as the Sherman law, that requires the Secretary of the Treasury to purchase at the market price 4,500,000 ounces of silver bullion and to issue in payment therefor certificates redeemable in coin, is one of the most important and instructive debates ever had in the Congress of the United States, because it involves the whole question of finance—the use of gold and silver as money—the issue of paper as currency to represent gold and silver, whether issued by the Federal Government as the principal, or national banks as fiscal agents of the Government, and also whether States shall charter banks to

aid in supplying currency.

These questions are conceded to be of world-wide importance, as they underlie and regulate all the material transactions of mankind, and especially at this time are they engaging the earnest attention and thoughtful consideration of financiers, politicians, statesmen, and people of all pursuits in Europe America. Is it not a sad commentary to go down in history that the Senate of the United States, admitted to be the greatest lawmaking body in the world, while struggling with these momentous questions should be subjected to the use of the whip and spur applied from the outside by the reckless, unscrupulous, and spur applied from the outside by the reckless, unscruptions, and irresponsible adventurers and speculators and conspirators against the general welfare employed in the service of money against labor and property to "hurry up and cease talking—debate is useless—the speeches are nonsense—nobody listens—nobody reads—the people want final action—the majority is ascertained and the majority must rule"? The wolves on Wall street and their keepers are howling for blood. They think they smell the dead body of silver and they have become ravenous.

Newspapers everywhere, dailies and weeklies, subsidized in this ignominious service, have arraigned the Senate as a public nuisance, and what they call the small minority as obstructionists and filibusters, public enemies and criminals, deserving the most condign punishment.

Who are these accusors and whom do they represent? How much credibility and influence have they in the communities where they live and where their papers are published and circulated? To test their influence and the accuracy of their statements as to public sentiment, suppose a mass meeting were called of the people living in the town, city, or county where these pa-pers are published, and where the editors reside, and that in such meeting the editor of the paper published there were to introduce a resolution declaratory of his financial opinions and policies and indorsing the House bill now pending in the Senate for the unconditional repeal of the only silver law now in existence, and condemning the action of the Senators who oppose the bill, how much influence would the editor have and exert upon such meeting in forming its opinion, and what weight would his statements that nearly all the people were clamoring for immediate and unconditional repeal of the only silver law have with

I feel perfectly confident that there is not a town, city, or county in any State in the South where such an editor could be induced to call such a meeting or to offer such a resolution, or in favor of which he would exert any influence, or make or in favor of which he would exert any inducate, or make or direct the opinion of a single man in the meeting, or where such a resolution could be passed. And yet all these editors are intelligent and worthy gentlemen. My colleague and myself, on our own knowledge of the people we represent and their practically unanimous opinion in favor of the free coinage of silver, and on letters and memorials coming from every county, town, and city in our State, from men we know to be representative man wall informed upon the subject of public opinion where men, well informed upon the subject of public opinion where they reside, and representing to us that nine-tenths of the people heartily approve our position and action on the repeal bill, do not believe that any mass meeting anywhere in Alabama, called on reasonable general notice, would pass such a resolution if all

the editors in the State were to attend and urge its passage. We challenge them to try it in any county.

How the people stand on the questions involved in this repeal

bill, and whether the Democratic party is to be enlisted into the service of the gold-standard advocates, will certainly be decided in the Congressional and Presidential elections in 1894 and 1896.

Mr. President, no debate the Congress has ever had has been more legitimate and orderly, none more necessary to inform the people about a matter of momentous importance to them and their posterity, and I do not believe that any debate has ever been of greater value and usefulness, and it will prove in the future more destructive of the aims of the enemies of the people. The debate has clearly marked the lines that separate the contend-ing parties to this controversy. I do not mean the lines that locate the selfish, the unscrupulous, and greedy horde who push themselves to the front in this agitation, but I mean those who are actuated by sincere and well-formed convictions and who are endeavoring to discharge to the best of their ability a great public duty in this mighty contention.

The immediate question before the Senate is, shall the silverpurchase part of the act of 1890 be unconditionally repealed—that s, repealed without any substitute? There can be no disagree as to where silver will be left by such a repeal. Could another ounce of silver be purchased by the Government to be coined into money, or made the basis of any certificate to go into our present volume of currency? Could another ounce of silver be carried to any mint to be coined and stamped as money? Every Sonator must answer no. Then it is indisputable that as to the future of silver for all increased money uses, it will be left precisely where it was by the odious law of 1873, which dropped silver from our coinage laws.

Those Democrats who favor unconditional repeal claim that it

can be done safely and in accordance with the Democratic platform, which they urge condemns the Sherman law and demands its immediate repeal, and that those parts of the platform following this condemnation and demand, that pledge the party to the use of both gold and silver as standard money and to the coinage of both without discrimination in favor of either metal and that each dollar coined shall be equal in intrinsic value and purchasing power, and that the ratio of the number of grains in each dollar shall be adjusted by international agreement or by Congressional legislation, are separable from and independent of the demand for the repeal of the Sherman law.

On the other hand those Democrats who oppose unconditional repeal of the Sherman law as provided in the bill reported from the Finance Committee do so for the reason, among many others of greater importance, that the Democratic platform could not have been intended to pledge the party to the support of a sep-arate and independent bill containing no other provision than a single repealing section without enacting in the same bill the necessary and rightful law to establish and carry out the financial system and policy declared to be the true system and policy in the platform. If it be a sound system why delay its benefits

to the people?

It looks suspicious when action is delayed without any just or plausible reason. Our ability to adopt the platform system of currency will surely be greatly impaired by unconditional repeal.

The plain reason why such could not have been the intention and meaning of the platform is that the party in national con-vention made a declaration of its principles, policies, and measures which the President and the members of Congress to be elected by the party in the election in November, 1892, were pledged to carry out by laws which were to be enacted in the place of those which the platform specifies and condemns. The McKinley tariff laws are condemned and the kind of tariff laws to be enacted in their stead is defined in the platform. The Sherman law is condemned and the kind of currency laws to be enacted in its place is defined in the platform.

The repeal of the 10 per cent tax on the issue of State banks is demanded, and what law shall be enacted on the subject of

State banks is left to the States.

The Federal election laws are condemned and their repeal demanded, and what laws to be enacted in their place is left exmanded, and what laws to be enacted in their pince is left ex-clusively with the States. So that it is manifest that when the platform condemus an existing Federal law and demands its re-peal, it imposes a duty upon the Congress and the President to be elected on it of substituting in the place of the law to be re-pealed the better laws which the platform approves. Besides, it is manifest that the unconditional repeal of the Sherman law is demanded, and no substitute proposed, and no companying is demanded, and no substitute proposed, and no compromise permissible by the President and those who support his position for reasons and purposes which have been completely uncovered in this debate, leaving the friends of silver without the possi-bility of getting any silver law as good as the Sherman law while Mr. Cleveland is President. The Senator from Delaware [Mr. GRAYl is no timeserver, he is no trimmer, he is perfectly honestin his convictions, and fearless in expressing and enforcing them. I regard him as a fair exponent and representative of the best element of the Eastern Democracy to the fullest extent that the intelligent, well-to-do members of the Democratic party who are not bankers, importers, or money-lenders favor bimetallism—that is, what use is to be made of silver and how such use is to be secured with the aid and assistance of the Eastern Democracy, of which the Senator from Delaware is a true type and representative. We will take the Democratic platform adopted at Chicago in 1892 for illustration of the position and difference of the two wings of the national Democratic party on the question of the use and coinage of gold and silver as made manifest by and pending the present debate.

The Senator declared in his able and interesting speech in the Senate on the 22d ultimo (CONGRESSIONAL RECORD, page 1608), in speaking of the platform-

It was intended by that language in the Democratic platform, if we can argue at all from language, that it should be broad enough to hold every Democrat who believed in bimetallism, whether by international agreement or by legislative enactment. It did not intend to read me out of the party because I honestly believe that the bimetallism aimed at in that platform can only be obtained efficiently, obtained usefully, obtained for the benefit of the great masses of the people of this country, by an international agreement.

I think I can safely affirm that there are not a half dozen Senators who intend to support the House bill now pending for unconditional repeal who have not expressed, or will not express, the opinion that bimetallism, on the basis of unlimited free coinage of both gold and silver, established by Congressional enactment independent of an international agreement, is an utter impossibility. The same opinion has been expressed by President Cleveland without equivocation, ambiguity, or the affectation of misunderstanding.

of misunderstanding.

I have explained the unmistakable position of the Eastern Democracy, of which President Cleveland is the exponent and representative, and that is that there can be no equal use of gold representative, and that is that there can be no equal use of gold and silver as standard money; there can be no coinage of both gold and silver without discriminating against either metal; there can be no holding on to such bimetallism by the Democratic party without an international agreement; that it is impossible by Congressional legislation independent of concurrent and joint action by the United States and foreign nations.

Repeal the Sherman law wips out every Congressional silver

Repeal the Sherman law, wipe out every Congressional silver enactment, plant us on the gold basis, and on that leverage the repealers promise to strike for an international agreement as the last hope for silver and gold bimetallism, and failing to obtain it we must accept our destiny with foreign nations on the gold basis, and adapt ourselves, as best we can, to the government of gold, with gold, and for gold. The absolute dependence of binetallism on an international agreement, and the hopelessness and absurdity of reviving the free coinage of sliver by any law of the United States without the concurrence and support of foreign nations in a joint agreement is explicitly declared

ort of foreign nations in a joint agreement is explicitly declared in his late message to the present Congress, and that construction of his message is fully verified by the President's letter written the 25th ultimo to Governor Northen, of Georgia.

After stating the usual platitudes about honest money, which can not exist in the opinion of the President without being able to stand the crucial test of equal purchasing and debt-paying power with gold in all the markets of the world, he proceeds to support the substance of the whole letter in one sentence as sum up the substance of the whole letter in one sentence, as

I am therefore opposed to the free and unlimited coinage of silver by this country alone and independently; and I am in favor of the immediate and unconditional repeal of the purchasing clause of the so-called Sherman law.

In order to bring this matter squarely before the Senate and the country I will suppose that the quotation I have made from the President's letter had been offered in the Chicago convention as the financial plank in the Democratic platform. It would have read as follows:

The Democratic party is opposed to the free and unlimited coinage of siler by this country alone and independently; and in favor of the immediate and unconditional repeal of the purchasing clause of the so-called Sherman

How many States in the Westand South would have voted for such a declaration in the platform? I am sure it would not have received the support of a single Southern State.

I do not believe that a single delegate from any Southern State can be found who will say that it was his understanding or that of any other delegate in the convention, or that such an understanding was suggested in the convention, that the platform as adopted could possibly be construed to mean or that it could be perverted or distorted to mean that the Democratic party was opposed to the free and unlimited coinage of silver on any ratio between the two metals by this country alone and independently of any agreement with foreign nations. The platform as adopted expressly declared for the equal use of both gold and silver as

standard money and not the use of one as standard and the other assubsidiary money—pin money in the retail trade—and the free coinage of both without discrimination on a ratio to be determined by an international agreement or by this country alone and independently by Congressional legislation.

The demand for the unconditional repeal of the purchasing

clause of the so-called Sherman law for the purpose public avowed by the President in his message and his Northen letter, and repeated by 90 per cent of his Democratic supporters and and repeated by 30 per cent of his Democrate supporters and all of his Republican friends, of closing the door to any more ex-pansion of our silver currency by this country alone and inde-pendently unless we can in the indefinite future restore silver to coinage in the mints of Europe as well as in the United States coinage in the mints of Europe as well as in the United States by some international agreement, is an interpolation which materially changes the Democratic platform by striking out the only provision in it which secured the support of the Democrats of the South and the West, and that is the plain declaration that the bimetallism defined in the platform could and would be secured in one of two ways international agreement or by Convention. cured in one of two ways—international agreement or by Congressional legislation by this country alone and independently of any agreement with foreign nations.

But now the Southern and Western Democracy are informed

for the first time, after they have put Mr. Cleveland and the Eastern Democracy in power, that there must be an immediate repeal of the Sherman law and no more coinage of silver by this country alone and independently, and that we must wait and de-pend upon European nations for any more expansion of our sil-

er currency.

And yet the President expresses his "astonishment at the op-And yet the President expresses his "astonishment at the opposition in the Senate to such prompt action as would relieve the present unfortunate situation." Action demanded alone by the bankers and bondholders and money-lenders of New York and Boston and the editors and correspondents in their service; action that would relieve the situation by the assurance and guaranty that there was to be no more "silver coinage by this country alone and independently" and only by an international agreement which Wall street money kings would have an influential part in formulating. ential part in formulating.

I am satisfied that nine-tenths of the unconditional repealers

do not desire free coinage or any coinage of silver by an international agreement, and I do not believe that President Cleveland desires it, or will make any earnest effort to secure it. He has never said he expected or desired any international agree-My opinion is that the President entertains the sincere conviction that we now have as much silver as we can possibly utilize in our circulation, in accordance with his gold-standard opinions, and that we can go no further in silver coinage without crossing the danger line that separates us from silver monometallism. That is the opinion of the President and the Eastern Democrats and Republicans on the question of the expansion of our silver currency and the undertaking to hold on to both silver and gold as standard money, and the coinage of both gold

and silver without discrimination against either metal.

It is this opinion of the President and the East that unites them in making the persistent and uncompromising demand for the unconditional repeal of the purchasing clause of the so-called Sherman law; and it is this clearly defined line of radical difference that separates the President and the Democracy of the East from the Democratic platform and the Western and Southern Democracy, who constitute 80 or 90 per cent of the elective power

of the Democratic party.

Mr. President, the plain reason for the difference between the East and the South and the West on the currency question is the East and the South and the West on the currency question is the undisputed fact that the East is the creditor section, just as England is the creditor nation, and the South and the West are the debtor sections. And this fact also explains why the East, in the United States, and England agree in opinion and are in the arry cooperation in the undertaking to force this country to the gold basis. Lombard street, in London, and Wall street, in New York, are the money centers in these countries, and it is there that the magazines are located that furnish all the ammunition in the war on silver.

mition in the war on silver.

Mr. President, we have heard the cry that the majority must rule; that the Senate must exercise the power of self-government. That is all right. The majority ought to rule, but the majority have long ago decided how it must rule. The Consti-tution—the paramount law—the law unalterable by Congress, and that all of us have sworn to support, has expressly secured to as small a minority as one-fifth of the Senators present the power of deciding how the majority shall rule, and in this case it can rule by agreeing to a reasonable compromise. The rule of the majority is oftentimes the rule of tyranny—destructive of liberty—and I defy the naming of a single instance when the minority by the exercise of its extraordinary powers and methods ever defeated the rule of the majority against the will of the

I have no more doubt than I have of my existence that a larger majority of the people of the United States are against the unconditional repeal of the Sherman law than there ever was against the passage of the force bill or any other iniquitous measure that was ever defeated by the minority by the use of authorized methods. Ah, but it is claimed that there is a majority for unconditional repeal in both Houses of Congress. If that be true, how and when was the majority obtained? How did the Senate and House stand when they were elected, and how were they expected to stand by their pledges?

How did the Senate and House stand when President Cleveland was inaugurated? How did the Senate and House stand when Congress met in extra session, and before they received the President's message? Oh, that I had the power of having those questions investigated and answered. I do not believe I can be mistaken in the fact that when the Senate and House were elected, when the President was inaugurated, and when Conconditional repeal of the Sherman law than there ever was against

elected, when the President was inaugurated, and when Congress met in extra session, there was a majority of both Houses

gress met in extra session, there was a majority of both Houses against the unconditional repeal of the Sherman law.

If that majority has been changed it has not been done in accordance with the theory and practice of rightful representation. It is the will of the majority of the people that the theory and principles of our Government require to find expression in legislation. Those Senators who oppose the unconditional repeal of the Sherman law believe it to be their sworn duty as Senators who in the state of the sherman law believe in the senators who is the senators where the senators who is the ators to act on their own convictions and in accordance with what they believe to be a large majority of their own constituents and

of the whole people.
With these convictions of duty to ourselves and the good people we represent, after instructing them and employing all our ability in this protracted debate to satisfy them that the unconditional repeal of the Sherman law will surely leave the country on the gold basis, and putsilver out of the reach of use with gold on the gold basis, and putsilver out of the reach of use with gold as standard money, and without any more coinage except on an international agreement, and that existing indebtedness will be doubled and the means of payment reduced one-half, and other manifold consequences of the most ruinous character will follow unconditional repeal, how can such results be permitted as long as the power exists to prevent them? But it is said the people want the question settled. Certainly they do; but can it be possible that they are willing to accept a settlement that we have assured them and that they believe will result in their ruin? Is ruin preferable to the delay and the resistance that will solten from the dire consequences we have assured them will folthem from the dire consequences we have assured them will follow inevitably from the passage of the repeal bill?

Mr. President, knowing the anxiety of the people to see the Senate come to some reasonable and fairly just compromise that would secure a final vote of the majority, Democratic Senators, feeling their responsibility for legislation, united in the spiritof compromise and concession and fidelity to the Democratic party and selected an equal number of Senators from those friendly to unconditional repeal, and those opposed to unconditional repea and after a long time spent in consultation and with the full knowledge of President Cleveland and Secretary Carlisle that such effort was being made to bring Democratic Senators together upon some common ground that could be enacted into a law, accomplished their laudable undertaking so far as to agree upon a compromise that secured the signature of every Democratic Senator but six, and the fact is not considered doubtful that forty, three Democratic Senators would have senationed the that forty-three Democratic Senators would have sanctioned the compromise had not President Cleveland interposed his objection and demanded unconditional repeal at all hazards. Whatever others may say or believe, I am satisfied that all effort at compromise that would bring Democratic Senators together has failed solely on account of President Cleveland and his Secretary of the Treasury. Their will has been as potential and has served the same purpose as the cloture rule.

The resistance to unconditional repeal is not to be continued,

although the justification has increased.

The debate is about exhausted, and to make further opposition successful it would necessarily require a resort to extreme methods, which I believe to be constitutional and above the power of the Senate to override in making any change in its rules, but I have satisfied myself that I can not get a sufficient number of Senators to join me in the use of what is characterized as filibustering practice, and I am forced to record my vote against this diabolical measure and appeal to the people to organize their forces for the great battle of the future.

I am still willing, if I had sufficient support, to resort to any and all means left to defeat this iniquitous bill. It might be called dilburtary but two forces bills and de-

called filibustering, but filibustering beat two force bills and defeated what was called the Mahone coalition. Was the majority in favor of the two force bills any less entitled to rule than the majority claimed for unconditional repeal? Was the majority for the execution of the Mahone coalition any less a majority with less right to rule than the alleged majority for the repeal

bill? And yet all these majorities were prevented from ruling by filibustering, and in each instance filibustering was approved

by the people.

Mr. President, I am proud of being called a filibuster in defeating a conspiracy equal in the ruinous consequences of its success to war, pestilence, and famine. I had rather be called a filibuster by the conspirators and lick-spittles of the gold kings than the called a traiter or a faithle state of the gold kings. than to be called a traitor or a faithless representative by the State and people who honored me with their trust and confi-

dence. As for myself, I shall do my duty as a Senator as I understand it and leave consequences to God and my country.

Mr. STEWART addressed the Senate in continuation of the speech begun by him on the 23d instant. After having spoken

Mr. ALLEN. I suggest the lack of a quorum.
Mr. STEWART. Yes; I think we had better have a quorum
here to hear this article from the Atlanta Constitution.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Nebraska raises the question of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators an-

swered to their names:

Aldrich,	Dolph.	Lodge.	Sherman,
Allen,	Dubois.	McMillan.	Smith.
Bate.	Faulkner,	Manderson,	Stewart,
Berry.	Frye.	Martin.	Stockbridge,
Blackburn,	Gallinger,	Mitchell, Wis.	Teller.
Butler.	George,	Murphy,	Turpie,
Caffery,	Gorman,	Pasco,	Vest,
Call.	Harris,	Peffer.	Vilas.
Camden,	Higgins,	Perkins,	Voorhees,
Carey.	Hill.	Power.	Walthall,
Cockrell,	Hoar,	Pugh,	Washburn.
Cullom,	Hunton,	Quay.	White, La.
Daniel,	Jones, Ark.	Ransom.	Wolcott.
Thiman	T in door	Describ	** 010000

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum of the Senate is present. The Senator from Nevada will proceed.

Mr. STEWART resumed and concluded the speech begun by him on the 23d instant. See Appendix.]

[Mr. JONES of Nevada addressed the Senate for two hours in continuation of the speech begun by him on the 14th instant.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the

A bill (H. R. 2650) providing for the public printing and bind-

ing and the distribution of public documents; and
A bill (H. R. 4242) directing the Secretary of the Interior to
make certain investigations concerning consolidations of land districts in California, and for other purposes.

EXECUTIVE SESSION.

Mr. FAULKNER. Mr. President, there is some executive business to be done, and I move that the Senate proceed to the

consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and, on motion of Mr. FAULKNER (at 5 o'clock and 15 minutes p. m., Wednesday, October 25), the Senate took a recess until to-morrow, Thursday, October 26, 1893, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate October 25, 1893.

COLLECTOR OF CUSTOMS.

Charles Davis, of Texas, to be collector of customs for the district of Paso del Norte, in the State of Texas, to succeed Webster Flanagan, resigned.

POSTMASTERS.

Charles A. Hull, to be postmaster at Binghamton, in the county of Broome and State of New York, in the place of George W. Dunn, whose commission expired March 13, 1893.

John O. Crown, to be postmaster at Berryville, in the county of Clarke and State of Virginia, in the place of Charles R. Lee,

resigned.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Robert K. Evans, Twelfth Infantry, to be captain, October 19, 1893, vice Tassin, Twelfth Infantry, deceased.

Second Lieut. William G. Elliot, Ninth Infantry, to be first lieutenant, October 19, 1893, vice Evans, Twelfth Infantry, pro-

PROMOTIONS IN THE NAVY.

Lieut. Commander Henry W. Lyon, to be a commander in the Navy, from October 1, 1893, vice Commander W. W. Rhoades, deceased (subject to the examination required by law). Lieut. Franklin J. Drake, to be a lieutenant-commander in

the Navy, from October 1, 1893, vice Lieut. Commander Henry W. Lyon, promoted.

Lieut. (junior grade) Thomas S. Rodgers, to be a lieutenant in the Navy, from October 1, 1893, vice Lieut, Franklin J. Drake, promoted (subject to the examination required by law).

Ensign Hugh Rodman, to be a lieutenant, junior grade, in the Navy, from October 1, 1893, vice Lieut. (junior grade) Thomas S. Rodgers, promoted (subject to the examination required by

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 20, 1893. AMBASSADOR.

James J. Van Alen, of Rhode Island, to be ambassador extraordinary and plenipotentiary to Italy.

CONSUL.

Joseph F. Baya, of Lake City, Florida, to be consul of the United States at Baracoa, Cuba.

Executive nomination confirmed by the Senate October 21, 1893. COLLECTOR OF INTERNAL REVENUE.

Joseph H. Dowling, of Ohio, to be collector of internal revenue for the first district of Ohio.

Executive nominations confirmed by the Senate October 25, 1893. RECEIVER OF PUBLIC MONEYS.

John B. Crownover, of Dardanelle, Ark., to be receiver of public moneys at Dardanelle, Ark.

POSTMASTERS.

J. M. T. Smith, to be postmaster at Shenandoah, in the county of Page and State of Virginia.

W. C. Robinson, to be postmaster at Big Stone Gap, in the county of Wise and State of Virginia.

Clarence Beebe, to be postmaster at Lewes, in the county of

Sussex and State of Delaware. Alfred G. Corey, to be postmaster at Fairfield, in the county of Clay and State of Nebraska.

William T. Wallace, to be postmaster at Assumption, in the

county of Christian and State of Illinois.

Robert J. Noell, to be postmaster at East Radford, in the county of Montgomery and State of Virginia.

Benjamin W. Pope, to be postmaster at Duquoin, in the county of Perry and State of Illinois.

Albert Gilmore, to be postmaster at Sheldon, in the county of Iroquois and State of Illinois.

Michael G. McGeehan, to be postmaster at Hurley, in the county of Iron and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, October 25, 1893.

The House met at 12 o'clock m. Prayer by Rev. RUMSEY SMITESON, of Washington, D. C.
The Journal of yesterday's proceedings was read and approved.

PAY OF DISCHARGED ENLISTED MEN.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of a letter from the Sector-General of the Army, with inclosures, relating to the payment of detained pay to discharged enlisted men; which was referred to the Committee on Military Affairs, and ordered to be printed.

SENATE BILL REFERRED.

The SPEAKER also laid before the House the bill (S. 339) to authorize the Chattanooga Western Railroad Company to construct a bridge across Tennessee River, near Chattanooga; which was read a first and second time, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. CAMINETTI, indefinitely, on account of important business

To Mr. Cockrell, indefinitely, on account of sickness.

To Mr. Wright of Massachusetts, indefinitely, on account of important business.

LAND DISTRICTS IN CALIFORNIA.

Mr. CAMINETTI addressed the Chair.

The SPEAKER. The gentleman from California [Mr. Camile SPEAKER. The gentleman from California [Mr. Camile SPEAKER. The gentleman from California [Mr. Camile SPEAKER. The sentleman from California [Mr. Camile SPEAKER. The SPEAK read, after which there will be opportunity for objection.

The Clerk read as follows:

A bill directing the Secretary of the Interior to make certain investiga-tions concerning consolidations of land districts in California, and for other purposes.

Whereas by a recent order of the Secretary of the Interior consolidating land districts, a reduction of one district was made in the State of California by the consolidation of the Independence land district with the Visalia land district; and

whereas there are in the former 11,000,000 acres of public lands subject to settlement, the bulk of which is situated on the eastern slope of the Sierra Nevada Mountains, while the office of the consolidated district is located on the western side of said mountains at Visalia, Cal.; and Whereas said mountains at this point are impassable for eight months of the year, except by a 1,500-mile trip by way of Reno, Nev., and Sacramento. Cal.: Therefore

Best enacted, etc., That the Secretary of the Interior be directed to investigate the necessity for continuance of the Interior be directed to investigate the necessity for continuance of the Independence land district, and the advisability of making a reduction elsewhere in said State, and that after such investigation he take such action in the premises as will subserve the best interests of the Government as well as of the settlers in said State.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CAMINETTI. The gentleman from Wyoming [Mr. Cop-FEEN] told me that he would withdraw his objection.

Mr. KILGORE. As I understand the circumstances of this se, the Secretary of the Interior consolidated certain land districts in California or somewhere in the West, and the purpose of the present bill is to have him reopen the matter and re-consider the grounds upon which that consolidation took place. Is that the situation of the case?

Mr. CAMINETTI. No, sir.

Mr. KILGORE. If it is, I am opposed to the bill, and will object to its immediate consideration.

Mr. CAMINETTI. The purpose of the bill is to correct an error. A consolidation was made of two districts in the State of California, one of them being on the eastern slope of the Sierra Nevada Mountains and the other upon the western slope. During eight months in the year it requires a trip of over thirteen hundred miles to enable settlers on the eastern slope to reach the main office of the consolidated district on the western slope. Now the purpose of the bill is to rectify this difficulty by making a reduction of one district somewhere else in the State, where less inconvenience, hardship, and expense will be imposed upon the

Mr. KILGORE. Can not this correction be made by the Secretary of the Interior if his attention is simply called to the mat-

retary of the Interior If his attention is simply called to the matter, without any action by the House, which appears to interiere with his conduct in the management of his Department?

Mr. CAMINETTI. No, sir; if the difficulty could have been remedied in that way, I would not have put the House to the trouble of considering this bill.

Mr. KILGORE. Has there been any effort to do it?

Mr. CAMINETTI. Yes, sir.

Mr. KILGORE. And he has declined to take action in the matter?

Mr. CAMINETTI. He can not, because of the action of the last Congres

hast Congress.

Mr. KILGORE. He can not make the necessary change?

Mr. CAMINETTI. No, sir; not without authority from Congress. It requires the passage of a new law upon the subject.

The SPEAKER. Is there objection to the present consideration of this bill? [A pause.] The Chair hears none.

There being no objection, the bill (H. R. 4242) was read a first and second time, ordered to be engrossed for a third reading,

read the third time, and passed.

On motion of Mr. CAMINETTI, a motion to reconsider the last vote was laid on the table.

REVISION OF THE TARIFF.

Mr. COOMBS. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

The Clerk read as follows:

Reselved, That the Committee on Ways and Means be requested to prepare and present for the consideration of this House a bill for the collection of revenue and other purposes, substantially upon the basis and principle of the following propositions:

The bill shall have four schedules, as follows:
Schedule A, to be composed of articles free of duty, including all raw materials necessary in the manufacture of goods.
Schedule B, to be composed of articles which by their nature should not pay a duty exceeding 10 per cont.
Schedule C, to be composed of articles, principally wine, spirits, tobacco. cigars, and cigarettes, upon which a duty must be charged sufficient at least to protect manufacturers, who pay a tax under our internal revenue laws. Also, of a few well-defined articles of luxury, which will bear a rate of at least 40 per cent ad valorem.

Schedule D, to be known as the schedule for the protection of labor, and thich shall be made up from time to time in the manner hereinafter speci-

field articles not covered by the preceding lists shall be grouped and known All articles not covered by the preceding lists shall be grouped and known as "unspecified" and shall have a uniform rate of advalorem duty, as pro-

fied.
All articles not covered by the preceding lists shall be grouped and known as "unspecified" and shall have a uniform rate of ad valorem duty, as provided hereafter.
The bill shall also provide that as soon as Congress shall ascertain the amount of money necessary for the conduct of the Government for the current year it shall submit a report to the same, deducting therefrom the following items:

a. Surplus remaining over from preceding year.
b. Estimated income from Schedule B.
c. Estimated income from Schedule B.
d. Estimated income from Schedule B.
f. Estimated income from Schedule D.
f. Estimated income from all other sources.
Which amounts, being deducted from the amount to be provided for the expenses of the Government, will leave as a result the amount to be raised by import tax on all "unspecified" articles.

It shall, it is report to Congress, estimate the gross value of such importations for the current year, and the percentage of duty necessary to be levied on the same, in order, as near as may be, to realize the amount ascertained as above.

levied on the same, in order, as near as may be, to realize the amount ascertained as above.

The bill shall also provide that in case any manufacturer or manufacturers of goods or merchandise included in the class of "unspecified," shall find that the item of labor cost, including the use of machinery, of his productions in this country shall exceed that paid by the manufacturers of the same class of goods made inforeign countries, he may present sworn proofs of the same to the committee, with the demand that such articles shall be entered on schedule D. If, upon examination, the committee find that the statements are correct, or if they find that any difference exists in favor of the foreign manufacturer, they shall cause that article or class of articles to be entered upon schedule D, with a specific duty equal to such difference; always provided that the article is not protected by letters patent issued by this Government.

Mr. OUTHWAITE. Let that resolution go to the Committee

on Ways and Means.

Mr. PAYNE. I would like to inquire whether this proposition is constitutional. [Laughter.]

Mr. HOPKINS of Illinois. I should think this Democratic House could act on this resolution without sending it to a com-

The SPEAKER. Objection being made to the consideration of the resolution, it will be referred to the Committee on Ways and Means.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for re-

The committees were called in their order.

RAILROAD, ETC., HOT SPRINGS RESERVATION.

Mr. GRESHAM, from the Committee on the Public Lands reported as a substitute for the bill H. R. 2806 a bill (H. R. 4243) granting the right of way for the construction of a railroad and other improvements through and on the Hot Springs Reservation, State of Arkansas; which was referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The bill (H. R. 2806) of the same title will

lie upon the table.

Mr. SOMERS. Mr. Speaker, I desire to ask permission during the day to submit two reports from the Committee on the Public Lands, which are not quite ready.

The SPEAKER. In the absence of objection that order will

be made.

There was no objection.

CHARLES A. HALL.

Mr. SOMERS, from the Committee on the Public Lands, reported back in the nature of a substitute for the bill H. R. 1829 a bill (H. R. 4244) for the relief of Charles A. Hall; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill No. 1829 was laid on the table.

BUSINESS IN THE MORNING HOUR.

The SPEAKER. The morning hour begins at fifteen minutes ast 12 o'clock. The call rests with the Committee on the Public ast 12 o'clock.

There is a question of order raised and pending. The gentleman from Arkansas [Mr. McRAE], chairman of the Committee on the Public Lands, calls up for consideration a bill (H. R. 119), which had heretofore been called up under the morning hour and had its consideration for two hours under the rule. The question is raised against the bill that under the rule, providing the second morning hour or consideration hour, it is not the privilege of a committee to call up in this hour any bill which has been reported by the committee and which has already had the two hours' consideration specified by the rule. The Chair will read

4. After the morning hour shall have been devoted to reports from committees (or the call completed), the Speaker shall again call the committees in regular order for one hour, upon which call each committee, on being named, shall have the right to call up for consideration any bill reported by it on a previous day. And whenever any committee shall have occupied the said hour for one day, it shall not be in order for such committee to designate any other proposition for consideration until all the other committees shall have been called in their turn; and when any proposition shall have

occupied two hours on this call, it shall thereafter remain on the Calendar as unfinished business and be taken up in its order.

The Chair has had some difficulty in determining exactly what was the proper construction of that rule, but, after such examination as the Chair has been able to give to it, is of opinion that the power of the committee to call up any bill reported by it on a previous day is not limited or taken away by the fact that they have once called it up and that it has had its consideration for the two hours specified in the rule.

The practice, as the Chair understands it, is expressed in the Digest for the second session of the last Congress, on page 384:

A bill having been considered in this hour on two days takes precedence on the Calendars as unfinished business, according to the provisions of clause 5 of Rule XXIV, or, if the committee presenting it so elect, they may again present it for consideration during the consideration hour when that committee is again called in its turn.

Now the suggestion is made that this construction of the rule may operate badly. Of course that suggestion would have force, and does have force, when a rule is subject to two constructions; and the Chair is frank to say that this rule is not perfectly clear. Yet it seems to the Chair that the practice just stated is more consistent with the language of the rule than any other; and the Chair does not see that this practice, as thus suggested, could ever interfere with the right of the committees or the orderly

business of the House.

Mr. DINGLEY. If the Chair will pardon me, does the Chair intend to hold that a bill that has been considered for two hours under the rule in the morning hour, and becomes a part of the unfinished business of the House, may not only be called up for further consideration in the morning hour, but has also the privilege belonging to unfinished business on the Calendar, and in that position obtains priority over other business which that

that position obtains priority over other business which that status gives to it?

The SPEAKER. There are two kinds of unfinished business under the rule. There is a kind of business which is denominated unfinished business in which the House was engaged at the time of adjournment. There is another kind of unfinished business. Under this rule there seems to be a difference as to the character of the unfinished business. Clause 5 of the same rule, to which the Chair has just referred, provides as follows:

After the hour under the preceding clause

That is, for consideration-

shall have been occupied, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of—

That is one kind of unfinished business-

and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in

Mr. DINGLEY. My inquiry addressed to the Chair is this: Supposing under the rule as amended at the beginning of this session, which allowed private bills to come into the morning suppose a bill has been considered for two hours in the hour—suppose a bill has been considered for two hours in the consideration hour under the rule, then it goes to the Calendar as unfinished business. Now, on Friday, the day when private business is under consideration, if it is placed on the Calendar of Unfinished Business, would not such bill under the rule be the first business in order on private bill day, and thus obtain a position at the head of the Calendar by virtue of being unfinished business in the morning hour, and also have the right of way of consideration over and above all other business, if the rule is to be construed as indicated by the Chair?

The SPEAKER. That is a question of great importance, about which the Chair is not clear; but the Chair is frank to say to the gentleman from Maine that his own opinion is that clause 4 of this rule, under which matters are called up in the morning hour, ought to be amended by striking out from it the words "as unfinished business;" so that the rule would read:

Shall thereafter remain on the Calendar and be taken up in its order.

Mr. DINGLEY. That would obviate the difficulty I have suggested.

The SPEAKER. The Chair thinks those words ought to be stricken out, so that the mere fact that a bill had been considered in the morning hour would not put it upon the Calendar of Unfinished Business, but that it would remain on the Calendar precisely as though it had not been called up.

Mr. DINGLEY. It seems that that amendment is absolutely necessary, if the ruling the Speaker has indicated is to be made. Otherwise it would seem at a glance that private bills that have received consideration in the morning hour are given a very un-

fair advantage over all other private bills.

The SPEAKER. The Chair thinks that was not contemplated, and will call the attention of the Committee on Rules to those

Now, so far as the object of the rule is concerned, of course we all understand that it was supposed it would enable committees

during the morning hour to call up matters which were not hotly contested, and in that way to relieve the committee of those measures. ures; but at the same time, if a committee chooses to call up a measure which is resisted on the floor, the result will simply be that the committee will not pass anything. Take the bill that was before the House when this committee was called. It is in Committee of the Whole, and if it is resisted we all know that it is impossible within an hour or two hours to get a bill out of the Committee of the Whole; so that the practical effect will be that a committee which chooses to call up a measure that is re-

Mr. DINGLEY. Right in the line of the suggestion which the Chair has already made, in the furtherance of public bush ness, it does seem to me that with the amendment which the Chair has just suggested, which is desirable, there should also be another amendment, restricting the business to be considered in the morning hour to that of a public nature, which was the original intention of the rule.

the original intention of the rule.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] of course, understands—because he is very familiar with the rules—that that change in the rules was purely experimental. Never until this Congress was the power given to call up a private bill in this morning hour.

Mr. DINGLEY. That is true.

The SPEAKER. And the limitation was only taken off in this Congress in an experimental way, to see how it would operate. It was felt by a good many members that there were a number of small private bills which members seek every morning to have considered by unanimous consent which might be disposed of in this way, and that by giving this right the Committees on Claims, on War Claims, and on Invalid Pensions might call up pension bills and other measures and get them considered in that way. Of course, if this morning hour is used to call up private bills that are stoutly resisted, the result will be that the committee which calls them up will get nothing done. committee which calls them up will get nothing done.

Mr. DINGLEY. I merely wish to say, Mr. Speaker, that our experience so far has shown that the hour is not used for that purpose, and it seems to me, in view of the line which the Speaker has suggested, that the rule should now be put back where it has been up to the present Congress since the Forty-ninth Congress,

limiting it to business of a public nature.

The SPEAKER. The Chair will call the attention of the committee to the fact.

Mr. DOCKERY. Would it be in order to request unanimous consent to strike out the words "as unfinished business," as suggested by the Speakers.

gested by the Speaker?
The SPEAKER. The Chair has no objection at all to submitting that question to the House. It has not been called to the attention of the committee. The Chair will say to the gentleman that there was a call issued for a meeting of the committee this morning, but for some reason there was no quorum.
Mr. DOCKERY. Very well; I will withhold the request.
The SPEAKER. The Chair will call attention to it as soon

as a quorum of the committee can be obtained. The call rests with the Committee on Public Lands.

PROTECTION OF FOREST RESERVATIONS.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 119) to protect forest reservations.

Mr. DOOLITTLE. I raise the question of consideration

· against this bill.
The SPEAKER. The SPEAKER. That can be done by voting down the mo-tion to go into Committee of the Whole. The bill is in Commit-tee of the Whole. The Clerk will report the title of the bill. The Clerk read as follows:

A bill (H. R. 119) to protect forest reservations.

The SPEAKER. This bill is in Committee of the Whole.
Mr. McRAE. Instead of moving the consideration of the bill in Committee of the Whole, I will ask that after the consideration of the bankruptcy bill is disposed of, this bill be taken up under an ordersimilar to that under which the bankruptcy bill is being considered, so that we can have all the time that is necessary to its consideration.

essary for its consideration. The SPEAKER. Does the Does the gentleman ask unanimous consent

that that be done?

Mr. MCRAE.

Mr. McRAE. Yes.
Mr. DOOLITTLE. I object.
Mr. McRAE. Then I move that the House resolve itself into the
Committee of the Whole for the consideration of this measure.
The SPEAKER. The Chair will state to the gentleman from
Washington [Mr. DOOLITTLE] that the way to defeat the consideration is to vote down this motion.
Mr. McRAE. Pending my motion, I move to limit debate on
the pending paragraph to five minutes.
Mr. DINGLEY. Mr. Speaker, I hope the gentleman will not

propose to limit the debate to five minutes. There are some very important propositions to be considered.

Mr. McRAE. I understand.

The SPEAKER. The Chair is informed that general debata has not been closed.

Mr. McRAE. General debate has been closed, and we had proceeded to consider the bill for twenty minutes under the five-

Mr. DOCKERY. The gentleman from Arkansas is correct. Mr. McRAE. And there is an amendment pending to the paragraph under consideration.

Mr. PAYNE. I move that the debate be limited to thirty

minutes upon the paragraph.

The SPEAKER. The Chair will state the question. The gentleman from Arkansas moves that the House resolve itself nto Committee of the Whole House for the further consideration of the bill the title of which has been read, and pending that motion the gentleman from Arkansas also moves that all debate upon the pending paragraph be limited to five minutes, and the gentleman from New York [Mr. PAYNE] moves to amend the motion of the gentleman from Arkansas by inserting thirty minutes

Mr. HOPKINS of Illinois. I move to substitute sixty min-

utes for debate.

The SPEAKER. That is hardly in order in the way of an amendment.

Mr. BRETZ. That goes beyond the hour.
Mr. HOPKINS of Illinois. Make it forty-five minutes; that is within the hour.

R. That is an amendment to the amendment. The Chair will again state the question. The The SPEAKER. That is correct. gentleman from Arkansas moves that debate upon the pending paragraph be limited to five minutes; the gentleman from New York moves to amend that by inserting thirty minutes; and the gentleman from Illinois [Mr. HOPKINS] moves to amend the amendment by inserting forty-five minutes. The vote will first be taken on the amendment offered by the gentleman from Illinois. nois.

The question was taken, and the Speaker announced that the

ayes seemed to have it.

Mr. McRAE. Division, Mr. Speaker.

The House divided; and there were—ayes 16, noes 41.

Mr. HOPKINS of Illinois. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Illinois [Mr. HOPKINS] and the gentleman from Arbanese [Mr. McParl].

man from Illinois [Mr. HOPKINS] and the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I demand the yeas and nays.

Mr. SPRINGER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The gentleman has stated that the bill is now being considered under the five-minute rule in committee, and that general debate has been closed. Now, under clause 6 of Rule XXIII, the committee has authority to close debate after the five minutes' debate has begun, so that the House has given the jurisdiction of this subject to the committee.

The SPEAKER. What is the number of the rule?

Mr. SPRINGER. Clause 6 of Rule XXIII. The rule says.

Mr. SPRINGER. Clause 6 of Rule XXIII. The rule says:

The committee may, by a vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate); but this shall not preclude further amendment, to be decided without debate.

The SPEAKER. The point of the gentleman from Illinois is that this right is exclusively in the committee?

Mr. SPRINGER. It is, that by conferring this power upon the committee the House can not limit the committee's right to exercise it. As soon as the House resolves itself into Committee of the Whole, it can go to work and dispose of this subject in the committee; and, the committee having been clothed with this jurisdiction, it deprives the House of the jurisdiction to otherwise dispose of the matter. The right to close general debate is still with the House; but after general debate has been closed the committee must have the right to dispose of their business. That is a new jurisdiction given to the committee by the rules of this House that has not heretofore been exercised.

Mr. PAYNE. Mr. Speaker, the committee is the creature of the House, and while the House gives to the committee the right to limit debate in committee, it does not lose any of its own power and control of the committee and over debate in the The House still has power to limit and control decommittee.

bate, and control it in committee.

Mr. SPRINGER. But you can not do it against a rule of the House.

Mr. PAYNE. It is not against a rule of the House.
Mr. SPRINGER. Here is the rule, which says you give the
committee the right to control debate.

Mr. PAYNE. There is no rule that takes away from the House the power to control the Committee of the Whole.
Mr. SPRINGER. Clause 6 of Rule XXIII provides that the committee shall have the power to close debate.

committee shall have the power to close debate.

Mr. PAYNE. And another objection remains, that the point of order comes too late while the House was dividing.

The SPEAKER. Of course this is a very important matter, but it does not occur to the Chair that granting the right to the committee to limit debate takes away from the House the right to limit debate

Mr. SPRINGER. Can you take away the right from the committee while this rule exists?

Mr. HOPKINS of Illinois. Is not than the Committee of the Whole? Is not the House more powerful

Mr. SPRINGER. Notwhen the rules of the House have prescribed the line of action. The rules govern, and you cannot get rid of this limitation upon the action of the House without

changing the rule.
The SPEAKER. The SPEAKER. The Chair overrules the point of order. The Chair thinks the fact that the right to limit debate is given to the Committee of the Whole does not take that right away from the House. A committee has a right to report a bill, yet the House may direct the committee to report the bill or to re-

port it in a given way.

It does not occur to the Chair that this rule takes away the right from the House to limit debate; and when the House exercises that right, it is not in the power of the committee to do anything in conflict with it. It does not seem to the Chair that this rule confers upon the committee an exclusive right to limit debate; it confers only the privilege of doing so, and does not take away from the House its right in the premises.

The gentleman from Arkansas [Mr. McRAE] demands the yeas

Mr. McRAE. I withdraw that demand, Mr. Speaker.
The SPEAKER. The demand for the yeas and nays is withdrawn. The tellers will take their places. The question is on the amendment of the gentleman from Illinois [Mr. HOPKINS] to

limit debate on the pending paragraph to forty-five minutes.

The House divided; and there were—ayes 11, noes 89; so the

motion was rejected.

ORDER OF BUSINESS.

The morning hour has expired and the The SPEAKER. Clerk will report the title of the special order.

The Clerk read as follows:

A bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States.

BANKRUPTCY BILL.

Mr. OATES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for further consideration of

the bill the title of which has just been read.

The motion was agreed to; the House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the bill the title of which has been

[Mr. LANE addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BAILEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, with amendments, a joint resolution (H. Res. 66) that the acknowledgments of the Government and people of the United States be tendered to various foreign governments of the world who have participated in commemoration of the discovery of America by Christopher Columbus; in which the concurrence of the House was requested.

THE BANKRUPTCY BILL.

The committee again resumed its session (Mr. OUTHWAITE in the chair)

Mr. COOMBS. Mr. Chairman, coming as I do from a com-mercial community, and representing more or less the commercial spirit of that community, it will probably be expected of me that

I shall express some views upon the pending bill.

The merchants as a general thing are in favor of a bankruptcy law. The principle underlying it is this, that every creditor, having contributed to the assets of the debtor, is entitled to a pro rata share of those assets in case the debtor becomes insolvent. The merchant in that case, when he avails himself of the bankruptcy law, consents that the debtor, having surrendered all of his property, should, if he has been honest, have another chance to enter into business free from legal obligations

I shall confine myself to a general expression of opinion upon

the question of national bankruptcy legislation. I am not sure that this bill fairly meets all the necessary conditions, and avoids the errors of previous legislation of the same character. the errors of previous legislation of the same character. Discussion of its provisions by those of you who are versed in the law will doubtless discover defects. Neither shall I assume that this is the most favorable time in which to put such a measure into operation. I should probably not have spoken at all had I not wished to reply to what I consider unwise and unjust assaults upon the creditor class in some of the addresses made to the

No man who has been familiar with the practical working of bankruptcy laws in the past can fail to see that the balance of advantages is in favor of the debtor; that the law is really more humane toward the debtor than toward the creditor. I consequently have been amazed at the assaults that have been made on the principle involved in this bill and the assumption that it is particularly oppressive to the debtor. It would seem from some of the impassioned addresses that have been made in this House to be almost criminal to be a creditor; that the creditor has no rights that the debtor is bound to respect. I hope that Congress will never become impregnated with that idea.

It is subversive of all credit, subversive of that great system under which we all live, and upon which business throughout the world thrives. When the weight and influence of important members of this body are thrown entirely in the interest of the debtor class, ignoring the rights of the creditor class, and countdebtor class, ignoring the rights of the creditor class, and couring them as Pariahs, they do a very unwise and unjust thing. It is the duty of the Congress of the United States to uphold honesty, honesty in its own administration of government, honesty in its currency, and honesty in the relations of man toward

In looking over the provisions of this law as to who shall be made involuntary bankrupts, it strikes me that it is very moderate indeed, and thoroughly protects the interests of the solvent debtor. Who can be declared an insolvent debtor?

(1) A man who has concealed himself, who has run away

Can there be a doubt of his insolvency, or that his creditors' interests need looking after-

(2) failed for thirty days while insolvent to secure the release of any property levied upon under process of law for 8500 or over, or if such property is to be sold under such process, then until three days before the time fixed for such sale, and until a petition is filed; (3) made a transfer of any of his property with intent to defeat his creditors—

Mr. RAY. In order that I may not interrupt the gentleman in the course of his remarks, I would like to ask this: Would you favor any provision which made it possible to throw a man into bankruptcy because he had committed one of those acts three or bankruptcy because he had committed one of those acts three or four months before the filing of the petition, provided the act had been remedied in its effect before action was taken?

Mr. COOMBS. No. I would not. Referring to clause 2—
Mr. RAY. Then you would favor an amendment that would make that perfectly clear?

Mr. COOMBS. I will cover that point before I get through.

The other acts of bankruptcy are as follows:

(4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts—

Certainly that man is a bankrupt by his own confession-(5) made while insolvent a contract personally, or by agent, for the purchase or sale of a commodity with intent not to receive or deliver the same, but merely to receive or pay a difference between the contract and the market price thereof, at a time subsequent to the making of such contract;—

This I do not agree with. It is not an act indicative of bankruptcy and should be stricken out. There is too much of the flavor of antioption about it, and it is entirely foreign to the purposes of the bill. It is possibly expecting too much to hope that some of these Alliance heresies shall not find their way into nearly all the legislation in a Congress constituted as ours is-(6) made while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference—

Certainly that man is trying to defeat the just rights of some of his creditors in the interests of favored creditors.

Mr. HAINER of Nebraska. May I ask the gentleman a question right there? Mr. COOMBS.

Mr. HAINER of Nebraska. By the sixth paragraph of section 2 it is made an act of bankruptcy for a man, while insolvent, to transfer any part of his property for the purpose of giving

a preference. Mr. COOMBS.

Mr. HAINER of Nebraska. Now, under the laws of nearly all of the States preference is given to all debts for labor. In fact,

that preference is also given in this act.

Mr. COOMBS. Yes.

Mr. HAINER of Nebraska. And yet if a man, while insolvent, should pay a laborer's claim in full, that would be an act in bankruptcy?

I do not think it could be so interpreted un-Mr. COOMBS. der this law, but still I wish to say here that I am not a lawyer and that the legal points of this matter, to carry out the main principle, must be determined by you—

(7) procured or suffered a judgment to be entered against himself with in-

That is, if he has become a party to a judgment against himself. Certainly that is wronging the other creditors—

(8) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors—

Certainly that should be a cause of action-(9) suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed—

Certainly there is prima facie evidence of insolvency. Mr. KYLE. Will you allow me to ask you a question right there?

Mr. COOMBS. Yes.

Mr. COOMBS. Yes.

Mr. KYLE. Suppose an execution is returned nulla bona, and a bankrupt law permits a man to retain his exemptions, how are you going to get anything by putting him into bankruptey?

Mr. COOMBS. That is a question of policy that the creditor must consider—if there be a defect. I must leave it for you law-

yers to settle among yourselves.

Mr. BOATNER. I will suggest an answer, if the gentleman

will allow me.
Mr. COOMBS.

Mr. COOMBS. Cortainly.
Mr. BOATNER. It not infrequently happens that a man goes
off and buys a stock of goods, or otherwise comes in possession
of property which he converts into cash and puts it into his
pocket, and then he tells the creditors to sing for their money.
There ought to be some means—and means are provided by this
law—for bringing that man into court and making him show
what he has down with that money. what he has done with that money.

points.

Now, the tenth act of bankruptcy is as follows:

or (10) suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating \$500 or over.

I think that the time of that should be extended. Peculiar conditions can exist whereby a man may, for thirty days, be unable to meet his obligations, and at the same time not be insolvent. But, nevertheless, the man is prima facis insolvent and the creditor certainly has some rights to look after his interest. We have disposed, I think, of one side of this question and reclted the various acts for the doing of which a man may be declared insolvent and forced into bankruptey. They all, with the exception of one, seem to be good. The other is simply a bid to the Farmers' Alliance interest of the country, and should be stricken out of the bill. It is undignified and does not constitute bankruptey. There is no reason why it should be there, and it should be taken out, and I hope an amendment will be made to that effect. made to that effect.

Now, let us turn to the other side of the question. Who may become voluntary bankrupts; and here is the humane side:

Any person who owes debts, except a corporation, shall be entitled to the eneits of this act as a voluntary bankrupt.

In these two lines provision is made to strike off the shackles In these two lines provision is made to strike out the shackles from the limbs of tens of thousands of embarrassed men in this country who to-day are unable to do business; many of whom have failed honestly; who, on account of the peculiar conditions of the money market or of business or through faults of others have become bankrupts. I have many such among my acquaintances who are bound hand and foot by the results of business misfortunes, but who, if released, with added experience would become safe business men. It would doubtless release also many depresses men and provision should be made as far as possidangerous men, and provision should be made, as far as possible, to exclude those who have made scandalous failures from the benign provisions of this section.

I have heard no protests from creditor merchants against this provision for the legal discharge of their unfortunate debtors. The fact that this House is not flooded with protests should be a sufficient answer to the violent attacks upon the creditor class

made by gentlemen who have addressed us.

The real merchant is a generous and farseeing man; he takes no pleasure in witnessing the torture of the helpless, and is always ready to give the helping hand to the competent and deserving. This hardly tallies with the description as given by some of the gentlemen who have preceded me, who have spoken of him as a roaring lion going about seeking whom he may deserve tearing and reading regardless of consequences. If anythere your, tearing and rending regardless of consequences. [Laugh-

ter]. I have been a merchant for forty years and I can not re-member a case in which a merchant has deliberately attempted to ruin a debtor who showed any honest intention to pay his debts. The merchant is anxious that his customer shall remain solvent and continue to be his customer, and will not avail himself of the provisions of this act, if it should become a law, unless he should see evidences of dishonesty, or that other creditors were likely to get an undue share of the debtor's estate. The gentleman who last spoke says that a discharged by a bankruptcy court brings disgrace to the discharged debtor. Does he prefer to have him remain always in bondage? And does the fact that he is legally discharged prevent him from redeeming his good name by a subsequent payment of the obligations from which he was released? The tenor of the gentleman sremarks would lead us to suppose that there is no dishonor involved in the nonpayment of debts, while it is an unpardonable offense to attempt to collect them.

Mr. BOATNER. If the gentleman will permit me, I would suggest that there can be no possible dishonor in it, because his certificate is not only a certificate of discharge, but it is a certificate that he has honestly surrendered all his property subject to the payment of his debts, except that which the law allows

him to retain for the use of his family.

Mr. COOMBS. That is a good suggestion.

Now, we come to the point as to who are exempt from the operation of the bankrupt law, and here we find what I am afraid is another bid to the Farmers' Alliance. I am perfectly content that the exemption should be made, but wish to take advantage of the opportunity to rebuke what I consider to be an unwise tendency on the part of some of our political friends.

SEC. 3. A person engaged chiefly in farming or the tillage of the soil

While I agree that for obvious reasons they should be exempt from the operation of a national bankrupt law, I can not too strongly condemn the new political cry that they are exempt from the obligation that every other trade or profession is under, to pay their debts. They themselves have never made this claim, and I am sure that those who seek their votes or influence by claiming it for them will awake some day to the fact that they have made a mistake. The American farmer is an honest man, and is willing to take his place alongside of the rest of man-kind and meet his obligations. Politicians are trying to put strange theories into their heads and to debauch them, to claim for them more than they claim for themselves. It is the part of patriotism and plainly in the line of duty of gentlemen, who by their position are leaders of the people, to combat these false theories, and not seek their own advantage and safety in truck-ling to them. If this course is pursued you will keep them honest; if you keep suggesting these things you will make them dishonest

Mr. RAY. May I interrupt the gentleman there?
Mr. COOMBS. Certainly.
Mr. RAY. I can hardly agree with the gentleman when he

Mr. RAY. I can hardly agree with the gentleman when he says it is not necessary for the farmers in this country, as a rule, to run in debt during the season?

Mr. COOMBS. I did not say that.

Mr. RAY. I understood you to say so.

Mr. BOATNER. If the gentleman will permit an interruption, I will say that the object of excepting the farmers as a class from the involuntary feature of the law is that bankruptcy is applied principally to traders because of the personal character of the property in which they deal. The property of the farmer, on the contrary, consists principally in real estate and permanent fixtures, the incumbrances upon which are shown by the public records of his county, so that the merchant or dealer has a much better basis for ascertaining his financial status when the question arises of giving him credit. In addition to that, the proption arises of giving him credit. In addition to that, the property of the farmer may be reached by the ordinary courts of the country without any necessity for the interposition of bankruptcy proceeding in order to compel him to discharge his obligations if he does not do it voluntarily. For these reasons it was deemed unnecessary to subject farmers as a class to the operations of the inventors of the inventor tion of the involuntary features of this bill

Mr. COOMBS. I accept that as the explanation and the reason of that part of the bill. In what I said about the farmers, I was only anxious to defend them from the constant attempts that are made in this House to make them dishonest. The farmer can be furthermore exempted upon the ground that his debts are generally local debts in his State, whereas the merchant gives

generally local debts in his State, whereas the incremate growth or credit throughout the country.

Mr. RAY. Not only are the farmer's debts generally local in his State, but they are usually confined to his own town or county.

Mr. COOMBS. Yes.

Mr. Chairman, the member who last addressed the House spoke of the hardship caused to the debtor in that it deprived him and his family of the exemptions granted to him by the laws

of the various States. If he will look at section 5a he will find

This actaball not affect the allowance to bankrupts of the exemptions which are prescribed by the State laws in force at the time of filing the petition in the State wherein the adjudication is made.

I should think that this would effectually dispose of that ob-

jection.

Now, as I said incidentally a few moments ago, the debtor is a creditor, and the creditor is at the same time a debtor. They are woven together in this great commercial fabric. If you weaken one you weaken the other. If you take away from the creditor the right to collect his debt, you take away his ability to pay the man to whom he is in debt. If youdestroy confidence between man and man by making it legal for one man to shield himself from the payment of his just debt, you induce the withdrawal of credit on the part of the other man, and you weaken drawal of credit on the part of the other man, and you weaken

or destroy our commercial system.

Before closing my remarks I wish in the most emphatic manner to enter my protest against the persistent attempts that are made in this House to array the debtor against the creditor classes of the country. In our system of doing business the one is necessary to the other, and their interests are the same in sustaining the credit system. It can not be sustained if many of the theories the credit system. It can not be sustained if many of the theories that are here advanced with so much vehemence come to be practically acted upon by the people. Do they forget that it is the growth of centuries, and that it is a distinctive indication of our advance in civilization? Do they reflect how much of our prosperity would disappear were confidence in it destroyed or undermined?

The whole commercial world in modern times moves on this line, without it the majority of commercial transactions could not be effected. Destroy confidence and credit and you deal a deathblow to modern progress. How wicked then is the attempt to weaken in the debtor class his sense of obligation for

deathblow to modern progress. How wicked then is the attempt to weaken in the debtor class his sense of obligation for the fulfillment of his contracts, to teach him that in meeting his just debts he is doing himself an injustice and submitting to oppression. No political necessity can excuse or palliate it.

I hope that I may be excused if in illustration of the extent to which confidence and credit have to do with the business of the world, I give some of my business experiences.

My business as a merchant has brought me into contact with every nation and people in the world. I have had transactions with the people of Europe, Asia, and Africa, Central and South America, and in every market of the world I have given credit on the basis of confidence and character. The aggregate of such credits would amount to many millions of dollars, many, yes, most of them in countries where no recovery could be made under the law. The result of it all has been that I have learned to believe that honesty is the rule and dishonesty the rare exception. The lowes from dishonesty in all these years has not amounted to one-sixteenth of 1 per cent on the sum of the transactions.

In the course of my business I have received thousands of bills of exchange drawn in various lands upon this and European countries. They were simple pieces of paper, and when they came into my hands bore only the responsibility of the drawer; zet I never lost a dollar upon one of them. They were always and either by the party upon whom they were always and either by the party upon whom they were always and the proper of the drawer and the start of the course of the drawer and the party was a whom they were always and the proper of the drawer and the party was a whom they were always and the party was a whom they were always and the party was a whom they were always and the party was a whom they were always and the party was a whom they were always and the party was a whom they were always and the party was a whom they were always and the party was a whom

came into my hands bore only the responsibility of the drawer; get I never lost a dollar upon one of them. They were always paid either by the party upon whom they were drawn or by the drawer or by the party who sent them to me. Bankers in the financial centers buy and sell exchange upon a margin of a fraction of 1 per cent. Do gentlemen think it wise or patriotic to change this order of things and in its place put dishonesty and distrust? Let Congress set the example of honesty in dealing with the obligations of the nation, and let our statesmen cease making suggestions of dishonesty to the people.

In closing, Mr. Chairman, I wish to repeat that I am in favor of a just bankrupt law, because it is right that all creditors should share prorate in the estate toward which they have contributed. I am also in favor of it because it releases the honest

tributed. I am also in favor of it because it releases the honest man, who surrenders everything to his creditors, condones his lack of business judgment, and enables him, in the interest of his family, to start again in the world.

his family, to start again in the world.

As to the legal provisions of this bill I can not speak. If it accomplishes the purposes I have described, I favor it. When it comes up under the five-minute rule these matters of legal practice will undoubtedly be thoroughly examined by experienced lawyers. But as to the principles of the measure—as being humane toward the debtor and best for the commercial interests of the community—I have no doubts. [Applause.]

Mr. KILGORE. Mr. Chairman, I do not think I amasking too much when I bespeak the indulgence of the committee while I discuss in my own way, and in my own time, the provisions of the

cuss in my own way, and in my own time, the provisions of the pending bill. No member of the House has taken more interest in this measure, nor been more active than I in opposition to

came to a vote it would pass by a considerable majority, and the only way to accomplish its defeat was to prevent a vote by the use of obstructive tactics. The minority were of opinion that the enactment of such a measure would be productive of infinite harm to the mass of people of our country, so we did not hesitate to use all the means and employ all the methods known to par-liamentary jurisprudence to hinder its passage through the

We considered that the magnitude of the interest involved, together with the fact that there had been no expression of opinion from the great body of the people in favor of such a measure, justified the minority in obstructing, in every legitimate manner, its passage. It devolved on me, by chance perhaps, mate manner, its passage. It devolved on me, by chance perhaps, to lead the minority in that contest. In defeating the measure we shouldered all the responsibility—assumed all the burdens which the gravity of the occasion and the importance the work imported.

There had been no discussion of the measure among the people; no demand for its passage by those whose interest it most deeply affected. We were absolutely without any guide except an abiding conviction that it was a most dangerous and pernicious measure, fraught with unnumbered ills to the people, and an abiding confidence in our knowledge of the condition, the wants, and the interest of the masses. On these lines we made the fight,

and the interest of the masses. On these lines we made the light, and faltered not till we won the victory.

For the part which some of us performed in that contest we were assailed without mercy and without stint by the great papers of the cities speaking for a metropolitan people who control the vast aggregated wealth of the country. I have never complained of these attacks, nor replied to them, and it is not my purpose to do so now; but they did not scruple to misrepresent and ridicule and malign and traduce me for my fidelity to my people and to my convictions.

cule and malign and traduce me formy fidelity to my people and to my convictions.

The writers for these papers never studied the provisions of the bill; they did not know what was in it, nor did they care. They did know that it was originated by and devised in the interest of the wealthy wholesale dealer to the end that he might harrass, oppress, and blackmail and destroy, at his own sweet will, the host of small traders throughout the length and breadth of the land. They did not know that it was full of conspicuous and flagrant incongruities which left its interpretation to officiels whose years position made them unfriendly to the small

cials whose very position made them unfriendly to the small debtor in a contest with his wealthy creditors.

They did not know that it carried in its body the elements and the spirit of a most vicious paternalism, that it bristled with harsh and inhuman remedies in the interest of the creditor, and cruel and unusual penalties against a debtor who may have been

guilty of no greater crime than mere misfortune.

They did not know that it transcended the limits of free government, and would precipitate widespread and unmeasured harm upon the most numerous class of the plain people of the

If these great papers had known all these things about this measure it would not have wrought any change in their course. Their servile and mercenary devotion to the aristocracy of aggregated wealth control their convictions and their opinions and their judgment on all questions which are supposed to imperil the pecuniary interest of this gilded aristocracy. Patriotism— a regard for the principles of free government and constitutional liberty and for the interest of the great mass of the people—exercise no influence with the metropolitan press when they conflict with the private interest and private fortune of the favored

Notwithstanding the abuse and criticism which the "big dallies" of the cities have chosen to mete out to the opponents of this measure, I have not changed my mind in the least on the sub-ject and I have not abated a single jot or tittle of my opposition to the bill. The more I have investigated its provisions, the more I have comprehended its meaning and purpose, the stronger has become my conviction that it is entirely vile and bad. It can be safely asserted in this Hall and outside of it that any measure which has the constant, watchful care and attention of the lobby has behind it some improper motive and is generally loaded with some scheme, the purpose of which is to subserve the interest of only a limited class of selfish people.

One of the strongest objections to this bill is that it has been

pushed from the time it went on the Calendar in the Fifty-first Congress by a shrewd, able, insidious, and assiduous and persistent lobby.

Congress has the authority under the Constitution to enact a

use in my own way, and in my own time, the provisions of the ending bill. No member of the House has taken more interest a this measure, nor been more active than I in opposition to be passage.

In the Fifty-second Congress it was well understood if the bill

Congress has the authority under the Constitution to enact a uniform system of baskrupt laws and has done so on three occasions in our history. But it is not a character of legislation which the people of this country are inclined to favor. They have only been resorted to after periods of great depression in trade and commerce, following widespread commercial disaster

which has swept down unfortunate debtors in all parts of the country

Mr. BOATNER. Will the gentleman yield for a question?

Mr. KILGORE. Yes, sir, with pleasure.
Mr. BOATNER. This matter of a bankrupt bill has been before the country now for the last four years. Has the gentleman observed any decided opposition to the measure; and if so, from what quarters, so far as he has observed, has the principal oppo-

sition come—from what class of people and from what section?
Mr. KILGORE. The great mass of the people whose interest would be most seriously endangered by this measure, if not ruined, do not have the opportunity to investigate and discuss such a measure, and they are slow in giving expression to their opinion about it. I venture to say no man has ever yet seen a full and fair analysis of this bill, and a candid discussion of its provisions, in any of the daily papers which have been demanding its passage. I can inform the gentleman from Louisiana in whose interest the bill is framed and who has been demanding It is intended for the use and benefit of the great its enactment. wholesale merchant, and the great mass of the people would be apt to be found on the other side, for what these creditors de-mand would not tend to promote the interest of the small debtor

Mr. BOATNER. Does the gentleman from Texas refer to the farmers as a class who would be ruined by the passage of the

Mr. KILGORE. Well, sir, I will specify as I go on. I do not wish to be anticipated, though I am perfectly willing to be in-

As I said before, this kind of legislation is not in high favor ith our people. The Government has been in existence a little with our people. more than one hundred years; and during about fifteen years of that period bankrupt laws have been in force in this country

The first such ever passed by Congress was enacted in 1800 and repealed in 1803. It remained on the statute books a little over three years and was repealed long before the limitation on its existence had expired. The next act was passed in 1841 and went into effect on the 1st of February, 1842. This was repealed on the 3d day of March, 1843, remaining in force only about thirteen months. The next law was passed in 1867 and it endured bout elever was passed in 1867 and it endured the status of the second of the sec about eleven years. It was several times amended and it demised in 1878 by repeal.

The contention on each occasion was that they were enacted in the interest of the debtor class. That was the moving purpose, the inspiration for this character of legislation. The prepose, the inspiration for this character of legislation. The pretense for its enactment was that the law was in the interest of the debtor, and that was the truth; because they were enacted right after a great financial storm had swept over the country and many people had been overthrown by the commercial upheaval and depression of the times, and it was in their interest as much or more than in the interest of the creditor class that these bills were passed. They were passed to meet an emergency which existed in the country at the time just prior to the enactment of these laws. There is no such emergency now. This is not a bill in the interest of the creditor.

Enterest of the creditor.

Bankrupt laws, Mr. Chairman, have been in existence for about three hundred and fifty years in England. In the thirty-fourth and thirty-fifth years of the reign of Henry VIII, about three hundred and fifty years ago, the British Parliament passed the first bankruptcy law known to English jurisprudence; and I will call the attention of this committee and the advocates of this bill to what Mr. Robson says in his work on the law and practice of bankruptcy in England on this subject. I quote his event language: exact language:

The first introduction of the bankrupt law was by the statute 34 and 35 Henry VIII, c. 4, which was directed against debtors, whether traders or not, who sought fraudulently to evade the payment of their debts, or, as it was expressed in the act, "who craftly obtaining into their hands great substance of other men's goods do suddenly fice to parts unknown or keep their house, not minding to pay, or return to pay, any of their creditors their debts and duties, but at their own wills and pleasures consume the substance obtained by credit from other men for their own pleasure and delicate living against all reason, equity, and good conscience." (Robson's Law and Practice in Bankruptcy, sixth edition.)

That was one of the principal provisions in the first bankruptcy law that was known, as I say, to English jurisprudence. At the time of the passage of that law, and for centuries afterwards, an insolvent debtor was treated as a criminal in that country and in this. He was deprived of his liberty without the benefit of bail, unless the bail carried with it the security for his debts to

ball, unless the ball carried with it the security for his debts to the satisfaction of his creditors.

Now, the world has learned a good deal since then. It has progressed in the direction of humanity and of enlightenment. The progress which the world has made in three hundred and fifty years and its advance in enlightenment has taken away much of the asperities and harshness with which creditors have heretofore been treated. The heartlessness and cruelty of cred-

itors to their debtors was exemplified by the miseries of the debtors' prisons, which, happily, no longer exist among English-speaking people. This bill, if it becomes a law, would signalize a return to some of the atrocities which were meted out to debt. ors in the olden time. Most people seem to understand that man ors in the olden time. Most people seem to understand that man may become insolvent or lose his property without any fault of his own or criminality on his part. Men become insolvent without the commission of a crime in these days. Everybody seems to have learned that fact, except the author and abettors of the Torrey bankruptcy bill. The language of the acts of three hundred and fifty years ago, passed by the British Parliament, stripped of the quaintness which belonged to the language of that remote period, is in harmony with a portion of the Torrey that remote period, is in harmony with a portion of the Torrey bill and of the grounds on which it seeks to put an unfortu-nate debtor into a court of bankruptcy in which his honor, his credit, and his property are wrecked.

I say, Mr. Chairman, that the world has progressed on that subject. It has come to the conclusion that the debtor has rights; and on that theory and upon that principle the bankrupt laws of this country have heretofore been enacted even though they contain provisions for an involuntary system of bankruptcy. Now, I assert the conditions do not exist which justify a bank-rupt law. There has been no great commercial panic or cyclone sweeping throughout the country and carrying down the debtors of the land. It is true we have had a panic, but it has been among the money-changers and has not extended to merchants and traders

Mr. BOATNER. Let me suggest to the gentleman that as we do not have as severe winds here as you do in Texas, what we consider a considerable blow you would probably consider only gentle zephyr. Mr. KILGORE.

Mr. KILGORE. Well, we do things in Texas, it is true, on a larger scale. When we blow we blow, as my colleague, Mr. CULBERSON, suggests. [Laughter.]

Now, I would like to know, and I will come at once to the question asked by my friend from Louisiana in this connection—I would like to know when there came from any small dealer, I would like to know when there came from any small dealer, any retail merchant, any merchant in a small city or town in the agricultural sections of the country, a demand for the passage of this law? It is proposed in this bill to secure to the farmer, the man whose chief business is that of agriculture, the right voluntarily to become a bankrupt. In that respect I say the bill is vicious. It is not a system of uniform bankruptcy. Have they asked for that? Has there ever been a single demand made by a single farmer in this land for the passage of a law giving them a single farmer in this land for the passage of a law giving them the right to go into bankruptcy, coupled with the right of the creditor to force into bankruptcy his retail merchant?

Has there ever been, from any portion of this broad land, a demand from any retail dealer, large or small, in any portion of the country outside of the great commercial centers, asking the passage of this law? Nobody has ever presented it to this House. If it is true that there has been such a demand we are ignorant of it, and it would be well enough for the gentlemen who advocate this measure to make known to the House and the country such demand.

country such demand.

Who does demand it? This celebrated Torrey bankruptcy bill had its origin in a cabal of wholesale dealers in the city of St. had its origin in a cabal of wholesale dealers in the city of St. Louis, who, acting together with their lawyers, undertook to frame a bill which they presented to this House in the Fifty-first Congress; and under the methods peculiar to that Congress it went through this House with, however, nearly every Democratin the House against it. Some of those who are now favoring it were then opposed to it. It is the wholesale dealers, it is the it were then opposed to it. It is the wholesale dealers, it is the big merchants, it is the aggregated wealth of a few people that demands the passage of this bill; and in my judgment it is against the interests of the great mass of the people of the United States. They say that the wage-earner shall not be subject to its provisions. He has the right, however, to voluntarily surrender his estate and receive the benefit of this law.

Have any of them asked that? Has anybody asked the passage of this law except the class of people I have named? When it was first introduced into the Fifty-first Congress, it came with a great flourish of popular favor, with a loud and prolonged shout

a great flourish of popular favor, with a loud and prolonged shout from the wholesale dealers, from the merchants' exchanges, from the commercial organizations all over the country, saying that the commercial organizations all over the country, saying that this was an eminently just and fair measure, and they demanded its enactment in the interest of the whole people. They always say that when they demand special favors and exclusive privileges for themselves. And when a few of us undertook to impede its passage through the House, the subservient and zealous tools of the aggregated wealth of the great commercial centers the daily press—were prompt to misrepresent, slander, and abuse the representatives of the people.

The weekly papers of the country, representing the sentiments of the people whose interests were to be most largely affected by this bill, and who were more deeply concerned in its provi-

sions and administration than any other class of people, com-mended, so far as my experience goes, the action of those who were prominent in the fight, in the Fifty-second Congress, against

Now, what is the purpose of this legislation? What particular vil exists that this bill is to cure? What is the complaint? Is evil exists that this bill is to cure? evil exists that this bill is to cure? What is the complaint? Is there any greatevil which is to be eradicated by this measure? If the it has not been communicated to anybody here. The coun-80, it has not been communicated to anybody here. The country, so far as I know, and Congress, so far as I have heard, are orant of it.

Then if it is not to cure some defect in the present law, not to remove some great evil that can not be otherwise overcome, I say this House ought not to pass this bill. It is an extraordinary and dangerous experiment, containing the wildest and most

nary and dangerous experiment, containing the wildest and most conspicuous incongruities that have ever been grouped together in any measure within my experience. I will talk about them before I get through with what I have to say. It is understood I am talking against time anyhow as I am to have the floor the remainder of the afternoon. [Laughter.]

The great papers of the land, which have demanded this law, say nothing as to the necessity for it or the evil which it is to cure, or the good which is to be effected. They know nothing about it. The commercial exchanges and mercantile organizations of the great cities say that it is for their interests, and that is all that the metropolitan papers want to know to enlist them in behalf of it, however it may injure the interests of the people and infringe their rights and liberties.

The only complaint that we hear of on this floor is that now

The only complaint that we hear of on this floor is that now and then in the history of commercial transactions some man will become involved and will execute an assignment in which he will prefer some one, or two, or more of his creditors. principal complaint is that he will now and then prefer some member of his family when he finds himself in a failing condition. And the complaint is that these are fraudulent prefer-

Mr. PATTERSON. Most of the States prohibit preferences.
Mr. KILGORE. They prohibit fraudulent preferences.
Mr. RAY. You think he ought to keep it all in the family!

[Laughter.]
Mr. KILGORE. It is a very common occurrence for men in business to borrow money from their kinsfolk, and if they have done so they could not be guilty of fraud if they gave them the preference in the settlement with their creditors. The Scriptures, you know, say that the man who does not provide for his own household "hath denied the faith, and is worse than an

Mr. BOATNER. The Scripture does not say anything about providing for them with other people's goods, does it?
Mr. KILGORE. It does not.

Mr. BOATNER. That is what you seem to want to do.
Mr. KILGORE. I do not want to do anything of the kind.

Mr. RAY. You concede that that practice opens the door to the greatest frauds, do you not?

Mr. KILGORE. Mr. Speaker, I have had some little experience in suits growing out of mercantile transactions. I have had a good deal of experience in that direction, and I have known very few fraudulent conveyances made which, when properly and vigorously attacked, were not set aside by the courts. Every man has his remedy against fraudulent conveyances in the courts of the country. I have known a very small number of fraudulent conveyances in my experience as a lawyer, and while it has not been a very large experience, yet I have had considerable in dealing with failing debtors, and I have generally represented the foreign creditor with a fair measure of success.

Mr. RAY. Let me call your attention to the fact that it has been frequently held that the statute of limitations is a personal privilege. That is the place of it is court in prevently in the statute of the s

privilege. That is, the plea of it in court is a personal privilege.

Mr. KILGORE. That is the invariable rule, I think.

Mr. RAY. So that it has been customary in many instances for persons finding themselves in failing circumstances to prefer So that it has been customary in many instances their wives for old debts, twenty-five, thirty, and thirty-five years of age, where it was impossible for the creditors to prove that they were fraudulent, and so put away the entire property to the detriment of the creditors who had given their credit very recently, so that they consumed and took the whole property and held it against the creditors who had even within a few weeks given credit.

weeks given credit.

Mr. KILGORE. I have never known such a case as is men-Mr. Killecke. I have never known such a case as is mentioned by the gentleman from New York. He states extreme cases, such as seldom arise, if ever. General rules can not be predicated on rare and exceptional cases. I am aware that the statute of limitations is a personal privilege; but when a man undertakes to prefer some of his relations by paying old debts which seem to have long since been barred by limitation, such a transaction would not stand in a court of justice.

Now, I say, what evil do you propose to impeach by this legis-

lation? You propose to prevent preferential payments, to use the language of an English magazine. They have had all the experience of three hundred and fifty years in England under a experience of three nundred and fitty years in England under a bankrupt law, and they have passed and repealed and reënacted bankrupt laws at different periods, beginning with the firstone, in the time of Henry VIII, down to 1833, numbering in all about thirty different bankruptcy acts. They have now the law of 1883, which they say is the perfection of human reason in that respect; and yet only very recently the inspector-general of bankruptcy, Mr. Smith, in 1891, making his report upon the working of the law, found in the Bankers' Magazine of recent date, says:

With recent to fraudulent preferences, for at least preferences by which

With regard to fraudulent preferences, (or at least preferences by which creditors are defrauded) it is, Mr. Smith believes—
"A popular idea that the bankruptcy law effectively provides against preferential payments on the eve of bankruptcy. It was probably intended to do so, but in many respects this intention has entirely failed under the present law as well as under its predecessors."

For three hundred and fifty years the British people have been passing bankruptcy laws and administering them in their courts, and in 1891, under the law which they say can not be improved, they have been unable to prevent preference of creditors and preferential payments, which, says the inspectorgeneral, results in the defrauding of other creditors; and he gives the circumstances under which these payments are made in the following languages: ing language:

In have in previous reports pointed out how, notwithstanding the apparent intentions of the legislature, transactions of this character are still frequent and too often unassailable. Thus, for example, a payment made by an insolvent debtor to his banker with a deliberate view of relieving a guarantor from his liability can not be impeached, atthough frit were given with the view of preferring the banker himself, it would be void; and bankers are frequently being preferred in this manner with impunity. It is clear that the general body of creditore are equally defrauded, whether it was the private intention in the mind of the debtor to prefer the guarantor, or to prefer the banker, and in both cases one creditor is really preferred at the expense of the rest.

And he says that this practice can not be assailed. It is a perfectly apparent transaction, which the law can not contravene; and yet the only thing that this law proposes to do, the only purpose of it, is to remove from the debtor the power to only purpose of it, is to remove from the dector the power to prefer some one or more of his creditors. Now, I say, with the gentleman from Illinois [Mr. Lane], that there is no great wrong, or in a vast majority of such preferences I have never known of a great deal of wrong or fraud to arise out of these preferences in my own experience; and I venture to say that it is the experience of nine-tenths of the lawyers of the country that many preferences which have been given can not be assailed.

It is deathing of the common law and as the gentleman from

erences which have been given can not be assailed.

It is a doctrine of the common law, and as the gentleman from Illinois said, it has existed for five hundred years. Now, the ostensible purpose of this bill, as declared by its advocates, is to prevent a failing debtor from favoring one or more of his creditors, though he may be acting in perfect good faith indoing so. I take this occasion to emphasize the declaration that he who bone fide prefers a creditor to whom he owes a just debt is guilty of no fraud; and all the laws and all the adjudication of the courts which have decounced such conduct as fraudulent have not conwhich have denounced such conduct as fraudulent have not convinced enlightened mankind of the fact. And in this illustra-tion we find the reason why the legislation against preference and preferential payments on the eve of bankruptcy has been a

conspicuous failure. It involves no tarpressed, can impart to it any criminality whatever.

It may be forbidden by law, with severe penalties common to criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws, as provided in the pending bill, but all this will be criminal laws. not convince mankind that it is a crime. Hence all such laws must necessarily be futile, ineffective. Such preferences may hinder and delay some other just claim; such is the effect, and they may defeat the payment of some just claim; but it is the sense of civilized markind that the debtor executing such prefences is guilty of no fraud in fact. The pending bill itself declares preferences in favor of the State or United States Government, in favor of certain lien-holders, and in favor of debts of a fiduciary nature.

a fiduciary nature.

It is not the purpose of this measure to prevent preferences, fraudulent nor any other kind. Its projectors and advocates know that can not be done. Its only object is to lodge with the wholesale people the power to coerce and to crush at their will the retail dealer.

Now, I want to discuss some few of the propositions in this Now, I want to discuss some few of the propositions in this bill, and then a few of its features in detail. The bill provides for voluntary and involuntary bankruptcy. I would be willing to assent to the passage of a measure providing for voluntary bankruptcy if it were so guarded that it could not be used to perpetrate fraud and disturb business relations. It is said that there are thousands of people formerly in business who have been carried down without any fault on their part; that they are down by misfortune, and some legislation for their relief ought to be enacted. A voluntary system of bankruptcy would reach to be enacted. A voluntary system of bankruptcy would reach that class of people. The statistics show, and I believe it appears in the report of

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the majority of the committee, that less than 2 per cent of the merchants fail annually—one in every sixty-seven is said to be about the ratio. And not one in every hundred of those who fail

about the ratio. And not one inevery numeric of those who fail are guilty of any fraud.

Now, it is the failing debtor that this bill is to reach; and if we are to accept the statement of its defenders here, its purpose is to prevent debtors from defrauding their creditors. Now, if there is only one failure out of sixty-seven merchants in each year, where is the reason or the justice or common sense of enacting a complicated law of this kind merely to handle the estate of one merchant or trader in every sixty-seven engaged in bustacting a complicated law of this kind merely to handle the estate of one merchant or trader in every sixty-seven engaged in business, and to prevent one man in every sixty-seven in each year from preferring some of his creditors? This is an experiment which has been tried for three hundred and fifty years without success; yet it is contended that the pending bill can be so administered as to enable the creditors to dictate an equitable distribution of the debtor's estate, and save both debtor and creditor, and still this is the most drastic, the most far-reaching, the most incongruous bankrupt bill ever presented to an intelligent people.

The English people have much stronger reasons for having a bankruptcy laws than can be urged in their behalf in this country. They have but one source of legislation, the British Parliament. They have but one system of laws while we have forty-four; and since the bankrupt law of 1867 went out of existence the remedies of which the creditor can avail himself against a failing debtor have been enlarged and simplified. Why does he nee debtor have been enlarged and simplified. Why does he need an involuntary bankruptcy system? He can go into court and protect himself by invoking the remedies provided both in law and equity. He can proceed by attachment, by garnishment, by sequestration; these are summary and indeed harsh remedies, by sequestration; these are summary and indeed narra remedies; but they are always at hand. He can close out his debtor, he can force him to a settlement, and if he is diligent he can secure his share of the estate; for if a dozen attachments are levied upon a man's property simultaneously, that involves an equal distribution of the estate. Or if they are levied one after another and there is enough to pay them all, each gets his share. But what if there is not enough? That seems to be the trouble, that even are diverged in time with his attach.

But what if there is not enough? That seems to be the trouble, that some creditor is not on the ground in time with his attachment to secure his share of the estate, and someone else who is more diligent gets in ahead, and therefore this law is desired in order to make, as gentlemen say, a more equitable distribution. Under every system of bankruptcy that has existed in this country the result has been the same; the creditor gets little or nothing.

ing.

It is the history of nearly every estate that was administered in the bankrupt court in the district in which I live that the creditor got nothing or very little. If a creditor got 5 per cent of his debt he was a fortunate man. Nine times out of ten the estate did not yield more than enough to pay the lawyers and the costs of court; sometimes not so much. Yet it is proposed here now to precipitate that same condition of things upon the country, and all this merely to prevent the chance that some one country, and all this merely to prevent the chance that some one man in five hundred who fail may fraudulently prefer some mem-ber of his family or other creditor, or to prevent the resident creditor tor getting his attachment in ahead of the nonresident creditor.

That is about all that it is claimed can be accomplished by this proposed law. I say it is unnecessary to have any involuntary system of bankruptcy in this country, but if this House is to agree upon a voluntary system, it can not be framed upon this bill. The whole matter will have to be referred to the Committee on the Judiciary, and they will have to frame a bill based upon the

idea of a system of voluntary bankruptcy.

They have mingled the administrative features of this measure in relation to the voluntary and the involuntary feature of the bill so that they could not be separated or amended in the

I do not believe myself that it is necessary to pass any bank-rupt law at all, but I would be willing to provide for a voluntary system. Four men out of five in my experience who have made an honest failure and surrendered their assets to their creditors by assignment or any other method are generally able to get a compromise with their creditors and settle at 25, 30, or 40 cents on the dollar and set up in business again and go right along.

Mr. BOATNER. Did the gentleman ever know of a settlement of that sort in which some of the creditors did not black-

mail the debtor and get more than any one else for their acqui-

Mr. KILGORE. Such may be the case in many settlements, but they have not come within my experience. But if that were true each of the creditors gets more than would be distributed

in bankruptcy.

Mr. BOATNER. Is it not within the gentleman's experience that those settlements are generally attended with very great difficulty, because where the failure is one of any importance there are always some creditors who insist that they are enti-

tled to receive more than others, and who, in most instances, have to be paid more than others in order to effectuate the settle-

Mr. KILGORE. I know that does happen in some cases. But such settlements are attended with no more difficulty than a settlement in a bankrupt court and not half so much expense. In all such settlements there are some creditors who may be entitled to more than others.

Mr. BOATNER. Will the gentleman not concede that such a settlement should be made under legal process which would do equal justice to all parties according to their interests?

Mr. KILGORE. Yes, if it could be done in that way. But it can not be done. It never has been done and it never will be

done. You can not pass any law that will prevent men from preferring some of their creditors, even if they have to do it by fraud and perjury. You can not frame any law that will compel an equitable and fair distribution of the assets of the failing debtor. I have never known a settlement to be made in my part of the country in which the creditors did not get at least 40 or 50 cents on the dollar; and I have known some big failures-big failures for interior merchants.

In such cases an assignment would be made to keep attaching creditors away. Creditors would come in and an agreement would be entered into; the debtor would secure 40 or 50 cents on the dollar to his creditors and his business goes on as before. In this way the merchant's credit would be saved. In these cases, if the estate were administered in bankruptcy the creditors if the estate were administered in bankruptcy the creditors would not get 10 cents on the dollar; in addition to that, the credit and character of the debtor would be ruined, his business would be broken up, and the business of his neighbors would be demoralized by putting a bankrupt stock on the market to compete with goods sold in the legitimate trade.

Mr. RAY. Have you not in your State any law that regulates or limits preferences?

Mr. KILGORE. No, sir; we have made several efforts by our legislation to properly preferences.

Mr. KILGORE. No, sir; we have made several efforts by our legislation to prevent preferences.

Mr. RAY. Are they not restricted in any way?

Mr. KILGORE. They are not now. The courts held that our assignment law, the purpose of which was to prevent preferences, was not sufficient—did not accomplish the purpose. Another method of making assignments and preferring creditors has been pursued by debtors in our State; and it is regarded as entirely decisioned and the purpose. tirely legitimate, and has been upheld by the appellate courts

Mr. RAY. Then you have had and now have a law regulating

the giving of preferences?

Mr. KILGORE. In a certain sense it may regulate them. It

Mr. KILGORE. In a certain sense it may regulate them?

Mr. RAY. Does it not restrict them?

Mr. KILGORE. There was an attempt by law to restrict them; but like all other laws in that direction, the effort failed.

Mr. RAY. But you have such a law on your statute book?

Mr. KILGORE. We had a law which attempted, as has been law on them States, to prevent preferences.

done in other States, to prevent preferences.

Mr. RAY. Does not the prevalence of these laws in all the States show that the general tendency of lawmaking bodies is to restrict preferences Mr. KILGORE. A

Mr. KILGORE. And the general tendency of the decisions of the courts is that such laws can not be effectual. Laws of that kind have not been able to prevent preferences.

Mr. RAY. Supposing that to be true, does not the fact of the passage of such laws show the prevalence of the general opinion

that the giving of preferences should be regulated and restrained?

Mr. KILGORE. That is the prevailing opinion among creditors who are not on the ground—among the great wholesale dealers at a distance who undertake to dictate legislation and who have more facilities for doing so than the small creditor

who is usually preferred.

Mr. RAY. May I ask you this plain question: Do you believe that the debtor should be left without any restriction whatever

that the debter should be left without any restriction whatever to prefer whomever he may please?

Mr. KILGORE. No, sir; I do not go that far; but I do believe that the debter ought to have the right to prefer a creditor who is entitled to preference; and in many cases certain creditors are entitled to preference over others.

Take the case of the small dealer who has been doing business for a series of years with a certain wholesale merchant, buying goods from him and paying for them every four or six months. During all this time the merchant has made money out of the retail dealer. Now when that small dealer gets into financial trouble and he finds himself in trouble by a condition of things for which he is not responsible—a condition brought on by the financial circumstances of the country or the legislation of the country or the taxation of the country—when he finds himself in danger of going to the wall, his neighbor loans him \$500 or a thousand dollars in money. In such a case I believe it is the duty of that dealer to prefer a creditor who advanced him the money and who has received no benefit from the loan. The only thing that legislation has ever accomplished has been to hedge sround the debtor in such a way as to minimize fraudulent pref-

As a rule is it not a fact that when a debtor comes Mr. RAY. Mr. RAY. As a rule is it not a fact that when a declar comes to give preferences, instead of preferring the man who has recently loaned him money, or who has recently given him credit, he prefers the man with whom he has been dealing for years, who has given him credit for years, because his object is to go into business again, and he expects to get credit from that same

source? Mr. KILGORE. I know that is the reasoning usually adopted on this subject; but that is not generally the fact according to my experience. Men of honor and integrity who fall into misfortune in their business always favor their neighbors who have added them in their trouble. There is a strong sentiment in our sided them in their trouble. country on that subject.

Now, the gentleman from Lousiana [Mr. BOATNER] asked me whether the farmers as a class will be ruined by the enactment

I am not posing, Mr. Chairman, as a special champion of the farmers any more than I am of any other class of worthy people. They are no better and no worse than any other honest, deserving, and industrious people. My neighbors are farmers, most of them, my constituents are farmers, and I would have been a farmer myself if I had not had an invincible repugnance to manual [Laughter.] I was raised on a farm, and have experienced

much of hardship of such a life in early times in Texas.

I know something of the hardships of a farmer's life. something of his privations and of his deprivations. I know that he does not receive a fair and just compensation for his labor. His is, transcendently, the most important vocation known to civilization. Without the product of his labor the human race would perish from the face of the earth. He pays the taxes of the Government; he fights her battles in war, and wins her victories. He asks only that equal and exact justice and equal and uniform budens shall be apportioned to all alike. The retail merchant is an essential part of the system in all agricultural coun-The farmer can no more get along without the retail dealer who is his neighbor, than the retail dealer can get along without the farmer. They are essential to each other, and when you strike down the retail dealer, as you propose to do by this bill, when you put it in the power of one of his creditors to destroy him—and there is not a retail merchant in Texas who, under the provisions of this bill, could not be put into bankruptcy any day—when you destroy him, you greatly injure the agricultural interest to which he is a valuable, perhaps indispensable adjunct.

Mr. OATES. How can he be hurt by the bill if he pays his

debta? Mr. KILGORE. If he is able to pay his debts and pays them promptly as they mature, that may be true. But there is not a day in the year in which the retail merchant in the interior would not be menaced by his creditors under this measure, and in which he could not be crushed by the wholesale merchant if this bill should become a law.

Mr. OATES. Are they insolvent, too?

Mr. KILGORE. Well, the question of insolvency as defined by this bill is as uncertain as the nature of the man who inhabits the moon.

Mr. OATES. Would not the gentleman be satisfied with the

verdict of the jury as to the solvency of the man?

Mr. KILGORE. But there is no rule by which you can determine whether his property, at a fair valuation, is sufficient to pay his debts.

Well, the jury in such a case would not be Mr. OATES. likely to decide that he is insolvent without proper inquiry.

Mr. KILGORE. Well, whatisa "fair valuation"? You know where a question is left so indefinite as this bill leaves it that

you can not expect any certainty in the results.

Mr. OATES. But the burden of proof would be on the plaintiff.

If they can satisfy the jury that the party is insolvent, the jury would render their verdict in accordance.

Mr. KILGORE. That may be so; and that is a very simple statement of a very grave and complicated matter. The debtor can be dragged into the Federal court at the suggestion of one of his creditors. If he has a dozen creditors or a hundred, under the provisions of this bill any one of them controlling \$500 of his indebtedness can carry him and his property and business into the United States court and try the question of his solvency, and this same creditor can put him into that court and have an inquiry as to whether or not he has been guilty of any wrong or fraud in the conduct of his business or suffered any misfortune which his vigilant and exacting creditors could use against him. If he has less than twelve creditors, any one of them owning as much as \$500 worth of claims against him can

put him into the bankrupt court and have him tried for an act of bankruptcy. If he has more than twelve creditors, any one of them can prefer the charge against him that he is guilty of some act of bankruptcy and carry him into court, but can not compel an adjudication unless other creditors join in the petition. If he is acquitted of the charge, and it is found his property is sufficient to pay his debts, and he is discharged, he is nevertheless ruined; he is a ruined man, and you know it.

You know how sensitive and delicate the credit of a merchant When he has been taken by one creditor or three creditors into the Federal court or into any other court to determine the question of his solvency, and whether he has perpetrated a fraud on his creditors or not or done anything declared to be an act of bankruptcy by this bill and he is subjected to the provisions of the bill and discharged with the verdict that he is not guilty, still his ruin has been accomplished. And any man, an enemy, who could acquire possession of \$500 of his indebtedness can at any time put the debtor in the Federal court and that means, as I have shown, his utter ruin. It is scarcely then a question of solvency, because ruin follows anyhow, the ruin of the debtor, and he is absolutely without any remedy for the malicious wrong which he may suffer at the hands of his enemy

Mr. CULBERSON. And, if my colleague will permit me, there is no method prescribed in this bill by which you shall ascertain the fair market value of the property; whether it is to be a cash sale, or whether it is to be a sale on credit, or whether it is to

be sold at the tax valuation, or what not.

Mr. KILGORE. I thank my colleague for the suggestion; and the fact that no reasonable rule can be prescribed under the definition given in the bill will constitute the greatest difficulty in such trials. There is no provision and there can be none by in such trials. There is no provision and there can be none by which to determine the matter, for if a man sets up that the property real and personal is worth \$10,000, and they go to the tax roll and see that at a certain time it was rendered for taxation \$7,000, a difficulty arises at once as to a "fair valuation." Mr. CULBERSON. That is it exactly.

Mr. KILGORE. And how are you to determine the question of value? It varies necessarily every day with the varying conditions of trade and finance.

The CHAIRMAN. The time of the centianum from Toyan.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CULBERSON. I ask unanimous consent that my col-

league may have time to conclude his argument.

The CHAIRMAN. The gentleman from Texas Mr. CULBER-SON] asks unanimous consent that his colleague may have time to conclude his remarks. Is there objection?

There was no objection.

Mr. BOATNER Will the gentleman yield to me for a question right there?
Mr. KILGORE. Certainly I will.

Mr. BOATNER. Has the gentleman ever known a merchant to suspend his payments for thirty days while insolvent, and remain under protest, and still live in business?
Mr. KILGORE. "While insolvent"?

Mr. BOATNER. Yes.
Mr. KILGORE. How are you first going to find out whether he is insolvent or not?

Mr. BOATNER. Have you ever known a merchant to be under protest for thirty days without a liquidation of his busi-

Why, it is not an uncommon occurrence for Mr. KILGORE. a man to have drafts come through the bank and even be protested, and have the bank to carry him a few days.

Mr. BAILEY. Commercial paper need not even be protested. If it simply remains thirty days unpaid after maturity, that is a sufficient ground under this bill for putting him into bank-

Mr. KILGORE. It does not require that it shall go to protest. Formal protest is not needed to charge him with an act of

Mr. BOATNER. I agree with the gentleman in the idea that this ground of involuntary bankruptcy should be stricken out of the bill. At the same time, so far as my experience goes, whenever a merchant goes to protest and is unable to provide for his paper his business is at an end until it is reorganized.

Mr. KILGORE. It is not the rule to draw checks on the re-tail merchant in the country towns in the interior subject to protest.

The difficulty with the country merchant is that he sells his goods on credit, and must do it. Now, the country merchant is the customer of the wholesale dealer, who wants to have him completely under his control. He wants to be able to blackmail him or effect his destruction whenever it suits his purpose. He wants to be able to drag him into court, and he can do it under

In Texas and in many of the States in the West and Southwest

the taking of a man into a Federal court is a very serious matter. We have an area of 275,000 square miles in Texas, which you all know is nearly "as big as all out of doors," and we have eleven points at which the Federal courts are held, and there are thousands of people in Texas who live 250 or 300 miles from the nearest point where the Federal court is held.

That condition is not peculiar to Texas. It is true of all the great States of the West having a large territory. Now you can understand just how dangerous and oppressive may be this measure, with the facilities which it will afford to any creditor to take an unfortunate debtor into court. It may be done, not on account of any fraud or wrong, but on account of some misfortune; or there may have been no misfortune at all. A man may be perfectly solvent, but on certain allegations which the creditor may make in his petition, he can take the debtor into court and inquire into the question of his solvency, and if he is found under this law to be solvent and is discharged, his usefulness and success as a merchant is at an end, and he has no remedy against his creditor who has wrought his ruin. There is no escape from these features of the bill.

Now, Mr. Chairman, I want to talk a little about the details of this bill. There are some rather funny things in it. It has in it a dictionary full of definitions no man ever heard of before, and Congress is, mind you, called on to enact this dictionary and make it a part of the law of the land.

Among other things it says:

Words importing the masculine gender may be applied to and include corporations, partnerships, and women.

Now, Mr. Chairman, as little as you may think of it, by this legislation our women may be converted into corporations. The bill absolutely abolishes all distinctions between men and women, and all distinctions between women and corporations; and when a man has gone out and courted some good-looking girl, spent days, and weeks, and months, and all his spare shekels wheedling her into matrimony, and after he has at last succeeded, it turns out he has married a blasted and soulless corporation. What are we coming to? [Laughter.]

That is not all. Not half. The bill goes on to say that—

(28). Words importing the plural number may be applied to and mean only a single person or thing; (29) words importing the singular number may be applied to and mean several persons or things.

Now, after a man has succeeded in fooling some good woman into matrimony, and then finds he has made no blunder, he would be liable to a prosecution for having a plurality of wives if this bill goes on the statute books in its present shape, for it says "words importing the singular number may be applied to mean several persons."

This bill, in providing a dictionary, proposes other innova-tions at the same time. Here is what it says:

Words which are given a meaning or made to include other words herein, then used in one tense, shall have a corresponding meaning when used in

The pending measure not only enacts a dictionary, but it actually repeals the grammar. I am rather glad that such is the case, for I have ever cherished a malicious repugnance to all grammars. [Laughter.] They have been a stumbling-block in my way all my life. Let them be abolished. [Laughter.]

Now, when, as Mr. Dickens says, "a man has conjugated himself into the imperative mood," he will at the same time find that he is also in the indicative mood.

that he is also in the indicative mood. Moods and tenses and c'ses no longer preserve their distinguishing characteristics. They are homologued, so to speak—made one and the same by this bill. It is an offense punishable by imprisonment two years for a bankrupt to conceal any property belonging to his estats so the declaration that he would conceal some of his property would, according to the grammar of this bill, be an admission that he had done so, and he would stand a fair chance to go to the penitentiary on his admissions, whether he was guilty or not. And when a candidate for some office has been skirmishing for months and finally achieves the nominative case, he is dumfounded when he learns that by an act of Congress he is placed in the vocative.

While the authors of this bill were at work on the scheme to abolish the grammar, they might at the same time have done something for a weary world by repealing the spelling book. [Laughter.] In doing so they would in some degree have atoned for the mischief they do in other respects, and earned the grattude of the bulk of mankind.

Now, Mr. Chairman, if this measure should become the law it will open wide the door to all sorts of opportunities for the perpetration of freud by adventurers in the mercantile profession. Many such can command the money to begin business with fair stocks of goods purchased largely on credit, and with a fair standing they can enlarge their business till suddenly it col-lapses, and an investigation discloses a wide disparity between

the liabilities and the assets, and the further fact that the debter has in the meantime acquired and paid for a valuable hom has in the meantime acquired and paid for a valuable nume stead and other exempt property protected by State laws and the measure under consideration. The debtor may acquire exstead and other exempt property projected by State laws and the measure under consideration. The debtor may acquire exempt property to any amount and up to the very day before the filing of a petition in bankruptcy, and he can defy his creditors and hold the property to the extent of the exemptions.

This would be deliberately fraudulent, yet the law affords ample protection to transactions such as I have described. I

have known just such cases in my own experience. The strong est influence which now operates to deter men from engaging in such fraudulent transactions is found in the fact that his debts remain against him, and his creditors harass almost the lifeout of him for years to come. Pass this bill and you contribute greatly to the promotion of all such schemes and devices for defrauding creditors.

frauding creditors.

The homestead, which the laws of Texas exempt to every head of a family, may be worth \$50,000 or more.

Mr. CULBERSON. Without limit, practically.

Mr. KILGORE. Yes, as my colleague suggests, without limit.

The law provides that a man is entitled to a lot or lots in a city or lower which shall not be worth at the time they are selected. or town which shall not be worth at the time they are selected for a homestead more than \$5,000; but he can put a dwelling and a business house on them worth \$100,000 or worth any amount, A homestead in the country consists of 200 acres of land with all A nonestead in the country consists of 200 acres of land with all the mills, gins, factories, and everything pertaining to such a property. All that is exempt from forced sale in Texas, and when people deal with our people they deal with them with full knowledge of these large exemptions, which are perhaps the largest that are made by any State in the Union. The passage of this bill, instead of imposing restraint on fraudulent transactions, will tend to encourage all sorts of profligacy and fraud and peculation.

The bill provides that "if a person within six months prior to

The bill provides that "if a person within six months prior to The bill provides that "II a person within six months prior to the filing of a petition against him concealed himself with the intent to avoid the service of civil process and to defeat his creditors" he is guilty of an act of bankruptcy. It then defines the word "conceal" and says that it shall include "secrete," "falsify," "mutilate," "remove," "suppress." Let us see how this reads when analyzed. If any person shall secrete himself, falsify himself, mutilate himself, remove himself, or suppress himself, the same process himself, and the same person shall secrete himself. self, he shall be deemed guilty of an act of bankruptcy! be assumed that the intention of the act is to make an act of bankruptcy for a debtor to conceal himself during the entiresix months prior to filing a petition against him. But the language of the bill would indicate that he would be guilty of an act of bankruptcy if he concealed himself at any time within six montas prior to the filing of a petition against him. No man can tell

what this most remarkable measure does mean.

Another act of bankruptcy is where a person "makes a transfer of his property with intent to defeat his creditors." fer of his property with intent to defeat his creditors." Now, I would like to ask how it is possible to establish the intent except by the proof of the transfer, and if the intent is proven by the transfer you tie the hands of business men effectually. "Transfer" is defined to mean "sale" and every other method of parting with property or its possession. How is a min to know when to sell or buy under this law, if it should pass.

Mr. BOATNER. Let me ask the gentleman is not fraudulent transfer a ground for an attachment in his State?

Mr. KILGORE. Yes, sir.

Mr. BOATNER. In sustaining an attachment is it sufficient to prove that the property has been transferred without proving

Mr. BOATNER. In sustaining an attachment is it sufficient to prove that the property has been transferred without proving the intent? Mr. KILGORE. You can not traverse the affidavit for an at-

tachment in Texas.

Mr. BOATNER. Mr. KILGORE. You can not?

Then I understand the gentleman to say Mr. BOATNER. that if a creditor takes out an attachment upon the ground of fraudulent transfer of property and swears to the fraudulent intent, that is conclusive?

Mr. KILGORE. You can not traverse the affidavit but in a trial on a plea in reconvention for damages for the wrongful or malicious suing out of an attachment you can controvert the allegations in the affidavit. This can be done in the original

Mr. BOATNER. Then I understand very well why the gentleman is not in favor of this bill, because if it be true that in Texas an affidavit for an attachment can not be controverted. the creditor certainly does not need any additional legal facili-

Mr. KILGORE. I do not say the affidavit can not be controverted. The allegations in the affidavit can be put in issue in a plea in reconvention for damages, and the defendant can, in that case, controvert the affidavit and show that the ground for at tachment did not exist.

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I understand now then, that the affidavit Mr. BOATNER. can be controverted?

Mr. KILGORE. Not as an original proceeding to dissolve the attachment. It can be done only in a trial on a plea in recon-

Mr. BOATNER. But I understand that the debtor may deny the allegations and may pray for damages in reconvention?

Mr. KILGORE. He may set up that plea, but he must plead his case with the same certainty that is required of a plaintiff.

Mr. BOATNER. Then in that suit for damages the verity of the affidavit in support of the attachment is at issue?

Mr. KILGORE. Yes, sir; if the pleadings of the defendant are so framed as to put them in issue.

Mr. BOATNER. Now, in that issue, where the defendant swears that he did not do what the affidavit charges him with doing, that is, that he did not make the transfer with fraudulent intent, is not the onus of proof upon the plaintiff to show the intent with which the act was done, and must not the intent be ascertained by all the surrounding facts, and the evidence in the

Mr. KILGORE. I think that is about the practice in Texas, except the burden is on the defendant to make out by competent

evidence the case he has alleged.

Mr. CLARK of Missouri. With the permission of the gentleman from Texas, I will ask the gentleman from Louisiana [Mr. BOATNER] a question. Do not you consider that there is a very great difference between an attachment proceeding where the plaintiff has to give a bond for damages and this method of 'yanking" the debtor up in this bankruptcy proceeding, and making the very same allegations against him without giving any bond?

Mr. KILGORE. "I thank thee, Roderick, for the word!"

Mr. KILGORE. "I thank thee, Roderick, for the word!"
[Laughter.]
Mr. BOATNER. There is a difference between the two proceedings, the difference being in favor of the bankruptcy proceeding. In the attachment case the creditor may obtain his writ at any time by making affidavit and giving bond; and that proceeding is ex parte. The sheriff immediately executes the writ by taking possession of the property. On the other hand, in the proceeding proposed by this bill the creditor can only file an ordinary suit in conjunction with certain other creditors; pending the proceeding the defendant is not deprived of the spread of this property; he is not interfered with in its use or possession of his property; he is not interfered with in its use or occupancy; and the issue as to whether he has done the acts charged against him is one which must be tried by a jury. No hurt can come to the party. If proceedings are instituted maliciously, without proper cause, the person instituting such proceedings is liable under the elementary rules of law to damages

for having done so.

Mr. CLARK of Missouri. Do you not think that this proceedand the proceeding in bankruptcy which allows a man to come into court and make affidavit, without any bond back of him, that a debtor has conveyed away his property fraudulently or is going to do so, is liable ultimately to do him just as much damage in a commercial sense, and so far as his financial standing is concerned, as

cial sense, and so far as his financial standing is concerned, as an attachment proceeding against him?

Mr. BOATNER. I do not—not by any means.

Mr. KILGORE. I am very glad that this interruption has taken place, especially as it does not come out of my time. Now, as I have said heretofore, the bill declares it an act of bankruptcy if the debtor "made a transfer of any of his property with intent to defeat his creditors." I say the intention must be proven by

I suppose the man would have the right to controvert the charge upon the trial; yet a man in perfect innocence and in a perfectly proper and legitimate transaction may have sold propperfectly proper and legitimate transaction may have sold property in the ordinary course of business, may have conveyed property to some creditor in perfect good faith, yet this transaction furnishes the foundation for some oversuspicious creditor to assail his standing and character as a business man in the United States court, which may be held 100 miles from his domicile; and then, after a trial by the court or jury, at a heavy expense, including lawyers' and witness' fees and traveling expenses, he may be acquitted; but who can repair the damage he

Mr. RAY. And there is no provision by which he can have the costs awarded him against parties making such a charge.

Mr. KILGORE. So I understand. There is nothing in this bill charging persons who institute such a proceeding with the costs if the proceeding fails.

Another act of bankruptcy is when the debtor has "made an assignment for the benefit of his creditors." I suppose it means an assignment under the State law. When a man makes an assignment for the benefit of all his creditors, why should that be regarded as an act of bankruptcy if all the creditors live in the State in which he himself resides? Why not leave this matter

to be handled by the State courts under the State law which provides for assignments and for the distribution of property under

such assignments?

When a man has made an honest assignment for the benefit of his creditors, all living, we assume, in his neighborhood, none living outside his State, none of them affected by any interstate question of commerce or trade—why not leave the matter to the State courts where the assignment can be assilled if fraudulent? Why should Federal authority undertake to assume control of a matter of that kind? By an express provision of the Constitu-tion the judicial power of the Federal Government extends to controversies between citizens of different States; and while Congress has authority under the Constitution to enact a uniform bankrupt law for the entire Republic, still it seems to me it would be bad policy in the exercise of this authority to pass a law which would annul the assignment laws of all the States which affect parties, debtor and creditors, residing in the same State. Another ground of bankruptcy is where a creditor has-

Made, while insolvent, a contract personally or by agents for the purchase or sale of a commodity with intent not to receive or deliver the same, but merely to receive or pay a difference between the contract and the market price thereof at a time subsequent to the making of such contract.

Now, the Supreme Court of the United States, in a very re-cent opinion, have declared that just such contracts are valid and binding on the parties, I do not care what the intention of the contracting parties may have been when they entered into the contract. If one contracted to buy and the other to sell, and the contract is in terms, that can be enforced, though it may have been their intention that no property should pass between have been their intention that no property should pass between them, and they may publish their purpose on the house tops, the contract is valid and can be enforced; and yet this bill says if a country merchant or small dealer enters into a valid contract and buys property with the intention of not delivering the property, or with the purpose of paying or receiving the difference between the price when the contract was made and at the date fixed for the delivery of the property, he shall be subject to be put in bankruptcy.

This is one of the many unique features of this bill. It is a part of the same general scheme that runs all through it to build

part of the same general scheme that runs all through it to build up through the United States courts a broad system of paternalism which is avowedly hostile to that freedom and independence which should belong to every self-respecting citizen in the management of his own affairs. It provides for a guardianship over why, the merchants in my part of the country buy cotton from their customers. They contract with the spinner and buyer to deliver to him 1,000 bales of cotton, for instance, at some deliver to him 1,000 bales of cotton, for instance, at some date in the future. He may not own a single bale of cotton at the time he makes the contract. He may not have intended from the first to make the delivery, or if he intended to do so he may have changed his mind and determined not to deliver the may have changed his mind and determined not to deliver the property, or he may not have been able to control the property to enable him to comply with his contract. But on his failure to perform he is liable to the other party for such damages as he may have sustained by the default. They say this is gambling and that it ought to be abolished. But nearly all speculative trading, all speculation, is more or less gambling in that sense of the word. If it is gambling Congress can not deal with it.

Mr. STOCKDALE. At all events it ought not to be abolished in a bankrupt law.

in a bankrupt law.

Mr. KILGORE. No; as the gentleman from Mississippi says, it ought not to be abolished in a bankrupt law.

If they had gone on and provided that a man should be adjudged a bankrupt, if he being insolvent owned horses and carriages, there would have been just as much reason in it; or if they had made it an act of bankruptcy for an insolvent to buy more they had made it an act of bankruptcy for an insolvent to buy more than one silk dress for his wife in a year, or made it an act of bunkruptcy for a man who is insolvent to kiss his wife more than once or twice a month [laughter], or get drunk, or bet on a horse race, then there would have been a beautiful harmony in the measure. But here is a bill properly named a bankrupt bill, for it will bankrupt the agricultural masses if it is ever passed, framed by the great wholesale dealers of this country, with their lawyers shrewd and adroitand able at their elbows; and yet they put that sort of foolishness in a measure and ask Congress to mass it.

Again, Mr. Chairman, when we pass a measure of this kind Again, Mr. Chairman, when we pass a measure of this kind we bring dire confusion on the business and business relations of every person who engages in traffic of any kind. It will unsettle all internal business and trade and fill the land with wrong and fraud. It will come to pass that no man will trust his neighbor. If he buys property and invests in it all the savings of years of toil, there is no certainty that he can hold it. His vender may bankrupt within the next six months and his property must go into the hands of a truste rto be litigated in the United States court. The nurchaser may have hought in perfect good faith court. The purchaser may have bought in perfect good faith

while his vender may have sold with the intent to defeat his The vender may be insolvent in fact, but the world creditors. The vender may be insolvent in fact, but the world can not know it in many cases until the question has been adjudicated in a bankruptcy proceeding; still, if he is guilty of any act of bankruptcy named in the pending bill all his trades and transactions with his neighbors and the country at large which have taken place within six months next preceding the filing of a petition in bankruptcy are out of joint and liable to be annulled. Your dishonest neighbor, if you happen to have one, may involve you in a trade, a horse trade or a cotton trade; you may buy 500 head of cattle or 500 acres of land from him, and within aix months he voluntarily seeks the protection of the bankrupt.

six months he voluntarily seeks the protection of the bankrupt court. Then your property is in litigation, with a clouded title. Or your vender may be perfectly honest and upright, with a wellestablished character for fair dealing, yet any one of his credit-ors, as we have seen, may force him into bankruptcy within six months of your transactions with him, and you must go into an expensive and inconvenient court to defend the title to your property, honestly acquired, but now clouded and endangered by the acts of strangers.

When you consider that nearly every man in every community mingles more or less in the innumerable transactions which attend the trade and traffic of the people you may have some slight conception of the confusion, confounded a thousand times over, which would exist under the proposed bankrupt act. The Republican measure which passed the Fifty-first Congress contained a provision authorizing the litigating of the title to property in the State courts in a contest between the vendee of the bankrupt

and the trustee in bankruptcy. In that regard it was preferable to the bill under consideration. If this bill ever becomes the law of the land it will destroy confidence between man and man, it will unsettle traffic and paralyze business in all interior communities and fill the courts with endless and unseemly liti-

gation.

Mr. CLARK of Missouri. If it will not interrupt the gentleman I would like to ask him one question just there.

Mr. KILGORE. Certainly.

Mr. CLARK of Missouri. What proportion of the business men of all the southwest country in your judgment could be forced into involuntary bankruptcy under this \$500 credit provision? vision

Mr. KILGORE. Well, sir, I suppose all of them—
Mr. CLARK of Missouri. Certainly, nine-tenths of them.
Mr. KILGORE. Fully nine-tenths of them. There is not a
day in the experience of most of the small dealers in this coun-

day in the experience of most of the small dealers in this country when they can not be forced into bankruptcy under this bill, and all their transactions with their neighbors vacated which may have taken place within the preceding six months. Can you afford to enact such legislation? And it may apply to other men besides merchants. It reaches all who traffic.

Mr. RAY, I want to call the attention of the gentleman from

men besides merchants. It reaches all who traffic.

Mr. RAY. I want to call the attention of the gentleman from
Texas and the committee to the fact that the bill as it now stands
says that it shall be an act of bankruptcy for a debtor to transfer any of his property for the purpose of giving a preference.

And the bill further gives such exemption, so that under the
last it now stands, if a debtor should transfer any of his property for
the purpose of satisfying a debt which is preferred under the
law of the State where he resides, he would be guilty of an act
of bankruptcy, for which he would be thrown into bankruptcy
at any time six months thereafter.

Mr. KILGORE. I understand that to be the rule, and that, I
say, is the theory upon which the business of the country would
be unsettled. No man would be willing to trust his neighbor.
No man would be willing to sell goods and take notes, for he
would not know when he would be forced into the Federal court
to litigate the question of his title, or the question of the collection of his debts.

Mr. RAY. At least the point I wish to make is this, that

Mr. RAY. At least the point I wish to make is this, that under this bill, if enacted, a man should be permitted at any time to pay the debts that are preferred by the laws of the State in which he lives.

Mr. KILGORE. Now they undertake to catch votes by saying that all persons who owe debts, except corporations, may voluntarily take the benefit of this act, and everybody else except national banks and wage-earners—that would include lawyers—and people whose chief business is that of farming can be forced into bankruptcy. This bill does not provide for a uniform system of bankruptcy. Why not apply it to all alike? They could not afford to do it.

They say in the majority report, made by the gentleman from Alabama [Mr. OATES], that the farmers do not ask for a coercive provision in this bill for themselves. Well, who has ever heard that the merchant in the towns and villages, retail dealer, wanted it? Who has ever heard that anybody else wanted it except the great wholesale dealers, the merchant princes of the big cities? If we are proceeding on that theory, then, air, we must strike

out all of it that relates to any one except the wholesale dealers. They alone have asked for this measure.

The purpose of this law is to blackmail, to break down and The purpose of this law is to Diackmail, to break down and ruin the debtor who does not do exactly as the creditor wants him to do, and all its harsh provisions will be interpreted most strongly against him by his big creditors; and after they have stripped him of all his property and wasted it in expensive litigation in the United States court, then they will begin to consider the propriety of putting him in the penitentiary a couple of years for something he has done or omitted in the course of proceedings.

the proceedings.

The pending bill makes radical changes in the rules of the criminal law as they have been understood and enforced in common-law countries. In our country an evil or criminal intent is an assential element in all felonious crimes. This intent must not only exist, but it must be alleged and proven like any other material fact. The bankrupt can be punished by two years im-prisonment in the penitentiary if he does or omits to do any one of the half dozen things mentioned in the following extract from the pending bill:

(6) made a substantially false valuation, as a bankrupt, of any of the property of his estate in his schedule of property, or omitted therefrom any of the property of his estate, or from the list of his creditors any person to whom he is indebted in a substantial amount, or included therein any person to whom he is not indebted, or included therein a creditor for an amount substantially more than the true indebtedness; (7) obtained on credit any property with intent to use the same to prefer a creditor or increase his property in contemplation of bankruptcy.

Now, if this measure should go on the statute books a debtor who has been unfortunate enough to have to make a pilgrimage through the rough and devious ways of a bankrupt court can be prosecuted and convicted and sent to prison for a term of two years, and yet the indictment need not charge him with the commission of any crime or the intention to commit a crime. he should make a mistake in the valuation of his property, or if by mistake he should omit any of his property from his schedule or the name of any creditor to whom he may be indebted in a substantial amount, or include therein a creditor for an amount substantially more than the true indebtedness he can be convicted of a felony. This, Mr. Chairman, is the complete and perfect measure which is so zealously commended to the House and the country by the gentleman from Alabama [Mr. OATES], who argues that it ought to pass without any material change in

Now, there is one other proposition in this bill which I desire to call to the attention of this House. I am not going to consume much more time. It is upon the subject of liens. They say here:

A lien created by or obtained in or pursuance to any suit or proceeding at law or in equity including an attachment upon mesne process or a judgment by confession, which was begun against the person within four months before the filing of the petition in bankruptcy by or against such person shall be dissolved by the adjudication of such person to be a bankrupt.

If any such lien shall have been realized upon, the amount shall be paid to the trustee by the officer or beneficiary, less the amount of the taxable costs which may have been incurred in good faith.

Now, sir, if a man has a transaction with a debtor who within four months goes into bankruptcy and buys a piece of property from him, and pays for it or advances money and takes a lien upon it, and the debt is paid by the transfer of the property, the entire transaction could be declared void and the party would

Now, after all this trouble is over; after the debtor has gotten through a court in bankruptoy; after he is broken up and his property wasted and all his transactions had within the six property wasted and all his transactions had within the six months next preceding the filing of the petition have been avoided, and after he has missed the penitentiary by the skin of his teeth and has commenced business again, this bill provides that at any time within two years after he has been discharged and started in business again, he can be put back into bankruptey on the application of a single individual, a stranger to the proceedings and without any interest in the estate of the debtor.

Mr. BOATNER. Will the gentleman yield to me for a question?

tion?

Mr. KILGORE. Yes, sir.
Mr. BOATNER. You stated just now that there was a provision in this bill that repealed the criminal laws of the country.

vision in this bill that repealed the criminal laws of the country and authorized the conviction and sentence of a man to the penitentiary for having made a mistake—

Mr. KILGORE. If I have made any erroneous statement I would be very glad to be corrected. I stated just now that in prosecutions provided for by this bill the rule of the criminal law had been changed as to the essential elements of crime.

Mr. BOATNER. As to his assets, his estate, or the price of the property. Will the gentleman be kind enough to point out the section to which he refers?

Mr. KILGORE. It is that portion of the bill which I read and commented on just a while ago.

Mr. BOATNER. I do not find anything of that kind in the

bill.

Mr. OATES. The gentleman has said that some creditor may make an affidavit that the discharge was fraudulently obtained. If the allegation of that affidavit should not be proved the discharge would not be set aside; and if the discharge were fraudulently obtained, ought it not to be set aside?

Mr. KILGORE. If I do not misunderstand the remark of the mark of the control of the set as a large of the control of the co

Mr. KILGORE. If I do not misunderstand the remark of the gentleman from Alabama, I certainly agree with him. As I was saying, this bill provides that any time within two years after a bankrupt has been discharged he may be thrown in the bankrupt courts again on the application of a stranger to the original proceedings charging that the discharge was obtained by fraud

or perjury.

Mr. BOATNER. What will the gentleman do with the rule of law that requires that any suitor in a given case must allege an interest in order to have a standing in court?

Mr. KILGORE. That is the general rule, but the framers of

this measure do not seem to have had much regard for general

rules and general principles.

Mr. BOATNER. Does the gentleman understand that this hill proposes to repeal all laws and all rules except those incorporated in it?

Mr. KILGORE. No, sir; I am just stating what it does pro-

Mr. STOCKDALE. It is a new code.
Mr. KILGORE. It does prescribe a new code. I will just read what it says on the subject:

SEC. 14. Discharges, when revoked.—The court may, upon the application of parties in interest who have not been guilty of undue laches, filed at any time within two years after a discharge shall have been granted, revoke it upon a trial if it shall be made to appear that fraud was practiced or that perjury was committed by the bankrupt or any person in his behalf in its practicement, and that the knowledge thereof has come to the petitioners since the granting of the discharge.

Mr. BOATNER. It must be a party in interest.
Mr. KILGORE. That is true; I accept the correction.
Now, sir, a man can make the application if he was a party the original proceedings—a party in interest—any time within two years after the debtor's discharge, send him back into court on an application alleging that he obtained his discharge by his own fraud or perjury or the perjury of some one in his behalf. Thus, after a debtor has been discharged and commenced business Thus, after a debtor has been discharged and commenced business again, incurred debts, entered into contracts, bought and sold property, and prospered, perhaps, for twenty-three months and twenty-nine days, he can, on the application of a creditor, be carried into the United States court to try the question of fraud or perjury. His property acquired in the mean time may, by order of the court, be put in the hands of a trustee pending the trial. If it should happen that the charges were not proven and he were again set free, in nine cases out of ten his business would be ruined and his credit gone.

Mr. BOATNER. I will ask the gentleman whether, under the laws of Texas, any judgment of any court may not be annulled within the period fixed by the State law upon similar grounds, upon allegations that it was obtained by fraud and perjury?

Mr. KILGORE. I suppose a bill of review would lie in a trial court, or a writ of error to an appellate court, any time within two years. That, I believe, is the rule in Texas.

Mr. BOATNER. If a discharge in bankruptcy has been obtained by fraud or perjury and the facts can be established, can the gentleman conceive of any reason why it should not be set

the gentleman conceive of any reason why it should not be set

Mr. KILGORE. No, sir; I agree with you that a discharge obtained by the fraud of the bankrupt ought to be revoked.

Mr. BOATNER. Then why does the gentleman attack that

provision of this bill?

Mr. KILGORE. I attack it on this ground, that under this bill a discharged bankrupt can be ruined by this proceeding

bill a discharged bankrupt can be ruined by this proceeding whether he be guilty of the charge or not.

Mr. BOATNER. Does the gentleman consider that a mere suit making these allegations would break a man up unless the allegations were substantially true? Does he find any provision in this bill which authorizes the court to take away the man's property or to interfere with it in any way pending that suit? How can the pendency of a suit of that kind injure the man?

Mr. KILGORE. Well, sir, you charge a man with fraud and he lives 200 miles away from the Federal court, and if any of the witnesses who have testified in his behalf in the bankruptcy proceedings which took place nearly two years before are found to

ceedings which took place nearly two years before are found to have sworn falsely, then his whole estate goes back into bankruptcy. You charge him with the wrongful acts of his witnesses over whom he may have had no control.

Mr. BOATNER. Is not every suitor responsible for the testimony of the witnesses that he puts upon the stand and upon whose testimony he relies for a judgment?

Mr. KILGORE. I do not fully assent to that proposition.

The debtor might go to the penitentiary because somebody in his behalf swore falsely.

his behalf swore talsely.

Mr. BOATNER. Can the bankrupt be put into the penitentiary under that provision of this bill?

Mr. KILGORE. He certainly can, as we have seen, without being guilty of any crime, and can be dragged back into the United States court, and his property can be turned over to an assignee in bankruptcy, on the application of some party in interest stating that some witness swore falsely in his behalf.

Mr. BOATNER. But you do not confound that with putting him into the penitentiary, do you?

him into the penitentiary, do you?

Mr. KILGORE. It puts him on trial for fraud or perjury, and if found guilty in that proceeding, in which the rules of evidence are liberally construed against him, he would certainly be liable to a criminal prosecution under the provisions of this bill.

that it has property pending the proceedings if the court thinks it necessary for its protection.

Mr. BOATNER. I defy the gentleman to show a section of this bill that will interfere either with the bankrupt or with his goods until after the court has decreed that the discharge was

obtained by fraud or perjury.

Mr. BAILEY. You can allege that he is about to dispose of

Mr. BATHEL. Tot dan alege that he is about to dispose of the goods, and pending the disposition of that question—
Mr. BOATNER. That is not what we are talking about now.
We are talking about the discharge, and I challenge either one of the gentlemen from Texas, or all of the gentlemen from Texas, to show a section of this bill which authorizes the discharged bankrupt to be interfered with either in his person or his prop-

erty pending a suit to set aside his discharge.

Mr. RAY. I wish to ask the gentleman from Louisiana [Mr. BOATNER] a question at this point because he has made a statement I do not agree with. Is there any State in the Union where a judgment of a competent court may be opened or set aside because some witness upon the trial has committed perjury?

jury?
Mr. B ATNER. I think that certainly it can be in every State in the Union, if the testimony of the perjured witness was pertinent and material to the issue before the court. If it was the testimony upon which the judgment was rendered I apprehend that, under the general rule of law in all the States the judgment would be set aside.

Mr. RAY. Oh, no. It is expressly decided differently in New York and in very many of the States in this Union. I had occa-sion once to brief that question thoroughly, and I know that in a majority of the States of the Union it has been expressly held

Mr. BOATNER. I think the gentleman is mistaken about that. The statement which I make, and which I believe will be supported by the authorities, is that wherever a judgment is obsupported by the authorities, is that wherever a judgment is obtained by fraud or perjury, that judgment will be set aside. Of course if the testimony was immaterial to the issues in the case, then the judgment will not be disturbed; that is, if there is other testimony to sustain it. But if the perjured testimony was so material that the judgment would have been otherwise but for its introduction, I think the gentleman will admit that the judgment will be set saide.

material that the judgment would have been otherwise out its introduction, I think the gentleman will admit that the judgment will be set aside.

Mr. RAY. I never heard of such a thing. The gentleman will see that it would be always possible upon that theory to open and retry any cause on the allegation that some witness on some previous trial hadcommitted perjury, so that no litigation would ever be settled. I do not think the gentleman can sustain his position by the law of any State in the Union.

Mr. KILGORE. I do not remember, Mr. Chairman, what the rule is in Texas on the particular question raised by the gentleman from New York; but the reason of the rule as he gives it would, it seems to me, settle the question in the manner he has suggested. It is the purpose of the law and the purpose of the courts that litigation should conclude, and speedily, too.

Mr. BLAIR. Upon that point the gentleman from Texas will allow me to say I remember a case some years ago in my State, a divorce case, in which I was attorney. I endeavored to have the decree of divorce set aside upon the ground that the party had evidently obtained his decree by perjury—by his own perjury—not the mere perjury of a witness; but I lost the case.

Mr. KILGORE. Did that case go to the supreme court?

Mr. BLAIR. Yes. It was decided in the supreme court of my own State.

my own State.

A MEMBER. Perhaps the trouble was you did not prove the

Mr. KILGORE. I am very much obliged to the gentleman from New Hampshire [Mr. BLAIR] for this illustration.

Mr. BLAIR. The general rule, I understand to be, is as claimed by the gentleman from New York; but in that case where I understook to have the decree set aside on the ground of the false swearing of the party himself in whose favor the decree had been made, the proceeding failed.

Mr. STOCKDALE. With the permission of the gentleman from Texas I would like to have another point cleared up.
Mr. KILGORE. Very well; I am in the business of clearing up points just now. [Laughter.]
Mr. STOCKDALE. Suppose a case such as that suggested by

the gentleman from Louisiana, where a judgment is set aside because of the false swearing of a witness. Did you ever know any case of that sort in which the judgment creditor was put in the penitentiary because the witness swore falsely?

Mr. KILGORE. It would not be much more unreasonable to

retry a man for a crime because he had been acquitted by the perjury of some of his witnesses.

Mr. OATES. That does not answer the question propounded by the gentleman from Mississippi [Mr. STOCKDALE], which was whether the gentleman from Texas had ever known of a man being put in the penitentiary for the act of another man, with which he was not connected?

Mr. KILGORE. I never have.

Mr. OATES. And I do not think anybody else has ever known such a cas

Mr. STOCKDALE. That was not exactly the question I put. Mr. OATES. And I do not think anybody else ever heard of

Mr. STOCKDALE. But that is substantially what this bill proposes in reference to a bankrupt.

Mr. KILGORE. This bill proposes to convict a man of bankuptcy because some witness perjured himself in his behalf in Mr. OATES. Oh, no.
Mr. KILGORE. That is exactly what the bill provides.

Mr. KILGORE. That is exactly what the bill provides.
Mr. OATES. Oh, no.
Mr. KILGORE. If the gentleman from Alabama had paid attention to the reading of the fourteenth section of the bill in the course of my remarks he would not make such a positive de-

Mr. BAILEY. Will it disturb my colleague [Mr. KILGORE] if I make a single remark?

if I make a single remark?

Mr. KILGORE. It will not.

Mr. BAILEY. I want to say, in reply to the gentleman from
Louisiana [Mr. BOATNER] and his suggestion, that under this
proceeding to review and revoke a discharge in bankruptcy, the
property of the bankrupt, pending the revocation of the discharge, could be as much taken possession of as it could under
the original proceeding. And I venture to say that if this bill
should become a law, and if after the discharge of a bankrupt an
effort should be made to revoke his discharge, the court would effort should be made to revoke his discharge of a bankrupt an hold that under this provision, on a motion to revoke the discharge and set aside the judgment, the property of the defendant can be subjected to precisely the same process as in the

original proceeding.

Mr. OATES. If the discharge had been obtained on the testimony of a witness who committed perjury in giving that testi-

mony.

Mr. BAILEY. You concede that?

Mr. OATES. Yes, sir.

Mr. BAILEY. The gentleman from Louisiana denied that.

Mr. OATES. But do you say that any man ought to have a discharge by reason of perjury committed by another?

Mr. BOATNER. It seems to me gentlemen do not understand

the position of this question.

Mr. BAILEY. I thank the gentleman from Alabama [Mr. OATES] for agreeing with me, because whether he is right or wrong the only question between the gentleman from Louisiana and myself was whether my correction or interpolation in the remarks of the gentleman from Texas was right.

Mr. BOATNER. The gentleman from Texas is talking against time, and I will ask him to yield to me a moment.

Mr. KILGORE. Well, I do not want to weary the House,

but I will yield.

Mr. BOATNER. Section 14 of this act provides how discharges may be revoked at any time within two years, when—

It shall be made to appear that fraud was practiced or that perjury was committed by the bankrupt or any person in his behalf in its procurement, and that the knowledge thereof has come to the petitioners since the grant-ing of the discharge.

Now, I challenge the production of any provision of this law which either expressly or inferentially authorizes the issuance of any process pending the motion to revoke the discharge, which would interfere with, or deprive the discharged bankrupt of the possession and use of his property. If there is such a provision I should be very much obliged to the gentleman to coint it out. point it out

Mr. BAILEY. But the author of the bill concedes that there

Mr. OATES. Oh, no; that was not the proposition I assented to.

Mr. KILGORE. I will just furnish the information. Now, section 17 provides that the court may appoint receivers or marshals upon applications of parties in interest, to take charge of the property of bankrupts after the filing of the petition and until it is dismissed or the trustee is qualified. Besides, Mr. Chairman, if there were no such provision in the bill the court in the plenitude of its equity powers would have general authority to impound the property of a bankrupt pending the proceeding on the motion to revoke its discharge, if its safety demanded it.

Mr. BOATNER. But this is not the beginning of the bank-

Mr. BOATREL.

Mr. KILGORE. Oh, yes; it is the beginning of another chapter in the same proceeding. It is a proceeding to put him and his estate right back into court.

Mr. OATES. This is after the discharge has been granted and on the ground that the property had not been surrendered or that there had been fraud or perjury committed in connection with it.

Mr. KILGORE. Well, here is another clause to which I wish

Mr. KILGORE. Well, here is another clause to which I wish to call your attention, on page 60:

Whenever a composition shall be set aside or a discharge revoked, the trustee shall, upon his appointment and qualification, be vested as herein provided with the title to all of the property of the bankrupt, as of the date of the fling of the application for the setting aside of the composition or the revoking of the discharge.

revoking of the discharge.

Mr. BOATNER. What section are you reading?

Mr. KILGORE. Clause c on page 60. Now here is a proposition to put the man back into bankruptcy, and put all the property into the hands of the assignee, and the moment it is filed in the court, the court has authority under its general equity powers, without reference to this act, although it provides that it shall be done, to appoint a receiver and place him in possession of the property.

it shall be done, to appoint a receiver and place him in possession of the property.

Mr. OATES. That refers to the property remaining after the administration of the assets.

Mr. KILGORE. It refers to the property acquired after his discharge as well. It says so.

Mr. BAILEY. His subsequent earnings.

Mr. KILGORE. Yes, his property acquired inside of the twenty-four months. He is supposed to have no property but the earnings from his business after his first discharge.

Now Mr. Chairman. I have consumed more than my share of

the earnings from his business after his first discharge.

Now, Mr. Chairman, I have consumed more than my share of
the time of this House in a desultory discussion of the provisions of the pending bill, and, having been treated with great
kindness and much indulgence to-day, I will no longer make an
assault on the patience of the members present. I have felt it
to be my duty to the class of people I represent to condemn this
bill in strong and explicit terms. The class I represent constitute more than three-fourths of the population of this Republic.
Their interests are identical, their wants and necessities are the
same: they are the strength and support of this Government in same; they are the strength and support of this Government in war and in peace. If the pending measure should mature into a statute it would be immeasurably hurtful to them, and in their name I enter my earnest protest against the passage of this most pernicious, harmful, and outrageous measure. [Applause.]
Mr. OATES. Mr. Chairman, I move that the committee do

now rise.

The motion was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States, and had come to no resolution thereon

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. BARNES, for two weeks, on account of important busi-

To Mr. HICKS, for ten days, on account of important business. And then, on motion of Mr. OATES (at 4 o'clock and 55 minutes m.) the House adjourned until to-morrow, Thursday, October p. m.) the House and 26, 1893, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. SOMERS, from the Committee on the Public Lands, reported the bill (H. R. 683) for the relief of the heirs of Martha A. Dealy, deceased (Report No.143); which was ordered to be printed and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Public Lands was discharged from the consideration of the bill (H. R. 4195) for the relief of C. J. Baronett, of Gardiner, Mont., and the same was referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. STOCKDALE: A bill (H. R. 4245) to amond an act pertaining to the United States courts in the State of Mississippi—to the Committee on the Judiciary.

By Mr. DE ARMOND: A bill (H. R. 4246) to enable each State

and Territory, according to population, to select its quota of the employés required in the departmental classified service of the United States at the seat of government—to the Committee on Reform in the Civil Service.

By Mr. BLAIR: A bill (H. R. 4247) to amend an act entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia"—to the Committee on the District of Columbia.

By Mr. DOCKERY: A bill (H. R. 4248) to amend section 3709 of the Revised Statutes, relating to contracts for supplies in the Departments at Washington—to the Committee on Interstate and

Foreign Commerce.

By Mr. COMPTON: A bill (H. R. 4249) for the relief of supervisors of the Tenth Census—to the Committee on Claims.

By Mr. BELL of Texas: A bill (H. R. 4250) to be entitled an act to provide for the retirement of national-bank bills and the substitution of United States notes in lieu thereof-to the Commit-

tee on Banking and Currency.

By Mr. HICKS: A bill (H. R. 4251) to prevent annulling or suspension of pensions except for fraud or perjury—to the Committee on Invalid Pensions.

By Mr. HEARD (by request): A bill (H. R. 4261) to amend an act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. OATES: A bill (H. R. 4262) - 1244;

By Mr. OATES: A bill (H. R. 4262) relative to recognizances, stipulations, bonds, and undertakings, and to allow certain cor porations to be accepted as surety thereon—to the Committee on

Also, a bill (H. R. 4263) to authorize the Chief Justice of the Also, a bit (H. R. 4203) to authorize the Chief Justice of the Supreme Court to appoint a librarian for the law library, and for other purposes—to the Committee on the Judiciary.

By Mr. POST: A bill (H. R. 4264) to provide for the free delivery and collection of mails in rural or farming communities—

to the Committee on the Post-Office and Post-Roads.

By Mr. COOMBS: A resolution requesting the Committee on Ways and Me ins to report a tariff bill upon a basis therein named—to the Committee on Ways and Means.

VBy Mr. McRAE: A resolution asking for the naming of a day for the consideration of the bill (H. R. 119) to protect public forest reservations—to the Committee on Rules.

By Mr. SPRINGER: A resolution to authorize the Committee on Rules of the consideration of the bill (H. R. 119) to protect public forest reservations—to the Committee on Rules.

on Banking and Currency to sit during vacation—to the Committee on Banking and Currency.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELTZHOOVER (by request): A bill (H. R. 4252) for the relief of the legal representatives of Henry W. Archer, de-

the relief of the legal representatives of Henry W. Archer, deceased—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 4253) to pension Edwin Morgan—to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 4254) for the relief of John W. Gummo—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 4255) to amend the military record of John H. Lamson—to the Committee on Military Affilia.

Also, a bill (H. R. 4256) for the relief of Albert J. Pratt, ad-

ministrator—to the Committee on War Claims.

By Mr. McNAGNY: A bill (H. R. 4257) for the relief of Sarah

J. Ireland—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 4258) to restore Lieut.

Samuel Howard to his proper rank—to the Committee on Military of Research

Sandel Rose State of Maryland: A bill (H. R. 4259) for the relief of Samuel Swope—to the Committee on War Claims.

Also, a bill (H. R. 4260) for the relief of the legal representatives of Henry W. Archer, deceased—to the Committee on War Claims.

By Mr. BOATNER: A bill (H. R. 4265) for the relief of Mrs. Eliza E. Hebert—to the Committee on War Claims.

By Mr. BRODERICK: A bill (H. R. 4266) for the relief of Cassius G. Foster—to the Committee on the Judiciary.

By Mr. FUNSTON: A bill (H. R. 4267) for the relief of David C. Allen—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and pa-

pers were laid on the Clerk's desk and referred as follows:

By Mr. CANNON of California: Petition of the people of Los
Angeles, Cal., protesting against the extension of time for the
registration of Chinese under the Geary law—to the Committee on Foreign Affairs.

By Mr. COGSWELL: Resolution of the Legislature of Massachusetts concerning the extermination of the Gypsy moth-to

the Committee on Agriculture.

By Mr. ELLIS of Oregon: Petition of 69 citizens of Wasco County, Oregon, asking for the passage of an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes—to the Committee on the Public Lands.

By Mr. HAINES: Petition of the workmen of the Harder Knitting Company of the city of Hudson, N. Y., protesting against any changes in the present tariff law—to the Committee on Ways and Means.

on Ways and Means.

By Mr. HICKS: Petition of citizens of Roaring Springs,
Blair County, Pa., praying for the appointment of a commission to investigate the evils of immigration—to the Committee on Immigration and Naturalization.

By Mr. HILBORN: Resolutions of the Fruitvale Sanitary Districts, Nos. 1 and 2, favoring immediate completion of Tidal Canal in Oakland Harbor, Cal.—to the Committee on Rivers and

By Mr. REYBURN: Petition of workingmen and mechanics, residents of Philadelphia, asking Congress to refrain from modification of the tariff laws—to the Committee on Ways and Means.

SENATE.

THURSDAY, October 26, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.]

The Senate met at 11 o'clock a. m., at the expiration of the re-

The VICE-PRESIDENT. The Senate resumes its session.

The Chair lays before the Senate the unfinished business, being House bill No. 1, which will be read by title.

The SECRETARY. A bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled: "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for

other purposes."
Mr. FAULKNER. I ask unanimous consent, out of order, to present several petitions.

The VICE-PRESIDENT. The petitions will be received, if

there be no objection.

PETITIONS AND MEMORIALS.

Mr. FAULKNER presented a petition of Mount Olive Alliance, No. 546, of Jackson County, W. Va., praying for the free coinage of silver and the increase of the circulating medium to \$50 per capita, by increasing the issue of United States notes;

850 per capita, by increasing the issue of United States notes; which was ordered to lie on the table.

He also presented a petition of the Common Council of Charleston, W. Va., praying for the repeal of the so-called Sherman silver law, the repeal to carry with it a provision for the free coinage of silver; which was ordered to lie on the table.

He also presented a petition of Farmers' Alliance and Industrial Union, No. 125, of Summers County, W. Va., praying for the repeal of the so-called Sherman silver law, conditional upon the free coinage of silver; which was ordered to lie on the table.

the free coinage of silver; which was ordered to lie on the table.

Mr. McMILLAN. I present a memorial of the real-estate board of the Chamber of Commerce and Board of Trade of Deboard of the Chamber of Commerce and Board of Trade of De-troit, Mich., representing all branches of trade and manufacture without regard to party affiliations, remonstrating against the policy of obstruction recently resorted to in the Senate as unpa-triotic and ruinous to the business of the country, and praying that the matter be brought to a vote without further delay. I move that the memorial lie on the table.

The motion was agreed to.

The VICE-PRESIDENT presented a petition of the Deer Creek Farmers' Club, of Harford County, Md., praying for the unconditional repeal of the silver-purchasing clause of the so-

He also presented a petition of sundry business men and members of the Board of Trade, of Detroit, Mich., praying for the immediate repeal of the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Mankato, Minn., praying for the immediate pussage of the pending repeal bill; which was ordered to lie on the table.

bill; which was ordered to lie on the table.

Mr. SMITH presented a petition of the Board of Trade of Newark, N.J., praying for the prompt repeal of the silver-pur-chasing clause of the so-called Sherman law; which was ordered to lie on the table.

Mr. BERRY presented a petition of sundry citizens of Sharp's Cross Roads, Ark., and of the Independence County Farmers' Alliance Encampment of Arkansas, praying for the free coinage of silver; which was ordered to lie on the table.

ate present.

Mr. TELLER. I suggest that there is no quorum of the Sente present. Let the roll be called.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Faulkner, Gallinger, Manderson, Mitchell, Wis. Stewart, Stockbridge, Teller, Turpie, Vilas, Voorhees, Berry, Butler, Gray, Hale, Pasco, Peffer, Hale, Harris, Higgins, Hoar, Irby, McMillan, Carey, Daniel Perkins, Platt, Roach, Sherman, Davis, Dixon Dolph

The VICE-PRESIDENT. Thirty-six Senators have answered to their names. There is no quorum present. What is the pleasure of the Senate?

After a little delay, Mr. George, Mr. Blackburn, Mr. Cul-LOM, Mr. Hill, Mr. Frye, Mr. Ransom, Mr. Coke, Mr. Murphy, Mr. White of Louisiana, and Mr. Wolcott entered the Cham-ber and answered to their names.

The VICE-PRESIDENT (at 11 o'clock and 10 minutes a. m.). Forty-six Senators have answered to their names. A quorum

is present.

Mr. RANSOM. I ask that the Senators composing the Committee on Commerce be excused from attendance, as they are

engaged upon important business before the committee.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Carolina? The Chair hears none. the Senator from North Carolina? Mr. MANDERSON. I ask unanimous consent to transact

some morning business.

The VICE-PRESIDENT. The Chair will receive it if there

be no objection.

Mr. MANDERSON presented a petition of the Northwest Ne-braska Annual Conference of the Methodist Episcopal Church, of Alliance, Nebr., composed of 20 ministers, and representing 1,830 church members, praying for the repeal of the so-called Geary Chinese law; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the Synod of Baltimore, Md., including 140 Presbyterian churches, praying for the appointment of a commission to inquire into the alcoholic liquor traffic; which was referred to the Committee on Education and

Mr. HARRIS. I present what purports to be a copy of resolutions passed by the Memphis Cotton Exchange in August last, which only reached me in the last three or four days. It is a Mr. HARRIS. petition praying for the immediate and unconditional repeal of

the Sherman act. I move that it lie on the table.

The motion was agreed to.

Mr. HARRIS presented a petition of the Chamber of Commerce of Knoxville, Tenn., praying for the passage without further delay, of the bill now pending in the Senate for the unconditional repeal of the silver-purchasing clause of the so-called Sharman law, which was ordered to lie on the table.

Sherman law; which was ordered to lie on the table.

He also presented a petition of sundry business men and wholesale houses of Nashville, Tenn., praying for the repeal of the silver-purchasing clause of the so-called Sherman law; which was

ordered to lie on the table.

Mr. GORMAN. I present a petition of the ministers and eld, ers of the Synod of Baltimore of the Presbyterian Church, forwarded to me by Rev. Edward H. Robbins, the stated clerk-praying for a modification of the Chinese exclusion law, com-monly known as the Geary act. This great religious body sug-gests to Congress that the law ought to be modified in every interest of the country, and particularly in that of the advance-ment of religious teaching, which they have so much at heart. I move that the petition lie on the table.

The motion was agreed to.

Mr. HUNTON presented the petition of Susan A. Shelby, of Washington, D. C., praying that compensation be granted her for cotton taken from her homestead at Port Gibson, Miss., during the late war; which was referred to the Committee on

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Indian Affairs, to whom was referred the bill (S. 475) for the relief of John Little and Hobart Williams, of Omaha, Nebr., reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 476) for the relief of John Palmier, Pine Ridge, Shannon County, S. Dak., reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 477) extending relief to Indian citizens, and for other purposes, reported it with amendments, and submitted a report

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9) to transfer the Morris Island life-saving station, near Charleston, S. C., to Sullivan Island, reported it without amendment.

Mr. WHITE of Louisiana, from the Committee on Commerce, to whom was referred the bill (H. R. 3289) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River, between New York City and the State of New Jersey, reported it with amendments.

Mr. COCKRELL, from the Committee on Appropriations, to

whom was referred the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 1129) to amend an act to punishfalse swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying letters of the Commissioners of the District of Columbia, referred to the Committee on the District of Co-

lumbia.

He also introduced a bill (S. 1130) for the relief of Mrs. Julia Elliott, administratrix; which was read twice by its title, and

referred to the Committee on Claims.

Mr. BATE (by request) introduced a bill (S.1131) to increase the pension of Mrs. Emma Thurston; which was read twice by its title, and referred to the Committee on Pensions.

INDIAN RIVER CHANNEL IN FLORIDA.

Mr. QUAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate from information in his possession or which he may acquire, the cost of dredging a channel from the channel of the Indian River of Florida through the Negro Cut to the har at the Indian River inlet, of the depth of 6

HOUSE BILLS REFERRED.

The bill (H. R. 4242) directing the Secretary of the Interior to The bill (H. R. 422) directing the Secretary of the interior make certain investigations concerning consolidations of land districts in California, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 2650) providing for the public printing and binding and the distribution of public documents was read twice by its title.

Mr. MANDERSON. I ask that the bill be referred to the

Mr. MANDERSON. I ask that the bill be referred to the Committee on Printing, and that it be printed in form so that the bill will show in the usual type in which bills are printed the bill as it was reported to the House of Representatives and in italies the amendments that were placed on the bill by the House. It will very greatly help the consideration of the bill by the committee of the Senate if it shall be printed in that form. I ask unanimous consent that it be so printed.

The VICE-PRESIDENT. The bill will be referred to the Committee on Printing. Is there objection to printing it in the

The VICE-PRESIDENT. The bill will be referred to the Committee on Printing. Is there objection to printing it in the form indicated? The Chair hears none, and it will be so or

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the amendment proposed by Mr. Peffer to the substitute reported by the Committee on Finance.

Mr. TELLER. Mr. President, when I addressed the Senate last I stated that I desired to submit some remarks upon the appreciation of gold or the fall in prices of commodities. I had laid down some general propositions of monetary law that I desire to

repeat in substance.

First, that the supply and demand of money determine its value, and that the amount of money in circulation determines the price of commodities. If a country has more money than the normal demand for it, prices rise, or, in other words, the money depreciates, and if a country has not enough money to meet the demand, prices fall or money appreciates. Thus we have the means of determining whether a country has money enough or not.

I think it must be admitted that the entire world is suffering from the financial depression that began in 1873 and which, with slight variations, has continued ever since. It seems to me it is very pertinent to the matter under consideration to determine what is the cause of the general financial depression throughout

what is the cause of the general financial depression throughout the world, extending through a period unknown in the history of any other financial disturbance.

William Jacobs declared in 1830 that a general financial condition of the world must be produced by a general cause. It seems to me that is a proposition so plain that it is not worth while to spend much time in discussing it. I think it may be assumed that if all the world is practically in the same condition there is some general cause operating upon the finances of the world to bring about that condition.

I desire to call the attention of the Senate to some of the statements made before the Brussels conference as to the general financial condition of the world and the cause which has led to that condition. I find on page 127 of that report, in the speech of Sir William Houldsworth, a delegate of Great Britain, the following:

following:

1. That the depression dated from the year 1873 or thereabouts.

2. That it extended to nearly every branch of industry, including agriculture, manufucctures, and mining, and that it was not confined to England, but had been experienced to a greater or less degree in all the industrial countries of the world.

3. That it appeared to be closely connected with the 'serious fall in general prices, which even then was most observable, though it has since been more strongly marked, resulting in the diminution—in some cases even the total loss—of profit, and consequent irregularity of employment to the wage-energy.

4. That the duration of the depression has been most unusual and ab-

4. That the duration of the depression has been most unusual and abnormal.
5. That no adequate cause for this state of things was discoverable, unless it could be found in some general dislocation of values caused by currency changes, and which would be capable of affecting an area equal to that which the depression of trade covered.

I find on page 139 of the proceedings of the International Monstary Conference the speech and statement by Sir Guilford L. Molesworth, also a delegate of British India, with reference to the depression. He states:

the depression. He states:

1. That the depression which has occurred as a necessary consequence of the suspension of free coinage of silver in France was predicted, and the prediction has been fulfilled to the letter.

2. That since 1871 the population demanding gold has quadrupled, and the foreign trade demanding gold has trebled.

3. That the demonstization of silver for international monetary purposes in Europe has caused gold to perform, single-handed, the work previously done by gold and silver combined.

4. That the annual supply of gold scarcely exceeds the amount required for industrial purposes.

It follows, as necessary consequences of these facts, that with the increased demand for gold its value must rise, or, in other words, gold prices must fall.

muse tall.

The judicial blindness must be great which, ignoring this strong evidence of facts, seeks an explanation in irreconcilable theories.

The same speaker, on page 143 of the report, in speaking of the depression, and the use of gold, and the new demand for gold, etc., says:

etc., 83/9:

In 1883 Mr. Williamson, M. P., called attention to the alarming manner in which the reserves of the Bank of England had diminished from our inability to maintain them, caused by the competition of foreign nations for gold.

During the ten years ending 1889, the proportion of cash to liabilities had fallen about 30 per cent. In the year 1861 the bank reserves were £41,000,000; in 1891 they had fallen to £34,000,000.

During the seven years, 1833-1880, the Bank of France only changed its rate off discount seven times, whilst the Bank of England changed its sixty-two times, the variations in France only amounting to 2 per cent, whilst those in England amounted to 4 per cent. Mr. Goschen, in the House of Commons, said:

If feel a kind of shame on the occasion of two or three millions of gold be-taken from this country to Brazil or any other country, it should im-diately have the effect of causing a monetary alarm throughout the coun-

Then the same speaker continues:

Then came the Baring failure, and our weakness was shown by having to call France to our aid. The currency of France has weathered without difficulty storms to which the Baring failure was mere child's play; for example, the France-Prassian war, the communisticatinggle, the war indemnity, the failures of the Panama Canal, of the metal ring, and of the comptoir d'es-

the failures of the Panama Canal, of the metal ring, and of the comptoir d'escompte.

In contrast to this, I may quote from the speech of Mr. Goechen at Leeds his opinion on the gravity of the situation at the time of the Baring failure. On that occasion he said:

"You risked the supremacy of English credit—the transfer of the business of this country to other European countries. I can not exaggerate the immediate danger to which the country was exposed. You escaped from a catastrophe which would have affected every town, every industry; to use a common phrase, you have escaped by the skin of your teeth."

Mr. Giffen has stated that in almost every year since 1878 there has been a stringency of greater or less severity, directly traceable to or aggravated by the extraordinary demands for gold, and the difficulties of supplying them.

And, finally, we have the declaration of Mr. de Rothschild, which threat-

them. And, finally, we have the declaration of Mr. de Rothschild, which threatens us with a monetary panic: "The far-spreading effects of which it would be impossible to forstell."

Fortunately England, although her currency was nominally monometallic, practically enjoyed the benefits of bimetallism until 1873, except when she had to depend on gold for replenishing her bank reserves, or when she had to make large remittances of silver to India; and then she had to pay for her folly in the shape of an agio for the privilege of choice of the particular metal she might happen to require urgently. If she could have satisfied her requirements by either motal, she would not have been put to this expense. Sut so long as Europe, as a whole, remained practically biths expense.

metallic. England, in all her vagaries was kept tolerably straight by the double standard of France, which preserved the ratio of gold and silver throughout the world, until the link was broken in 1873.

I repeat, "it is gold that is sick, not silver," and unless this fact be recognized by the members of this conference it will be impossible to apply the proper remedy to the crisis which menaces us.

The same speaker, Sir Guilford L. Molesworth, says in the beginning of his speech:

beginning of his speech:

GENTLEMEN: Our predecessors in the Paris monetary conferences of 1878 and 1881 were almost unanimous in the opinion that silver must be rehabilitated. They only disagreed on the method of rehabilitation. Some were of opinion that matters would right themselves, whilst others considered that the remedy could only come by reestabilishing the link that had existed between gold and silver prior to 1873.

The opinion of the latter was undoubtedly correct. Matters have gone on from bad to worse, and now we are confronted by the fact that Mr. de Rothschild, the most renowned financier of the world, tells us that "if this conference were to break up without arriving at any definite result there would be a depreciation in the value of silver out of which a monetary panic would ensue, the far-spreading effects of which it would be frightful to contemplate."

Plate."

Now, this state of things was clearly predicted by Elmest Seyd in 1871, when the severance of the link between gold and silver was first contemplated. His prediction has been so remarkably fulfilled that I must quote

From what does the Senator quote?

Mr. TELLER. I quote from Mr. Molesworth's speech, and he quotes from Mr. Seyd. I do not believe I have on my table the article from Mr. Seyd. Mr. Molesworth quotes him as fol-

lows:

It is a great mistake to suppose that the adoption of the gold valuation by other states besides England will be beneficial. It will only lead to the destruction of the monetary equilibrium hitherto existing, and cause a fall in the value of silver, from which England's trade and the Indian silver valuation will suffer more than all other interests, grievous as the general decline of prosperity all over the world will be. The strong doctrinarianism existing in England as regards the gold valuation is so bind that when the time of depression sets in there will be this special feature; the economical authorities of the country will refuse to listen to the cause here foreshadowed, every possible attempt will be made to prove that the decline of commerce is due to all sorts of causes and irreconcilable matters; the workman and his strikes will be the first convenient target, then speculation and overtrading will have their turn * * * Many other allegations will be made to tally irrelevant to the real issue, but satisfactory to the moralizing tendency of financial writers. The great danger of the time will be, that, among all this confusion and strife, England's supremacy in commerce and manufactures may go backwards to an extent which can not be redressed when the real cause becomes recognized and the natural remedy is applied.

I think that everybody will recognize that the dondition which

In real cause becomes recognized and the natural remedy is applied.

I think that everybody will recognize that the condition which was predicted by Mr. Ernest Seyd in 1871 has been reached. Every excuse is given, every cause is put forth as to the present financial condition, except the right one; overproduction, overtrading, and a variety of excuses are made, when the real cause is plainly in sight. If financiers and statesmen would not shut their ever to it. The same speaker Mr. Molecusch.

is plainly in sight. If financiers and statesmen would not shut their eyes to it. The same speaker, Mr. Molesworth, proceeds:

In fulfillment of this prediction, we find that the difficulties under which we labor have been attributed to all sorts of irreconcilable causes. It has been necessary to invent a theory that progress in manufactures, in improved transport, inventions, and banking have caused a species of economic revolution, which has created a new state in the conditions of trade and commerce differing from that which previously existed. But they overlook the fact that the alleged causes have been in active operation during the greater portion of the century (and when compared with the previous progress, they were fer more pronounced during the middle of the century than as present). It is obvious, therefore, that such a revolution, if it existed, should have arisen at an earlier period, and that it should have developed gradually, instead of setting in suddenly at the exact moment when the link was broken between gold and sliver. Moreover, this theory involves another irreconcilable position. It is absurd to suppose that a revolution of this character could have affected. Sliver is the standard of value of more than half the world, yet sliver prices have remained stable, whilst gold prices have fallen from 40 to 50 per cent.

I have read so much to show the general condition of the world.

I have read so much to show the general condition of the world. I want to read one other extract from the proceedings of this conference. I read from page 327, from the speech of Mr. Allard, a delegate from Belgium, a political economist known to the whole world. I am under the impression that he is a Frenchman, though he was a representative from Belgium at the conference. I shall have occasion, before I get through, to refer to him on I shall have occasion, before I get through, to refer to him on several points. He was speaking of the excuses which are made for the present financial distress throughout the world, and the general paralysis of business which existed, and from which we have suffered for eighteen or twenty years. He says:

have suffered for eighteen or twenty years. He says:

But we are told that if prices have fallen it is due to overproduction. Mr. Cramer-Frey has told us prices fall; that is very simple; it is because we produce too much. The homorable delegate from Switzerland is astonished that with their "juvenile ardor" I rise up against that claim.

If I should join him in telling you gravely that for twenty years all mankind had been so obstinate as to produce more than it could consume; that for twenty years, like the danaides, the universe has produced things for which it had no need, that it would not seem serious to you; and you would be right. That is, however, the paradoxical character of the singular theory of overproduction by which our opponents would prove that our privations result from an excess of production, and that labor engenders poverty.

I think it would be better to say no more of it, since facts within our knowledge make a formal denial of that claim. The stores are everywhere empty, business suffers on all sides, and the commercial world is invaded, as all admit, by an amenic influence which threatens death.

The statistics of Mr. Sauerbeck have clearly proved that the allegation of overproduction as a cause of failing prices is absolutely false.

Mr. HIGGINS. Will the Senator yield to me?

Mr. HIGGINS. Will the Senator yield to me? Mr. TELLER. Certainly.

Mr. HIGGINS. I ask the Senator if he considers that the price of corn during the last eighteen months or two years was affected by the condition to which he refers?

Mr. TELLER. Does the Senator refer to the Indian corn, or corn in the generic form?

Mr. HIGGINS. I mean, of course, the American corn, maize;

and also pork products, which, of course, are the product of the

feeding of corn.

Mr. TELLER. If the Senator will repeat that question to me five minutes later, I should prefer to answer it then than now; and if I forget it, I hope the Senator will call my attention to it. I should rather proceed for awhile with what I was proposing

to say, and I shall reach that later.

Mr. HIGGINS. Very well.

Mr. TELLER. The same gentleman from whose speech I was reading said:

From 1860 to 1873 the total production of the world increased each year 2.8 er cont. That was the age of California and bimetallism. Prices increased

From 1860 to 1873 the total production of the world increased yearly only 1.6 per cent.

From 1873 to 1885 the production of the world increased yearly only 1.6 per cent; a decrease of nearly one-half. Prices should have increased, but on the contrary they fell 32 per cent.

This is the demonstration of Mr. Cramer-Frey's mistake in continuing to believe in overproduction, which was disproved long ago.

The truth, gentlemen, was told by Mr. Goschen, in England, in 1883: "The fall of prices comes from the rise of gold." He expressed his thought in these typical phrases: "Fortunate are they who own sovereigns, and unfortunate they who own commodities, products, and other goods."

Who are the fortunate ones of whom Mr. Goschen speaks?

The classes who receive fixed incomes in gold—owners of bonds of states, of provinces, and of cities, and of long-term leases.

And who are the unfortunates? The producers, the workers, and, in the first rank, the farmers.

Fixed incomes increase in value, products fall, and annuitants are enriched at the expense of labor. This is the truth, and thence arise, gentlemen, these conflicts of labor and capital in England and elsewhere, struggles against a fiagrant injustice which has been brought about between so many people; and this is a serious, profound, lamentable, but, above all, a formidable revolution, of which we feel every day the disastrous consequences.

You have beard Mr. de Rothschild, in the introduction to his proposal, praise the fall of prices, in which he perceived the happiness of the laboring classes.

History, as well as what takes place in our day, protest, it seems to me, against this judgment.

I lay down this proposition as one of the axioms of monetary law which will not be disputed, that prices are determined by the amount of money in circulation in a country.

I desire to read from the distinguished economist, Prof. Émile de Laveleye:

All economists agree that price depends on the relations existing between the mass of articles to be exchanged and the amount of credit or metallic means of exchange, due allowance being made for the rapidity of circulation

I do not know that anybody disputes that proposition. Who-ever does so, must do so in the face of the very best authorities

I find in the Fortnightly Review of September, 1893, an article by W. H. Grenfell, of England, entitled it Mr. Gladstone and the Currency;" and Mr. Grenfell states this to be the proper theory:

The quantitative theory of money is agreed to by all economic writers. If you increase the amount of money in a community, other things remaining the same, prices rise: if you decrease it, prices fall. The evils attendant upon a decreasing money volume have been so fully treated of by the old economists that it is unnecessary to enlarge upon them here. The nations of the world are decreasing the metallic money volume of the world by demonetizing silver. The effects of this can not but be most baneful, and it is England which, owing to her large trade with silver-using countries, and the large debts owed to her by silver-using countries, will be the greatest sufferer.

I read again from the speech of Mr. Allard, a delegate from

Belgium;
To render money more scarce or more abundant is to make all prices rise or fall. An increase of money, as in 1850, corresponds to the growth, the progress, the life of society; monetary contraction will always lead to an anemia, sickness, and crisis.

If you diminish the quantity of blood in the human body will it not bring about anemia? Diminish the amount of money in the social body and diminution will bring about a crisis.

What we demand is that the blood taken from us twenty years ago be given back. History proves that we are right. When America was discovered, towards 1500, all prices rose in Europe in the exact measure of the quantity of money which arrived from the New World.

Now I will answer the question of the Senator from Delaware. Mr. HIGGINS. My question was whether or no the Senator did not recognize that, while wheat had been low during the did not recognize that, while wheat had been low during the past few years, the price of Indian corn had remained high, and that of all pork products, which are the result of the feeding of corn, was also high, and that cotton during a portion of the past twelve months was very high? I ask whether or no those fast are not contradictory of his theory that it is the demonetization of silver which has reduced the price, but that, on the contrary, it was controlled by the application of the law of supply and demand? mand?

Mr. TELLER. I recognize the fact that the law of supply and demand as to commodities is always in force, and while there is a general law operating upon all commodities with a downward trend, there may be special conditions and special circumstances such as for a time suspend the operations of that law. You can not lay down a general proposition which will hit every case in

law, in economics, or in morals. There are always modifying influences. If the tendency is downwards through a long course of years, if it exists when the supply is great and if it exists when the supply is small, then it is safe to say that the ordinary law of supply and demand on that particular commodity did not affect the price, but that it was affected by some general law greater than that.

Now, I come to corn in this country. For a number of years the price of corn was low. We raised from 2,100,000,000 to 2,200,000,000 bushels of corn, and we consumed almost the entire crop at home. Suddenly the corn crop fell off nearly 500, 000,000 bushels, or about one-fourth, while the population had steadily increased, and while our export of corn has never been steadily increased, and while our exportor corn has never been large, yet it was then larger than it had ever been before. So here was a short crop of corn and a large demand, a demand that could not well be changed, because the American people are a corn-consuming people. We produce the great bulk of maize that is produced in the world, and we consume all of it, except from 3 to 5 per cent of the product. I doubt whether the exfrom 3 to 5 per cent of the product. I doubt whether the export has ever reached 5 per cent. It has been usually from about to 31 per cent.

The American people area meat-eating people. We eat large quantities of pork; and we are also a pork-exporting people. We export large quantities of pork. The country was full of hogs. In some sections of the country, with which perhaps I am more familiar than the Senator from Delaware, it is the principal business of the farmer to raise hogs to sell to the Chicago, Cincinnati, and St. Louis markets, where they are killed, packed, and averaged for deposite use.

and exported, or prepared for domestic use.

Mr. STEWART. And then, if the Senator will allow me, there was an embargo by several countries of Europe on our pork, which has been removed; and that gives us an additional mar-

Mr. TELLER. That is true. About two and one-half or three years ago, under the preceding Administration, the restrictions which had been put upon American pork in Germany and France were released, and our export in consequence, of course, increased.

As I was saying, however, we have a great stock of hogs in the country. Take the State of Illinois, with which I am somewhat familiar. I think that in a great portion of that State the farmers derive most of their revenue from the raising of hogs; and it has been so, as the Senator from Illinois [Mr. PALMER] tells me, for the last year, because prices had been extraordinarily high. Occasionally the prices of hog products have been high. high. Occasionally the prices of nog products have been align. I believe fifteen years ago we had just another such period of high prices of hog products. After that time the hog product ran down, and there seems to have been a supply greater than the demand. Our demand abroad was cut off by the restrictions imposed upon pork by Germany and by France. The last rise in imposed upon pork by Germany and by France. The last rise in the price of hogs was not entirely due to the supply being short or the demand great.

Many years ago, when I first began to observe this business and became somewhat familiar with it, there were a great many places where hog products were prepared for the market. It is not a great while since Cincinnati had the great packing establishment of this country and of the world; St. Louis was also a great place for that business, as well as many smaller towns, Kansas City, St. Joseph, and others; but lately Chicago has become the great market for hogs, and by a combination of capitalists and the manufacturers of hog products in Chicago they

put the price of pork away up.

I do not know whether the Senator from Delaware has ever given much attention to this question, but it is a very common thing for a man to go into the retail stores of Chicago and buy a barrel of pork for about half of what the board of trade price is. I suppose the Senator would think that that was a remarkable state of things and could hardly account for it, and nobody could who had not given some attention to it. By the rules of the board of trade of the city of Chicago and other cities, I think, be a barrel of pork must be packed in a certain manner in order to be good on the exchange; that is, if a man goes upon the exchange and buys a certain amount of pork, he is entitled to have a barrel of pork that weights so much and shall have so many processing it. If there is a piece less or a piece more than is required by the rule of the board of trade he is not obliged to

So these speculators go to work and put up the price of the hog product to an enormous price and sell it on the exchange, as the Senator from Minnesota [Mr. WASHBURN] knows very well, and force it up; and if a purchaser goes to a dealer in pork and the man wants to sell the pork, he unheads a barrel and cuts three or four pieces in two and puts them back; and then he says "that of the time in the city of Chicago for hog products. They put up the price of pork to an enormous extent; and I believe in a single day—if I am incorrect some Senator who is familiar with the subject may correct me-the price of pork fell \$9 a barrel,

or somewhere in that neighborhood, just when the combination broke down; perhaps it was more than that; it was enormous; showing that the price had been kept up, not by the demand, but by the combination in the interest of the speculators on the board of trade.

These two things have kept corn and pork above normal prices; first, a short crop; secondly, the stimulated and artificial prices of the hog products, which, of course, made the farmer anxious to sell his pork at a high price; but with pork and with corn the general trend for a number of years has been downward and not

In 1880, I think, or about that time, owing to the great demand, wheat was very much higher than it had been for a year or two previous, or a year or two later. In 1890 wheat went up very sharply because of the short crop in Europe; because of the In 1890 wheat went up

failure of the rye crop in certain portions of the world.

All these things have to be considered in considering this question; but they do not at all interfere with the general propduestion I have made, that for twenty years there has been a downward trend in everything that has been produced on the farm, in the mill, and everywhere else.

Mr. HIGGINS. Mr. President, the Senator from Colorado has discussed this question with great candor. He did me the honor the day before yesterday in his speech to refer to a colloquy which took place between himself and me during the preternatural speech of the Senator from Nebraska [Mr. ALLEN], when we were undergoing the test of physical endurance, in which, in answer to the Senator from Nebraska, I called atten-tion to the fact that the low price of wheat was due to the overproduction of wheat in America, which was then met by the Senator from Colorado with the prompt statement which he repeated the day before yesterday, that for the last twenty years the supply of wheat had remained practically the same, while the price had tended steadily downward.

Now, what I wish to call to the attention of the Senator from Colorado and to hear his answer in relation to, is the statement of this case, statistically and otherwise, made by Mr. C. Wood Davis, of Kansas, in which he called the attention of the country to the fact that, beginning after the lands in Kansas, Nebraska, and the Dakotas were thrown open to settlement, the Indians re-moved and Indian difficulties and depredations and wars stopped— from that on until 1886 there was an addition to the acreage of this country devoted to the cereals of almost 50 per cent, while the population was growing only at an annual rate of 10 to 15 per cent per decade, and therefore there was an enormous excess of production over consumption in the United States, amounting to a great deal when our wheat product reached 400,000,000 bushels, but which in 1891 staggered the markets of this country and of the world, even when there was famine in Russia, by a product of 610,000,000 of bushels. So that during the whole of this period the low price of wheat arose out of the unexampled increase of the acreage of wheat arose out of the unexampled increase of the acreage of wheat by the devotion to its culture of the treeless plains of the West, and, as I said during the discussion with the Senator from Nebraska, that, good Republican as I was, I was met the other day, as I am now, with the startling prediction of Mr. Davis that now, when the opening of the Cherokee Strip marks the ending of the last land for homesteading in America, it will be followed by a condition where consumptions are constituted by a condition where consumptions are constituted by a condition where consumptions are constituted by a condition of the last land for homesteading in America, it will be followed by a condition where consumptions are constituted by a condition where consumptions are constituted by a condition of the last land for the constitution of the last land for homesteading in America, it will be followed by a condition where consumptions are constituted by the last land for tion has caught up with production, so that in 1896 we shall practically have ceased to be able to export, but will eat up our own product, and the price of grain will be put up to such a figure before the election of that year that the Democrats will go into power for sixteen years.
Mr. TELLER. I hope

I hope not.
I hope not, too; but I mean to say, if the Sen-Mr. HIGGINS. ator starts this theory about silver and its condition putting down other prices, that he is met by other theories which seem to stand on stronger foundation. I shall only add, that the Senator anticipated further questioning from me by admitting the influence upon the market of the price of silver. He has argued to show that it put up the price of corn. What answer has he to make the Senator from Minnesota and myself that it put down the price of wheat, and that to the pernicious influence of the market wrecker is due the low price of wheat here and abroad?

Mr. TELLER. I will answer the Senator—

Mr. WASHBURN. Will the Senator from Colorado allow me

a moment? Mr. TELLER. I yield to the Senator from Minnesota. Mr. WASHBURN. In regard to the question of acreage, if

I am not very much mistaken in my recollection, in 1890 the acreage of wheat was no larger than it was in 1880.

Mr. HIGGINS. It was absolutely larger, but it was relatively

smaller compared to population.

Mr. WASHBURN. If anything, it was only a trifle larger; it remained substantially the same, and the population of this country had increased to a very large extent.

I agree entirely with the suggestion made by the Senator from Colorado [Mr. TELLER] in regard to the price of corn and pork, that it was simply artificial.

In all the discussions on the antioption bill it was admitted by its friends that there were short periods when the prices of products were increased to an abnormal extent, but that it was only temporary; that the ultimate result was that when the cor-ner or deal was broken the prices went lower than they were before. That has been the rule in every bull movement or in every corner that has been attempted in this country.

Again, in answer to the suggestion of the Senator from Dela-

ware [Mr. Higgins] as to the overproduction in 1891, the wheat and rye crop throughout the world in that year was between three and four hundred million bushels short of an average crop, and yet under the manipulations of the produce exchanges of this country, more notably the Chicago Board of Trade, the price of wheat was broken down from \$1.12 to less than 75 cents a bushel. This I claim and believe.

Mr. HOAR. Do these manipulations enable the manipulators to make a great speculation by selling wheat to the consumer for what would be a high price, or are they manipulations by which the manipulators get no substantial advantage by selling

Mr. WASHBURN. Of course, on account of the demand for consumption; that goes without saying. The price depreciated from \$1.12 to less than 75 cents a bushel. I claim it was largely due to the operations and machinations of the gamblers in grain products of this country, and that the question of supply and demand really cut but very little figure in it, because, as I said before, the average of the crop of the world was from three to four hundred million bushels less than the average crop. course under these manipulations the question of supply and demand cuts some figure; but in the main the plain on which grain is sold is made by the manipulations of the produce exchanges of this country. So I think the Senator from Colorado is sound on this question, and if he were equally sound on the money question, and had as clear-an appreciation of that as he has of this question, I should be with him.

Mr. HIGGINS. I do not wish to interrupt the Senator from

Colorado, but I have the figures before me, and I wish to call his attention, and that of the Senator from Minnesota, to the fact that it was in the period from 1870 to 1885 which marked the stoppage of the rapid increase in the production of grain, compared to the increase of population. The rate per cent of increase of cultivated area from 1871 to 1875 was 32.2; from 1875 to 1880 it was 34.1; from 1880 to 1885, 19.4, and from 1885 to 1890 it fell to 7.1, and has been much less since then.

Mr. TELLER. I will now come back to the proposition that the hog product, the corn, and the wheat crop have been manipulated by boards of trade. The price of wheat in the United States is fixed absolutely by the price of the surplus we send abroad. There is no question about that. When wheat is high in Europe it is high here. Corn is not affected by that cause at all on account of the small presentage of corn we send out of the all on account of the small percentage of corn we send out of the United States. It does not in anywise affect the price in the United States. So what could happen as to corn could not happen as to wheat, unless there is a system on the boards of trade in Chicago and all over the world, which nobody claims exists. The wheat price in Europe is fixed by the demand for it and for

bread products.

Mr. MANDERSON. Let me suggest to the Senator that certainly the price of corn is affected by the shipment abroad of cattle and hogs, or rather the products of cattle and hogs?

Mr. TELLER. Certainly.

Mr. TELLER. Certainly.
Mr. MANDERSON. The Senator is, of course, aware that in the corn-growing States of the West the use to which a vast amount of corn is put is the putting it into animal form, and that is shipped abroad. So the foreign demand for the animal product would advance the price of corn.

Mr. TELLER. Certainly; what the Senator states is true of

cattle as well as hogs.

Mr. ALLEN. I should like to suggest to the Senator from Colorado that a great deal of the difficulty has arisen from the inability of many of the people in the United States on account of lack of employment, and scarcity of money to purchase the products of this country. That, as I understand, has had a very important effect upon prices.

Mr. TELLER. I was coming to that; and that is a statement which can not be questioned.

Do I understand the Senator from Nebraska Mr. HIGGINS. to say, and the Senator from Colorado to corroborate the statement, that there had been up to the time of the recent depression any serious or long continued lack of employment in this country? Certainly the tramp disorder did not exist largely in this part of the country until the tramp resumed his occupation in this Democratic Administration.

Mr. TELLER. We have nad times in the history of this country since 1873 in which there have been a great many more tramps abroad than anybody wanted to see; and that does affect

Mr. HIGGINS. If the Senator will allow me, up until between 1873 and 1879 was the time of the greatest depression, but after 1879 began the good condition, which has prevailed more or less up to this time.

Mr. TELLER. "More or less," and yet in 1884 we had a good deal of depression in financial circles, a good deal of want, and a great lack of employment and general complaint; and there has been a steady complaint in this country for twenty years of a lack of profitable employment. The conditions were better in 1891 and in 1892 than for a long time before, I think.

Mr. ALLEN. I desire to suggest this idea, that, taking the rations allowed to the soldier of the regular Army as a fair test.

of the percentage of the food product that is consumed daily in this country, we do not raise in this country a bushel of wheat

subject to export, and have not for a great many years.

Mr. WASHBURN. I wish to call the attention of the Senator from Delaware to the statistics in regard to the area of wheat from 1880 to 1890 to show that the decline in wheat has not arisen

from that cause. In 1880-Mr. HIGGINS. Does th Does the Senator mean the decline in prices? Mr. WASHBURN. The area does not account for the decline in prices, because in 1880 the number of acres was 37,987,000; in 1890, 36,087,000, something like a million acres less

Now, I desire to say, in response to the statement made by the Senator from Colorado [Mr. Teller] that the price of wheat in this country is made by the export demand. Such has always been the theory in this country, up to a recent period, that when-ever there was any export demand the price of wheat was made in Murk Lane, and the prices here adapted themselves to the prices there; but in late years this has been largely, and in some years absolutely, changed—notably in 1891, the year we exported more wheat than any year since we commenced raising it, the price was not made in Mark Lane, Marseilles, Genoa, at Antwerp, or at any foreign point; but it was made artificially and

arbitrarily on the Chicago Board of Trade. When it became known all through Europe that the crop of the world was short, as I said before, from three to four hundred million bushels, including wheat and rye, the belief became general that the price of wheat must advance and heavy buying commenced, and the exports for a while were very large; but commenced, and the exports for a while were very large; but just then the bears, the gamblers, and the market wreckers on the Chicago Board of Trade began to sell short and to get in their deadly work—offering to sell in Chicago enormous quantities of wheat that had no existence at prices for future delivery much less than the cash price, and continued this process through the entire crop year. That, of course, carried the price down in all the markets of this country, Europe, and the entire world; and for six months, as the Senator will find by reading the market reports of the world during that nearled the prices the market reports of the world during that period, the price was carried steadily downward by operations of this character. The dealers in Europe undertook to hold up the price, but it was continually knocked out from under them by the quotations

arbitrarily made by the Chicago Board of Trade.

Mr. TELLER. I do not deny that the Chicago Board of Trade
has exercised a pernicious influence on the price of wheat and other farm products

Mr. STEWART. And on silver. [Laughter.]
Mr. TELLER. Yes; I might include that. We have had sev-

earl petitions from that board of trade recently with reference to pending legislation. They take the same view of it that the Senator from Minnesota does, that it is very important for the general speculative interests of the country that the purchasing clause of the Sherman act should be repealed. That is the only interest that they have, and the only interest that the Senator from Minnesota has, if he will permit me to say so.

But, Mr. President, let us get back to the wheat crop. While undoubtedly in this country the Chicago Board of Trade controls to a greater or less extent temporarily the price of wheat when it is iluctuating, yet it does not control the export price. Half the time the price on the Board of Trade of Chicago is not the real price of wheat; it is but the speculative price. The price of wheat to-day will be 5 cents more than it was yesterday, and to-morrow it may be 10 cents lower than it is to-day, and going days. Then those speculators fail, and go into bankruptey. ing down. Then those speculators fail, and go into bankruptcy, and start in anew; but that is not legitimate business. It disturbs the legitimate business of the country. The question is, for what does wheat sell when it is taken to New York City, Baltimore, Philadelphia, and other cities of export to be shipped

40 Europe.9 Mr. HIGGINS. Mr. HIGGINS. I would ask the Senator from Colorado if the price in New York, Philadelphia, and Baltimore is not daily controlled by the price in Chicago?

Mr. TELLER. Not always.

Mr. HIGGINS. It is the same, allowing for the difference in freight charges. Mr. TELLER.

Mr. TELLER. They are compelled in the long run to take the export price. When Chicago puts up the price of wheat 5 cents a bushel in one day, nobody exports wheat, and nobody gets any money for the wheat there. The farmers do not get

the advantage of that. It is a speculative operation.

Mr. WASHBURN. In 1891 there was no putting up; the gamblers were selling short; and that continued a long time. If the Senator will take the pains and time to examine the quotations that were made from time to time during that year in every foreign port to which we export wheat, he will find every word I have said on that point absolutely corroborated, and that the price was not made abroad, was not made by the export cities, but was made by the Chicago Board of Trade by offering wheat which did not exist, but which at the same time made the price for all wheat in this country. The miller who bought wheat, or any one who bought wheat, had to buy it on the basis of the prices made by the Chicago Board of Trade. So it was at every foreign port. And it even went so far that the foreign miller, and the same is the case to day in order to protect himself sold and the same is the case to-day, in order to protect himself, sold wheat short on the Chicago Board of Trade, and helped to put

down the market still further.

Mr. TELLER. Undoubtedly there was an extraordinary con-Mr. TELLER. Undoubtedly there was an extraordinary condition in 1891. In the first place, there was no wheat in Europe, compared with what there ought to have been. having a great crop in that year, all we wanted that year, were able in some respects to dictate, and did dictate the prices; but it was the only time that we ever did dictate the prices, and we

where you send your surplus products is where the price of everything is fixed. That is an economic law that may be disturbed for a time, but, as a general thing, it is a universal law. It can not be disturbed except for a temporary period, I do not care what the product may be. Who fixes the price of cotton in this country? The people who consume it in Europe, because we can not consume the product of this country. If we could, we should fix the prices; but we are at the mercy of those people, and we receive from them what they are willing to pay us. We come in competition with Russia, with India, with Bohemia, with Turkey, and with other sections of the world that have wery much cheaper labor than ours. So they practically fix the price. I think that can not be gainsaid. Although there may be some exceptions with reference to the fixing of the prices of products in this country for the time being, yet that universal law when that exception arises is disturbed.

Now, I want to get back to the proposition of the Senator from Delaware. I do not happen to have seen Mr. C. Wood Davis's calculations on this subject, and if I had I do not know whether I should attribute as much importance to them as the Senator from Delaware does, because I am pretty familiar with this subject myself. I know that there was a great growth of farms and a great increase of farm products after the war, because I was in the habit, at least twice a year, of passing back and forth across that great country which sprang into civilization as if by

I have gone across the State of Kansas when there were no settlements except along the frontier on the Missouri River. I have seen that State grow to be the greatest farming State of the Union, producing from 74,000,000 to 75,000,000 bushels of wheat in a single year. I have seen those farms grow from wild prairies to a cultivated condition. I know those facts without any statistics from Mr. Davis or anybody else. But that condition had practically ceased to exist before the period that I referred to in my remarks the other night when the Senator was insisting that we had overslaughed the markets with our Western products, because that commenced in 1882, and Kansas had been practically settled before that.

I have before me a statement of the world's crop of wheat, and the amount of our crop and the acreage. I want to call the attention of the Senator from Delaware to the fact that the acreage in the United States in 1893 is considerably less than it was in 1882; that is, there were not as many acres of wheat raised in 1893 as there were in 1882, and but little more than in 1883, when the acreage had increased somewhat. If the price of when the acreage had increased somewhat. If the price of wheat is high one year, you will find a larger acreage the next year; if it is low, you will find a smaller acreage. The farmer who gets a small price for his crop one year is very spt to say to himself, "I will not put in so much wheat next year," and so the acreage goes down. On the contrary, if he gets a good price for his wheat, he puts in more the next year. In this way the acreage goes up and down. In the section of country where wheat is perhaps almost the sale error, there the acreage is more wheat is perhaps almost the sole crop, there the acreage is more

Mr. HIGGINS. If the Senator will permit me, I have not be-fore me the figures as to the acreage of land in wheat during late years, but, as I understand the figures, the large increase

of acreage devoted to all the cereals and to farming purposes stopped relatively with 1885, and since that time the country has been vainly endeavoring to catch up with the unprecedented and enormous increase that occurred between 1867 and 1885. That increase was simply unexampled in the experience of the world; the great, peaceful march of the nations had known nothing like it before in the history of the world since the Huns and the Goths and Vandals swept with sword over western Europe.

Mr. TELLER. Let me call the attention of the Senator to the

fact that is given here, and which I believe is correct, inasmuch as it corresponds with the figures given by the Agricultural Department, that in 1882 (which is the first year given in this statement) the acreage of wheat in the United States was in round numbers, 37,000,000; that in 1885, which he says was the culminating year, it was only 34,000,000; in 1882 the acreage was 37,-000,000, in round numbers—I will not give the exact figures—in 1885 it was 34,000,000; in 1886 it was 36,000,000; in 1887 it was 37,000,000, and in 1893 it was 34,500,000.

Now, let me give the Senator the crop for 1882. speaks of the great crop of 1891 being 611,000,000 bushels of wheat. The crop of wheat for 1882 was 504,000,000 bushels. The Senator must recollect that during those ten years we had an increase of population to consume that wheat crop. In 1882 the price of wheat is given in the Statistical Abstract at \$1.19.

Mr. HIGGINS. That was one of the years when there was a

great crop in the country Mr. TELLER. Still it brought a large price. That is what I wanted to call to the attention of the Senator, that it brought \$1.19. The next year the crop was very nearly, but not quite 100,000,000 bushels short, being 421,000,000 bushels, and the price was \$1.13. It certainly ought to have brought as much.

Mr. HIGGINS. I can refute those figures, if the Senator will allow me, from Mr. Davis's tables.

Mr. TELLER. I am not taking Mr. Davis's tables.
Mr. HIGGINS. Allow me to take them, and to commend them
to the Senator's careful inspection. I am now giving him for the years 1882 and 1883 the world's production, and on the world's production in 1882 and 1883 there was a surplus of 216,000,000

Mr. TELLER. I will give the Senator the world's production. I have the whole thing here in a form which the Senator can verify by reference to the figures of the Agricultural Department. I know nothing about Mr. Davis's tables, except I know that he has been connected with the talk about the boards of trade a good has been connected with the talk about the boards of trade a good deal, and has had considerable to say about them. The Senator may take the world's product in 1882 at 2,270,000,000, in round numbers; take the next year, 1883, and it was 200,000,000 bushels short; it was short nearly a hundred million in this country. Yet instead of the price being \$1.19 it was \$1.13.

Mr. HIGGINS. Was not the surplus brought over from 1891? Mr. TELLER. There was not surplus enough brought over

to make that difference.

Mr. HIGGINS. The world to-day is staggering under the sur-

plus brought over from 1891.

Mr. TELLER. I have here a statement made by, I think, as good authority as exists. If the Senator would look at the facts he would not jump at conclusions as he does. Our surplus that year, 1882, was 98,000,000 bushels. Still the world's supply in 1883 was nearly 100,000,000 bushels short, including the surplus. The next year the surplus was still greater and the crop was greater, and the price was again less. So the Senator may run down the tables until he comes to the crop of 1891 or 1892. That is the years when there were great crops in Europe, and we also is the year when there were great crops in Europe, and we also had a great crop

This year we have 400,000,000 bushels of wheat and there are in the world 2,229,000,000 bushels; and yet wheat is cheaper to-day in London, Liverpool, and New York than it ever was before in the history of wheat. The surplus of last year was 135,000,000 bushels, while the surplus of 1892 was 171,000,000 bushels. The surplus is the amount estimated to be in the farmers' hands on the 1st of March, and added to the crop gives the amount available for domestic use and export. There has been no wheat sold in a hundred years in Great Britain for the price at which it is being sold to-day.

New York City, during the greatest panic which ever took place, the price was higher than now; within ten days it has been 66 cents per bushel; it has even been put aboard vessels within the last thirty days for 70 cents, and that was the best wheat from Minnesots and the Dakotas. It is not that the countries of try has a surplus product; it is that there is a paucity of consumption; it is that the whole trend of prices of all products has been downward; and you can not keep up the price of one product when the price of everything else is falling. It is caused by the contraction of money. That is what I desire to speak of. The only point to which I is end to address myself to-day is the question of the appreciation of money, which bears a close relation, of course, to the falling of prices.

Mr. HIGGINS. If the Senator will allow me, he has been fair enough to say that this effect of the appreciation of money has not been the only one that influences prices; that the law of supply and demand, the influences of market gambling, and other elements come in to affect it. But I will ask him if he does not consider that the price marked by grain in the United States, and, because of its selling price here, throughout the world, during the present depression and panic, has shared that depression with all other products? As the Senator from Minnesota [Mr. WASHBURN] has so clearly shown here, and as we all know, it has been the subject of the market gambler in all the boards of trade, not merely at Chicago, but at New York and elsewhere, and along during June, July, and August of this year, and to the present time, there has been no supporting power; the banks have been unable to furnish money, and consequently farmers have been compelled to sell their grain for almost for farmers have been compelled to sell their grain for almost for whatever it would bring. I am very much in hopes, I will say to the Senator, that with better conditions that may come, the price of grain will go up; but he can not attribute its present peculiarly low price to the general law which he is arguing for.

Mr. TELLER. That is the very gist of the whole controversy. The Senator assumes that I can not. I have been trying to prove that I could. I have been asserting that. I have not denied that the present local depression has not had some effect upon wheat; that the shortage of money in the country may have renewheat;

wheat; that the shortage of money in the country may have rendered it difficult for a man to move his wheat from Minnesota to New York. I have not denied the influence of the present financial depression in the United States upon the markets of Europe. Why should wheat rule in Europe lower than it ever ruled be-fore in the history of the world?

Mr. HIGGINS. Because they can buy it cheap here, and they

Mr. HIGGINS. Because they can buy it cheap here, and they have been doing it.

Mr. TELLER. If there was a demand for wheat and wheat was high in Europe they would send the money here to get it. It has been low in Europe. It has been going down there. It has gone from 45s. to 26s. Mr. Rothschild said that was a blessing, and I judge that the Senator from Massachusetts was inclined to that opinion by the question he asked the Senator from Minnesota when he inquired who paid the cheap price. That was the effect of his question. I do not deny but that when wheat goes to 50 cents a bushel the man who consumes it and does not raise it gets some advantage from it. The low price has some redeeming quality of course. It enables the manufacturers of New England to perhaps manufacture cheaper than they could with high-priced wheat. But I deny that it is a blessing to the country to have cheap wheat or that in the end

it is a blessing to the man who buys it.

Mr. HIGGINS. I agree with the Senator thoroughly.

Mr. HOAR. The Senator has been very hasty in his deduction of my opinion from my question to the Senator from Minne-

Mr. TELLER. I will allow the Senator to give his own in-Mr. Hoar. I supposed that was what the Senator meant.
Mr. Hoar. I asked the Senator from Minnesota sotto voce, Mr. HOAR. I asked the Senator from Minnesota sotto voce, when he stated that certain manipulations of the wheat market in Chicago brought down wheat to the low price per bushel of which he was speaking, whether the manipulations enabled the manipulators in the view of the Senator from Minnesota to make a great speculation by selling it for what would be a high price to the consumer, when getting from the producer cheap, or whether they were manipulations by which the manipulators got no substantial advantage by selling it again. That is the question which I asked.

I will state, however, very frankly-and I do not want to prolong this discussion—that I quite agree with those who believe that high prices, as a rule, are an indication of national prosperity, and that low prices, and especially falling prices, are an indication of great national distress and decay. I do not believe, if I may add one sentence, that the manufacturers of New England, to whom the Senator from Colorado adverted, entertain any other opinion. They do not desire times of cheap wages as a rule. Of course there are contests which come about and there are manufacturers who are free traders, and have all manner of absurd notions as well as other classes of men; but the great bulk of the New England manufacturers never responded more heartily to any sentiment uttered in this country than they did to the sentiment so eloquently and graphically put by the Senator from Connecticut [Mr. HAWLEY] sometime ago, in which he denounced cheapness, and President Harrison expressed the same view.

Mr. TELLER. I agree with the Senator from Massachusetts, that falling prices are disastrous to business and not a sign of

mational prosperity.

Mr. HOAR. And falling wages.

Mr. TELLER. And falling wages are the same. Of course the cheapness which comes from ability to produce with little labor and with little sacrifice is a cheapness that nobody objects

to, because that puts within the reach of everybody the prod-

Mr. HOAR. In other words, you would rather have a State of rich and fertile land than cheap and rockyland. That is the whole of it

Mr. TELLER. Yes; if land will produce, as land will in some portions of the country, 40 bushels of wheat per acre, it enables the producer to sell the wheat for less than if it produced 20 bushels, and it is a blessing to him and a blessing to the country. What we complain of is a monetary condition that produces the low prices, not that nature has supplied an abundance of the things and enabled us to produce cheaply, but that we produce it on the same soil with the same sacrifice that we ever made and get less for it.

The Senator from Delaware says that I am fair enough to admit certain propositions. Upon these questions I never shrink from the logical sequence of my proposition. I never would assert that the monetary condition absolutely controls, and that nothing else controls the price of commodities. I have seen one commodity going up when hundreds of others were falling. It was apparent that there was some general law operating upon those falling, and that there was some special influence or law acting upon that which was rising. That might be because of an increased demand; it might be because of adecrease of supply. But what I am dealing with is the general rule. I am dealing with the general proposition that the amount of money in circulation in a country controls its prices; that the amount of money in circulation in the world controls the world's prices; and I have yet to

hear anybody dispute that proposition.

Mr. HIGGINS. I simply want to understand the Senator's position. Does he claim that one country, with whathe would consider an abundant or a superabundant amount of circulation, could establish and maintain one price for wheat, and another country, with an inadequate circulation or a small one relatively. could have a lower price for wheat, and so on through the whole range of prices of commercial articles; or that there is a single

mr. TELLER. On Monday last, when I was on the floor, the Senator from Rhode Island [Mr. Aldrich] put that question to me and I answered it in the negative. I do not claim that. It seems to me that it does not need any argument to explain my position on that point. Take the United States. If we have so much money that wheat goes to \$1.10 a bushel and in England they have so little that it remains at \$1 there will be a redistribution of the money in these days, when all the world is one commercial body. When all have the same kind of money and have a universal commerce you can not do that. The time was when a country would maintain its prices independently of every other, because it had no association with other countries.

can not now be done.

I stated the proposition some days ago, and the Sonator from Nevada [Mr. Jones] in his recent speech reiterated the same suggestion. It is not new to either of us. It has been repeated. suggestion. It is not new to either of us. It has been repeatedly declared here that no country can keep more than its distributive share of money; that whenever a country gets too much money for its business, so that prices rise abnormally, the money will get out of the country, if it is money that can go, because it will perform more money duty, it has a greater command over commodities somewhere else, and it goes where it has the greatest command over commodities. If an owner of gold the greatest command over commodities. If an ounce of gold will buy twice as much goods in Europe as it buys here it will go If an ounce of gold to Europe. There is no law that can prevent it from going to Europe. The man who holds it here will see that it goes to Europe, because he holds the gold to command commodities.

It is only the miser who holds it when he gets it and prizes it

for its beauty. The holder of money prizes it for what it will control, what it will buy, and so in the case I put, it goes to Europe. I do not pretend to say that we can keep the prices in this country at a height beyond those in Europe; and what I am complaining of is that we have done nothing to bring about a monetary condition all over the world that shall bring up prices; but, on the other hand, we readily receive from Great Britain a demand that we shall follow that country in our monetary sys-

tem and follow in falling prices.

We have nothing to gain by cheap goods, we have nothing to gain by cheap labor, we have nothing to gain by getting a vast amount of products from abroad, because we do not get any in-terest from foreign countries. We are paying interest on our in-debtedness and Great Britain is receiving it. France and Germany and Great Britain are all interested in getting as much for their money as they can, and the cheaper things are the more they get. We have products to sell. Mr. HIGGINS. I suppose the Senator does not undertake to

speak of the Democratic majority in this Chamber, for I have

understood that they want everything cheap.

Mr. TELLER. I do not know anything about what the Democratic majority want.

Mr. TELLER. I am sure I do not know what the Democratic Mr. TELLER. I am sure I do not know what the Democratic majority want, nor what they propose to do. I know about as much about it, however, as I know about what the majority on this side of the Chamber want. The distinction between the majority on this side and the minority on the other is so trifling. far as this session has been concerned, that I do not know where the difference begins or where it ceases, and I do not

Mr. HOAR. They do not seem to be getting it just now.

know of anybody who does. They all seem to be in accord in producing cheapness. Every effort that they have made on both sides so far has been in favor of the reduction of the money of the country and entering upon a period of contraction, which all know just as well as I know means low prices. If that is Democratic doctrine, and cheapness is what they want, it seems to have pervaded this side of the Chamber quite as effectually, and I think a little more vigorously even than the other.

Mr. President, I was diverted from what I was saying by the question of the Senator from Delaware, with which I find no fault, because, as I said before, the question which I propose to discuss is the depreciation of gold, or it can be stated conversely by saying the fall in prices. I attributed the low prices to the scarcity of gold. I read to the Senate statements made in the Brussels conference to show the condition of the world. I did not think there could be any doubt what it was, but I wanted to put it so that everybody would admit that the conditions are as

I claim. Therefore I presented those extracts.

Now, I assert that there is not gold enough in the world to maintain stability in prices as the basis of the money systems of maintain stability in prices as the basis of the money systems of maintain stability in prices as the basis of the money systems of maintain stability in prices as the basis of the money systems of maintain stability in prices as the basis of the money systems of the money sy the world. That has been practically admitted in the Senate for at least the last three years. In the debate in 1890, I believe one, you have got to utilize silver, the gold is not enough to furnish the metallic money required as the basis of paper money that is to be used; because it is conceded by everybody (it used to be at least) that all paper money should be based upon metal, either gold or silver. While that is not absolutely true under either gold or silver. While that is not absolutely true under certain circumstances and limitations, it is so nearly true that it is not inappropriate to state as a general financial proposition that the paper money of the world must be based upon either gold or silver. I do not want anybody to come to me hereafter and say that I insist you can not maintain paper money with full money functions without either gold or silver, because that has been done and that can be done under the limitations I mentioned in my remarks last Monday, and that point I will not go

There is produced in the world, I suppose, from \$115,000,000 to \$125,000,000 worth of gold every year. I do not myself believe the statistics on this subject are very trusty, and I think it is exceedingly doubtful whether the amount has not been greatly exaggerated within the last few years. The declaration that there is an increase of gold within the last few years I do not believe can be sustained. I should say myself that \$115,000. 000 a year is very much nearer the amount than a higher sum, and I believe that is too much of itself.

But suppose \$120,000,000 or \$125,000,000 are produced, what amount of that is to be used in the arts, and what amount is to be left to enter the monetary system of the world? If Mr. Saue beck, a German writer of reputed authority, is to be trusted, very nearly if not all of that is absorbed either in the arts or in making up the loss from the present stock. So, although you may produce \$120,000,000 of gold each year for a series of years, at the end of that time you will not have added to the world's

at the end of that time you will not have added to the world's stock of money. Of course you have the gold in watches, in jewelry, in dentistry, in various gildings and all that, but you have not added to the world's stock of gold money.

But, on the other hand, it is claimed that that is too much. We produce in this country about \$33,000,000 a year of gold—a little more some years or a little less. If the Director of the Mint is correct, we use up of that amount nearly \$20,000,000 in the arts in this country—considerably more than half nearly the arts in this country—considerably more than half; nearly two-thirds. How much it is somewhat difficult to determine; yet you can see readily that in making these calculations there is more probability that you get under the amount used in the arts than over it.

It is safe to say, then, that \$20,000,000 of it does not go into money, and that the balance, \$12,000,000 or \$13,000,000, goes into money. If that proportion holds good in this country, it must money certainly hold good in other portions of the world; and the chances are that there is very much more of it used in the arts in proportion to the total product in countries like England, France, and Germany. In those rich countries where capital has accumulated and where there is great wealth they use more of it in the arts. So I do not think that Mr. Sauerbeck's statement is at all out of the way, that substantially the world's product is used up before it gets to the mint.

This matter was touched on in the Brussels conference.

This matter was touched on in the Brussels conference. have a memorandum somewhere, but I can not put my hand on

it. Senators who have read that report will remember the statement made. My recollection is that the Senator from Nevada [Mr. JONES] made the same statement in the speech that he de-My recollection is that the Senator from Nevada nvered here in 1890.

Nobody in Europe has ever claimed that more than 40 per cent of the world's product went into money. Suppose we say that out of the \$120,000,000, 40 per cent of it, or I do not care if you say half of it goes into money, what would \$60,000,000 of gold be for the increased commerce, the increased trade, and the increased population of the world? Absolutely nothing whatever. I figured it up once on that basis and found that when we had about sixty million people we would be entitled to an addition of about 6 cents per capita per year to our stock of money. 6 cents per capita per year to our stock of money.

There is not any surplus of gold in any country in the world. There is not enough gold in any country of the world. I spoke the other day of the scramble that is going on for gold. I read in my opening from the Brussels conference report the statement by Mr. Goschen. He felt a degree of humiliation that ment by Mr. Goschen. He felt a degree of humiliation that when the Bank of England lost a million pounds there should be a financial disturbance in Great Britain. Everybody knows that has been the case for several years. Everybody knows that when exports of gold go from the United States to Europe there is terror in all financial circles of this country, and, on the other ward when gold comes from Europe to us there is financial ter-

hand, when gold comes from Europe to us there is financial terror in every portion of Europe.

The contest is going on now as to who can keep the greatest amount of gold. If there was a sufficiency of gold nobody would amount of gold. If there was a sufficiency of gold hobody would be disturbed when a small amount of five or ten million dollars went from one part of the world to another. It goes from England to France, from France to Germany, and is always doing money duty, always performing the duty for which it is kept and used. If we send \$40,000,000 or \$50,000,000 of gold to Europe in a few months, as we have done, or if it is returned in less time, as here been done, it is still doing money duty; it is still affecting as has been done, it is still doing money duty; it is still affecting the prices of the world. But there is not enough. I say there is a scarcity of gold. I will read on the scarcity of gold an extract from this report by Mr. Rothschild:

What took place when the late war broke out between France and Germany? The Bank of France not only did not pay its notes in gold, but a quantity of 5-franc notes were immediately printed, in addition to which the bank was authorized to issue more notes than it was legally entitled to do according to its charter. This did not prevent, nor would it prevent the French banker, from drawing bullion away from this market, either by sales of bonds on the stock exchange or by getting their bills discounted in the open market here. the open market here.

the open market here.

As regards Germany, that country has also certainly a gold standard, but it would be difficult, if not impossible, to obtain any large amount of gold from Berlin or from any of the branches of the Imperial State Bank.

Then, again, as to Italy, there is a large amount of gold stored away there, but, as in reality it does not see daylight, that country might as well not have departed from its paper currency.

This he was citing to show that England could not keep the gold; that if they should attempt to use gold and silver they would lose their gold. I have a little work here entitled "The gold and silver money, a vital British home question for rich and poor, learned and unlearned," by John Monteath Douglas, of London. It is a very well written work, and I desire to read two or three extracts extracts from it on this very question of the scarcity of gold. Speaking of the danger to Great Britain in losing its gold he says:

losing its gold he says:

Every year the number and power of great financiers increases, and the risk to the English money market from their overgrown operations, for which our system was never meant. Such movements had not been dreamed of forty-eight years ago, in 1844.

Long may it be before any such attempt here is made by powerful speculators. It might easily be done so rapidly that the effect would be disastrous in the extreme. There would be no objects to serve at a time like the present, when transactions in all sorts of produce, as well as in stocks and metals, are at a minimum, speculation dormant, prices generally very low, banks full of deposits for which the owners see no present good employment, and the reserve still above fifteen millions. But there are plenty of opportunities when these conditions are reversed.

Take a very different case. Some years ago the Russian Government had large deposits of money in London—some millions sterling—and was said to have asked for about three millions to be sent in gold. This at the time would have caused a sharp advance of interest, which was explained to the Russians, who accepted a moderate portion, letting the rest follow leisurely. But suppose the time had been one of those when it would have particularly suited the Russians to put our affairs into confusion by merely drawing their money out of bank in gold, as any one can do.

The Russian Government (according to the St. Petersburg Bourse Gazette, quoted in Statist of 22d October, 1892, and other papers here) has now on deposit in London about ten millions sterling, five in Paris, and four in Berlin, and has been drawing away some gold. Suppose, by and by, when business revives and the reserve falls, it suited the Russians, who are so roughly spoken and written about here in their financial and other affairs to take their money roughly—say in one week, or in two days—how would business and credit in London about deal for \$50,000,000.

That is, if they should call for \$50,000,000.

The same difficulty could not occur in Germany, because the silver thalers re still full legal tender, and the banks have plenty.

This is about Germany I read:

Just so during the Baring troubles the Bank of England had to ask for permission to buy three millions sterling of gold from the large stock of the Bauk of France, which was said to dislike this, but to agree at request of persons influential in both countries. The sum was small to that other

bank but great to ours. The Continentals greatly enjoy the story, and frequently refer to this help in speech and in print, when anything brings up questions as to England's assumption of monetary superiority.

I will add to what Mr. Douglas says here, that they borrowed a million and a half pounds also at that time from the Bank of Russia as well as from France.

They don't mean to forget it. Happily the Americans had by that time got a considerable amount of silver coined, and "silver certificates"—we should call them silver notes—issued against silver, all legal tender, and these notes particularly popular as most convenient currency, equal to gold. Thus they had no dear money market, and did not need to draw on Europe for gold and so make things much worse, as otherwise they would have had to do. The Bank of England had once before to get assistance from the Bank of France some years before the act of 184. We before alluded to these cases of foreign help, but they deserve this fuller notice.

I think it is pretty well established (and I do not know that it needs any further authority on the subject) that there is a scarcity of gold in Europe, but I will read one other extract from the address made by Hon. J. A. Balfour, member of Parliament, in the Egyptian Hall, Mansion House, London, August 3, 1893. It is a recent statement.

Evils of a scramble for gold.

It is a portion only of the address that I read:

We have boasted that we lead the van of commerce, because we are the reat upholders of the single gold standard; and yet there is not a man, I enture to say, in the city of London at this moment, not a single man, who rould not look with horror and with apprehension at every other nation following so good an example. Was inconsistency ever shown in more ludirous colors?

crous colors?

It is right, apparently it is orthodox, to have a single gold standard, but let Austria have a gold standard, let India try and get a gold standard, but the other countries go in for a gold standard, and a tremor seizes every one of our commercial magnates; they look forward to the possibility of an immediate catastrophe, while they dread in the future that slow appreciation of the standard of value which is probably the most deadening and benumbing influence that can touch the springs of enterprise in a nation. Such conclusions, if they be well founded, and I at all events have most honestly attempted to arrive at the truth, may well "give us pause;" and I venture, if I may, earnestly to appeal to that portion of my audience whose minds are not yet made up upon this question to reflect whether, of all subjects which deserve international treatment, that of the currency does not stand in the very first rank?

That is a speech which I commend to the attention of some of

the Senators here who seem to doubt the appreciation of gold.

As to the appreciation of gold directly, I wish to read from a little pamphlet published by Prof. Laveleye in 1890, who had written recently, just before his death, one of the most complete small works that has ever been written, I think, on monetary science. Unfortunately it has not yet been translated into English, and therefore it is not accessible to the average American. He was a professor in the University of Liege, in Belgium, and I believe had a reputation at the time of his death for exactness and correctness equal to that of any other European writer. He

The production of gold is insufficient for monetary wants because the mints are almost compelled to close up. The instruments of exchanges not being fed by an annual coinage of about one milliard of francs a year, as they were formerly, are contracting; whence the fall of prices, the essential character and cause of the present crisis.

This cause of the crisis, is seems to me, is undeniable: First, because it had been brought out into bold relief, with all its consequences, before events came to confirm this forecast. Second, because a crisis exactly similar to the one we are now undergoing was produced after 1819 by a similar cause. Third, because the explanation to which I have referred is in harmony with those principles of political economy which are least contested.

The appreciation of gold was predicted by a large number of scientists in Europe before there was any appearance of the appreciation in fact. It was stated by those who had studied the question that if an attempt was made to put the burden of international money entirely upon gold alone gold would be appreciated or prices would fall. Dr. Laveleye here cites some of these views. He says:

these views. He says.

I. The present crisis was foretold, in the most precise manner, by the most competent and the most various authorities. Let us first hear the bimetallists. Fourteen years ago Wolowski and Ernest Seyd foretold, in the following terms, the inevitable consequences of the demonetization of silver by a great state, although they did not then foresee a general proscription of the white metal, such as has taken place since; First. Trade will declin, especially in the countries which have the largest commerce with foreign countries; second, the fall of prices will cause great injury to manufactures, merchants, and farmers, and hence to their workmen; it will be of advantage only to fund-holders and to holders of coin; third, industry being affected disadvantageously in its profits, fewer new ventures will be made; fourth, in this period of depression, the cause of which will not be understood, recourse will be had to expedients which will aggravate the evil, and among these expedients will be protective tariffs.

"If you suppress silver as a motor of circulation," said Mr. Wolowski to the monetary commission, on the 7th of April, 1870, "you will diminish the metallic mass intended to serve as an instrument of exchange the world over. A large fall of prices will be the necessary consequence of the scarcity of the white metal. Lands, for instance, will be sold for a less quantity of money; the land-owner will find himself between two fires and will be injured in both directions. Land will decline in price and the mortgage it has to bear become heavier."

Léon Faucher, as far back as 1843, predicted the actual crisis in still stronger

Léon Faucher, as far back as 1843, predicted the actual crisis in still stronger

Leon Faticiter, as in case, as 1990, predicted the actual crisis in still stronger terms:

"The Government, he said, can not prescribe that the type of value shall henceforth be gold instead of silver, for to prescribe that it should would be to decree a revolution, and the most dangerous of all revolutions, one whose course would be towards the unknown." (Recherchés sur l'or et l'argent 6.

104.) Let us hear now the monometallists.

The Economist also foresaw the danger from afar. In 1860, in its review of the year, it wrote substantially as follows:
"We may afirm that the actual production of gold of £30,000,000 (now reduced to twenty millions) is scarcely sufficient to meet the increasing transactions of the commerce of the world and to prevent a sudden reduction of prices and wares."

"We may amm that the actual production of gold of £29,000,000 (now reduced to twenty millions) is scarcely sufficient to meet the increasing transactions of the commerce of the world and to prevent a sudden reduction of prices and wages."

In its review of March, 1873, it predicted the disastrous consequences of the adoption of gold monometallism by Germany, and it added; "Unless the annual production of gold suddenly increases the monetary markets of the world will probably be subjected to a great perturbation by this scarcity of specie."

Lord Beaconsfield expressed himself in the same way. He said: "I attribute the monetary disturbances which affect business transactions so disastrously to the changes which the governments of the continent have introduced into their standard of values. Our gold standard is not the cause but the consequence of our commercial prosperity. It is evident that we should prepare ourselves for great disturbances in the business market, occasioned not by speculation or by some cause long known, but by a new cause, the consequence of which is very disastrous." (D'Israell, at Glasgow, November, 1873.)

On March 29, 1879, speaking of the depreciation of silver, Lord Beaconsfield said:

"The product of the gold mines of California and Australia have modified their dimensions."

On March 20, 1878, speaking of the depreciation of shver, Lord Besconselid said:

"The product of the gold mines of California and Australia has constantly diminished, and, at the same time, several governments have modified their monetary system in favor of gold, and this notwithstanding the continued increase of population, which always requires a great increase of gold coin to effect exchanges. The latter has diminished from year to year, and the result of it is a situation the reverse of that which the discovery of the placer mines had brought about. Gold is acquiring greater value every day, and, consequently, prices are diminishing in proportion."

Mr. Robert Giffen, chief of the English bureau of statistics, whose competency in the question of prices is fully equal to that of Toole, of Newman, and of Jevona, said, on the Sist of January, 1879, to the society of statistics, after he had demonstrated the reality of the fall of prices due to monetary contraction:—

It must be borne in mind that Mr. Giffen is one of the most distinguished monometallists of Great Britain, holding high public position. Mr. Giffen said:

We must express the wish that the countries in which silver circulates shall not replace any part of that metal by gold. That would be nothing less than a calamity to business, if a demand for gold similar to that of the United States and Germany were produced. Even a much smaller demand for gold would soon be attended by very serious consequences.

I might read, as I will read later, some further extracts with reference to this very question.

At the monetary conference of 1878, Mr. Goschen said, on the 19th of August, that to wish to introduce the gold standard everywhere was a piece of ntopianism, not only erroneous but dangerous. He adds: "In that case, the general effort which would be made on every hand to get rid of the white metal might occasion the greatest disorders in the economic world, and produce a crisis more disastrous than any within the memory of man." Has Mr. Goschen not been a good prophet? All the states of Europe have procribed silver and adopted the gold standard practically if not legally, and the crisis foretold by the eminent English statesman is unfolding under our

the crisis forced by the chimete English seatestant is united by the cycs.

Mr. Soetbeer, the learned advocate of German monometallism, writes in the Jahrbücher für National-Economie, July 15, 1880, page 129, speaking of the general adoption of the gold standard:

"This solution of the monetary question would doubtless be theoretically the best, but the impossibility of realizing it in practice is so plain, that it is useless to stop to discuss a measure, the consequence of which would be the depreciation of silver and an absolute, incalculable decline of all prices."

I might read a great number of prophecies of this character.

I pass out:
Between 1870 and 1885 economic progress was also considerable, but less than during the previous period, and nevertheless prices fell to a lower level than in 1850. How, then, can it be denied that monetary contraction was the cause of this? According to Mr. Sauerbeck, production in England between 1870 and 1870 lacreased 21 per annum, and between 1870 and 1885 11 only; while prices rose during the first mentioned period from 18 to 20 per cent, and fell during the second 30 per cent.

He refers again to the work of Mr. Douglas from which I have read, speaking of the appreciation of gold. He quotes Mr. Robert Giffen, and I desire to read that as the statement of the most distinguished monometallists of Great Britain as to the apprecia-tion of gold:

tion of gold:

The appreciation of gold is most fully and admirably proved and illustrated by Mr. R. Giffen, of the board of trade, in his long and elaborate essay on "Recent changes in prices," etc., dated December, 1883, and published in the Journal of the Royal Statistical Society for that month, pages 713-815. Unfortunately, that precious essay is not included by him in his recent volume, "The case against himetallism," a reprint of his other and much less valuable papers bearing on this subject. That omitted essay affords one of the best answers to all the others on one of the great leading points of the currency question—the supposed steadiness of gold as a standard of value. I therefore must offer some extracts from this part of its contents, because comparatively few have access to the journals of the learned societies, and ordinary people are repelled by these being too often dry as well as learned.

After mentioning his paper in same Society's Journal in March, 1879, on "The Fall of Prices since 1873," in which he suggested that appreciation of gold had begun, or soon would do so, and his reiteration of this suggestion in an essay in 1885, he notices the fulfilment of his forecast by the sumitted general fall of prices, amounting to an appreciation or rise in the purchasing power of gold. This conclusions he establishes (pages 730-722) by detailed references to the tables and index numbers or averages of the Economist, Mr. Sauerbeck, Mr. Soetbeer, the board of trade, and the American averages. His conclusions from these as to appreciation of gold are doubtless incontrovertible.

averages. His conclusions from these as to appreciation of gold are doubless incontrovertible.

As to sliver, he says (page 740): "If we avoid extreme years the average fall in commodities measured by gold rather exceeds the average fall in sliver measured by gold. In other words, instead of speaking of the depredation of sliver," as compared with gold, "we should be quite justified in speaking of the appreciation of sliver when we measure it by the average of commodities," which is the way in which he and all competent persons now and in former times have measured the values of bold gold and sliver. After stating many interesting facts and arguments, he romarks (page 750): "We can say positively that the recent change from a high to a low level of prices is due to a change in money, of the nature, or in the direction of

absolute contraction." And then he shows how the excess of imports of gold into England over exports of it in the fourteen years, 1858-1871, reached sixty-seven and three-quarter millions sterling of not import, or an average of about five millions annually, while in the following sixteen years, 1872-1887, the net import was under three-quarters of a million yearly, or eleven and one-half millions in all; whereas, if it had continued on the same scale as before, it should have approached eighty millions.

Thereupon he proceeds (page 763): "It is clearly impossible to contend there has been no change in the movement of gold, comparing the one period with the other. If we look at coinage or other details, the result would be the same. The stock of gold in England available for money has not been added to of late years as it was in the period just before. The stock with the additions has had to do more work, and it has only been able to do so because prices have tailen, and incomes have not risen, whereas from 1850 to 1878, when gold was going so largely into England, not only did prices rise a little but incomes a great deal." He adds that he believes the comparison would be still more striking "if we could compare the excess of gold imports from 1850 downward. But there are no official gold statistics before 1858."

would be still more striking "if we could compare the excess of gold imports from 1850 downward. But there are no official gold statistics before 1858. And further:

"The common opinion then" (in 1872 as to gold appreciation) "was different. It was freely said that as there was so much gold about, there was enough for every purpose, and prices (of commodities) would rise further." But the method of measuring and comparing the supplies of gold, as above "made a true forecast possible." And therefore he said in 1883, at the Bankers Institute, when Mr. Goschen gave his invaluable address, proving the rise of gold and its vast upsetting effects, that if the supply of new (gold) money were not sufficient to keep up the equilibrium looking to the increase of the population and wealth, etc., of the gold-using countries (page 755), "then we may have a long-continued fall of prices from generation to generation, and this will probably have very great effects as time goes on."

He then deals with the effects of this appreciation of gold on the distribution of wealth, and says (page 759): "It is obvious beyond all question that these effects may be important." "The debtors pay more than they would otherwise pay, and the creditors receive more. The matter is thus not unimportant to the two large classes of people who make up the community. Appreciation is a most scrious matter to those who have debts to pay. It prevents them gaining by the development of industry as they would other wise gain."

otherwise pay, and the creditors receive more. The matter is thus not unportant to the two large classes of people who make up the community Appreciation is a most serious matter to those who have debts to pay. It prevents the matter is thus not unportant to the two larges of people who make up the community Appreciation is a most serious matter to those who have debts to pay. It prevents the matter is thus who was the surplus value of many estates, especially of land, and also estates of other sorts, and made them insufficient effect on stocks of various sorts.

Hepointed out then, in 1888 (page 762), the prospect of "troublous times for instance, both for some of our Australian colonies and for a country like the Argentine Republic, even if the appreciation does not grow more serious than it has been. That the pile of debts has to be paid, principal and interest, in appreciating money, is a most serious consideration." We have already seen his forecast on these points asily verified. Of course, there was overborrowing besides. Rising gold with falling wool, grain, and other produce contributed obviously and seriously to the results. Wool and grain, like silver, are (according to his opinion) said to "fall" because gold gets dearer, and you can buy more wool and grain with the same amount of gold. But the debtors have to send so much more wool and grain annually to Europe in payment of the same interest. This must be irritating to the borrowers, who are called to bear much heavier burdens than they undertook. They will prove unable to pay. And nothing could more reasonably, or at least plausibly, be made an excuse for repudiation or for cutting down the principal or interest to be paid.

Then he turns (page 763) to look at the probable course of prices in the future as affected by the probable "continued pressure on gold, against which the only compensation would be a more extended use of economizing expedients." "Such economizing expedients will in fact, as I believe in the fact the probable of the strong pro

fluctuation in silver. Wages always differ much locally, even in the various parts of England.

The evidence before the gold and silver commission was very largely about wages and retail prices. These move very slowly. Many "economists thought they should rapidly show results, in various places, by rise or fall, according to the rise or fall of silver and gold," but got no results worth mention. Let any one compare the steady price of bread in London for many years past with the fluctuations and cheapening of wheat.

Mr. Giffen's easay, which I have so largely quoted, was written by him with the reports and evidence published by the gold and silver commission before him. He had himself a very prominent place among their witnesses. He is a strong gold menometallist. Yet with all that information fully known and understood by him, he concluded as stated, that in relation to commodities gold had risen greatly, and silver had not fallen; and that the divergence seemed likely to continue and increase indefinitely, gold getting scarcer in proportion to the demand. (See also pages 24, 25.)

Other interesting writings by advocates of the English gold currency accept its appreciation and discuss the effects of that. I see no one seriously attempt to prove the reverse now. The question seems to be avoided. The

epponents of bimetallism fight their battle, as Mr. Giffen continues to do, on other grounds.

On this subject I desire to read from Mr. Goschen, member of Parliament, in an address delivered before the Institute of Bankors in England, April 18, 1883:

ors in England, April 18, 1883:

Let us now assume what I think is probable enough, that there will be a continuance of low prices—that is to say, a continuance of the increased value of the sovereign. Two classes would be permanently affected: one is the class which is entitled permanently to receive a given amount of sovereigns. They will be much better off. The class of debtors, on the other hand, who are bound to pay a given amount of sovereigns for a long period to come, will be much worse off. In the same way as the rise in prices generally is to the advantage of the debtor, so a fall in prices will be to his disadvantage. And that leads me to another consideration. In examining the fall in price of various commodities, I did not allude to the value of consols and of securities. Have they fallen? No, they have not fallen. Ought they to have fallen? No, they ought not to have fallen. According to the theory they ought to have risen. Why? Because consols mean the right of the holder to a given number of sovereigns; and consols, and railway debentures and other such instruments which give the holder a right to a certain number of sovereigns, ought to have arisen, and they have risen. This squares entirely with the theory of the increased value of the purchasing power of gold. In the same way as commodities, measured by gold, have fallen, these which entitled the holder to a certain number given amount of gold ought to rise, and they have risen.

the same way as commodifies, measured by good, have indeed, the centiled the holder to a certain number given amount of gold ought to rise, and they have risen.

Let us proceed in inquiring what will be the effect upon various classes of the country on the assumption of the increased purchasing power of gold? As to the fundholder, I need not say any more. He will gain. He will receive his £3 per £100, and those £3 will be worth more than they were before. But perhaps they might be worth so much more that cansols may rise beyond £100, and it may very likely occur to a chancellor of the exchequer that the fundholder, If the position admits of it, should have his interest reduced from £3 to £2 Lise, or possibly £2 100.

Now let me pass to another class. The holders of mortgages would be in a distinctly favorable position. While the mortgages run they will continue to receive a sum which will represent a larger purchasing power than it did before. Those on the other hand who have borrowed on mortgage will be in a worse position. They will be under contract to pay a given sum, which measured by the value of all other commodities, will represent a greater value than before. To obtain that sum which they have to pay they would have to part with a greater quantity of commodities. The influence of this circumstance on landowners will not be overlooked. Landowners who have borrowed largely on their estates will be under contract to pay away a sum which represents more value than before, while the produce of the land, if ultimately that produce should generally fall in price like other commodities, would not secure the same amount of sovereigns.

It is impossible to see how farmers should be able to continue to pay the same amount of sovereigns for rent, if the prices of what they raise from the soil should permanently fall.

I have read some extracts from Mr. Allard's speech made in the Brussels conference, and I wish to read an extract from another speech made at the conference. Speaking of his former speech,

I showed you—Mr. Jones has recalled it—how Mr. Goschen called attention at London in 1883 to the fall of prices and the rise of gold which was already visible.

In 1865 Mr. Goschen went to Manchester to give warning of the same

danger.
In 1886 it was not Mr. Goschen, but the English Government which was concerned at the slacking of trade, and which appointed the well-known Commission on the Depression of Trade.
The following year, in 1887, Mr. Goschen again went to Manchester. He said to the manufacturers, "Take care. Gold is increasing in value, prices are falling, and a crisis menaces us."
In 1884 he English Government, becoming more and more concerned, appointed the Gold and Silver Commission.
In 1889 Mr. Goschen, who had become chancellor of the exchequer, ever more and more uneasy in regard to the appreciation of gold, proposed the establishment of one-pound notes. The number of pounds in circulation was insufficient.

He says on the next page (page 322):

I have shown you that the real evil followed not from the fall of sliver, but from the appreciation of gold. Have you not heard from the delegates of Mexico that in theirs, a producing country, where the circulation consists solely of sliver and where if that metal had been depreciated it would have been felt soonest of all, that the imaginary depreciation had never existed. Silver, they tell us, still buys in Mexico the same quantities as before.

That statement I made on the floor the other day, and this is a verification of it, because the Mexican delegates had made that statement, and were sitting in the conference when Mr. Allard was speaking:

It seems to me therefore obvious that it is the operation of the appreciation of gold which makes us believe in the depreciation of silver.

On page 324 he says:

As to the fall of silver there is none except that which we have created for ourselves in Europe, where silver is valued in gold. We have seen that there is no fall of silver besides that which we ourselves bring about in measuring it with gold, which is scarce. We are like children who make a shadow on the wall and are as alarmed at it as if it were a reality. I think that if we had been more reasonable, and if, instead of demonetizing silver in 1873, we had opposed that measure as we opposed the demonetization of gold in 1860, the shadow which we have created would never have existed, and we would still be in that era of prosperity which we regret to-day.

On page 326 he says:

It was for the same reason that gold appreciated, that it bought more and more commodities, and prices fell in consequence. This is a great revolution in which all take part, and which prevails in England more than anythere less.

Again, on page 329, he says:

The fall of silver is obstinately spoken of, and the rise of gold is obstinately denied. Consider Mexico, where silver is produced. The metal is not depreciated there, for it buys as many commodities as before. "No matter," say the monometallists. "silver is depreciated, for we see that it is." But," you tell them, "there is a crisis everywhere." "There is no crisis," they reply. "But," you say, "gold is more and more appreciated." "Quite

wrong," they say, "there is no appreciation of gold; there is only overpro-

I have already read from the remarks by Sir William Houldsdelegate of Great Britain, on one point, and now I desire to read from him on another:

to read from him on another:

What is necessary for England is equally, necessary for all the industrial nations of the world. Their interests in this matter are identical. Commerce is the great bond which unites all nations into one great international family, so that what prejudicially affects one must inevitably react prejudicially upon others. All, therefore, are equally interested in securing a common and secure basis for international trade. It is said that "the appreciation of gold has never been proved." If there has been a general fall in gold prices that is the proof. The one expression is the converse of the other. They are only two ways of stating the same fact. Metallic money as a medium of exchange, as the tangible payment of debts, may have decreased (as some assert), credit instruments may or may not have taken their place.

But this is no answer. The broad fact still remains that a general fall of gold money prices has taken place (no one with the evidence before him can dispute that), therefore that of itself is all the proof required that the quantity of the commodities are measured has not kept pace with the quantity of the commodities which it measures. This can only be called an appreciation of gold.

The course of silver prices further fillustrates this point. There the measuring commodity (siver) has kept pace with the commodities which it is called upon to measure in silver-using countries. Therefore silver prices have not fallen. There has been no appreciation of silver. I am glad to find that my honorable colleague, Mr. Rothschild, does recognize the "grievances" of India.

That is as much as I care to read on that point. I read again from the compromise proposed, presented by Mr. Alphonse Allard, delegate of Belgium and Turkey to the conference, on page 191 of this report:

This crisis, which was foretold in 1870, is now, it is said, in action. The disturbances which it produces are the more unjust and the more profound since the fall in prices is not produced by the development of labor or by the abundance of wealth, but by an artificial cause, which is none other than the law proscribing silver and thereby producing appreciation of gold.

No variation in the level of prices can be observed in silver countries. It follows, therefore, that the depreciation of silver in Europe is only produced by the appreciation of gold.

It is said that this artificial fall in prices, caused by the appreciation of gold, has for its results terrible social inequalities, the ruin of our agriculture, the slackness of our industries, the distress of our workmen, and the uneasiness which prevails everywhere.

For twenty years there has been a continual endeavor on all sides to find some other cause, but none has been discovered; and therefore no more effectual remedy has been found than the monetary remedy. It appears to me that the task to which this conference of 1892 is specially called is to counteract the evil of the fall of prices and the artificial appreciation of gold, and to combat the instability of exchange between the gold countries which constitute one-thirds of the world, and the silver countries which form the other two-thirds.

I do not desire to tire the Senate, nor take the time of the

I do not desire to tire the Senate, nor take the time of the Senate unnecessarily, but it seems to me that the question whether gold has appreciated or silver has fallen is, after all, the vital question. As was said to me a day or two ago by the Senator from Washington [Mr. SQUIRE], and who called my attention to it, itappears to be the very gist of the whole thing. Has gold appreciated? If it has, and silver is still maintaining all over the whole its purchasing power, as I amendeavoring to show, then the question is, how shall we propose a remedy that shall not raise silver up, but bring gold down to its former position and keep it from continually appreciating? So I beg the indulgence of the Senate while I read a little further.

Van den Berg, a delegate of the Netherlands, made a speech in the conference. Although it is not just what I referred to before I had it in my mind but could not put my hand on it. He refers to Dr. Soetbeer's statement as to the amount of gold that is absorbed in industrial uses in the arts and trade, and says:

This result of the accurate investigations of Dr. Soetbeer has struck me all the more, as he was formerly one of those who was in no wise alarmed as to the scarcity of gold for monetary uses; and not to seem to exaggerate the importance of this I think I should recall the very words which the learned Dr. Soetbeer used to express his idea. This is what he wrote shortly before his death:

"One could not demonstrate by figures the incorrectness of the hypothesis that in recent years the industrial use of gold, together with the needs of Oriental countries and for private hoards, had materially arrested the increase of the monetary stock and had very probably absorbed the annual production of the metal; but proofs are equally lacking to support the contrary hypothesis."

trary hypothe

Mr. Van den Berg goes on to say:

Mr. Van den Berg goes on to say:

The sufficiency or the insufficiency of gold for the monetary uses of the world is, gentlemen, the real knot of the question before us. It is not unfamiliar that up till now the defenders of monometallism have always supported the idea that there was no lack of gold and that a more or less considerable appreciation of the yellow metal was entirely out of the question. The bimetallists alone were of the contrary opinion, but now one of the most fervent partisans of monometallism has joined their ranks and tells us that it is not silver which has fallen but gold which has risen. The partisan which I have in mind is the Statist of London, which is an authority in monetary and financial matters, and rightly so, because, unless I am mistaken it is written at the dictation, or at least at the inspiration, of the learned statistician, Robert Giffen. In the number of November 5 we read the following declaration apropos of the proposals submitted to the British Government in regard to the possible introduction of the gold standard in British India.

Now I read the quotation from the Statist:

We presume that the plan is based upon the mistaken notion that the value of gold is more stable than that of silver. We have seen that between 1973

and 1880 all gold prices fell ruinously. We have also seen that during the same period silver prices did not fail; in other words, while the smaller quantity of gold year after year exchanged for a larger quantity of all other commodities, silver included, the same quantity of silver, or nearly the same, exchanged for the same quantity of all other commodities, gold excluded. Does it not necessarily follow that it was the condition which determined the value of gold, which altered, not the condition which determined the value of silver; or, to put the matter into perhaps plainer language, does it not necessarily follow that the value of silver during the past twenty years has been far more stable than the value of gold?

And that is a gold monometallic authority equal to any in the world.

Mr. SQUIRE. What is the date? Mr. TELLER. November, 1892. This is what Mr. Van den Berg says:

Gentlemen, has the weakness of gold monometallism ever been placed in clearer light than in the lines which I have just cited, written by one of the most convinced monometallists, by a "Gold Fanatiker" as the Germans say? If the true that the price of sliver has remained stable, and that it is gold which has risen during the last twenty years, that is a condemnation pure and simple of all mometary systems based upon gold, for the relative stability of its value is one of the essential conditions of a good money, and a gradual appreciation of the standard used to measure all values and affect all exchanges can not fail to be disastrous to all mankind, as it benefits only those who own it and aggravates the position of the others, the workers; in a word, the immense majority of the population.

I have a large number of citations here from various authorities as to the appreciation of gold, and to the effect that silver has maintained steadily its purchasing power, except as to gold When measured by commodities, silver remained in its normal condition, still purchasing as much in its bar form to-day as it would in 1873, when it was demonetized. In 1873 an ounce of silver would not buy in this country a bushel of wheat by 3 cents—I am speaking now of the uncoined silver in this country. To-day an ounce of silver, as low as it is, will buy more than a bushel of wheat in ear market in the would on at least it will in this

day an ounce of silver, as low as it is, will buy more than a bushel of wheat in any market in the world, or at least it will in this country, and it will come so near to it in the markets of Europe that it may be said to practically do that.

In 1873 an ounce of silver, treated simply as a commodity, would exchange for 6½ pounds of cotton. To-day the same silver can be exchanged for 10 pounds of cotton. That is true of all other products. Silver has not lost its purchasing power as compared with products. It has lost its purchasing power of gold; in other words, gold has increased in value 55 per cent. In 1873 a man who owed a thousand dollars could pay it with a little over 800 bushels of wheat. To-day he must take 1,500 bushels of wheat to pay the same amount: and with his thousand bushels of wheat to pay the same amount; and with his thousand bushels of wheat he could buy as much silver in 1873 as he can buy now.

As the Senator from Nevada [Mr. JONES] said the other day,

when all things have changed except one the change is in the one and not in all; it is a change in the money that measures it,

I have here one or two authorities that possibly I had better read. The fall in the price of commodities and the rise in the price of money is one of a very serious character to the men who produce. It is especially serious to the men who are owing produce. It is especially serious to the men who are owing debts. It is especially serious to a country that owes large amounts of money in other countries and has to sell its products amounts of money in other countries and has to sell its products to pay its debts abroad. If the wheat that goes from this country to Europe could be sold at the old price of 1873 we would be very much nearer paying our debts than we are now. Where we sent one bushel of wheat then we must send nearly two to meet the same debt. Every year the price grows less and less. We must send more wheat every year than we sent the preceding. This money condition of the world has destroyed the doctrine of supply and demand to a great degree. With a great crop or a little crop or a great demand or a little demand the

crop or a little crop or a great demand or a little demand the price is steadily downward.

Mr. President, what does the repeal of the act of 1890 mean?

All the authorities so far as I know that are worthy of attention declare that with this repeal there must come a further fall in silver. It was repeated by a number of gentlemen in the conference of 1892 that the repeal of this act would mean a fall in silver. The English papers have declared within the last ten days that with the repeal of the act there would be a further fall in silver. Nobody can deny it. All business men are anticipating it. The further fall in silver is simply an appreciation of gold. It is simply a fall in prices, a lower price for everything that we manufacture, a lower price for everything that we create, a lower price for the thousand million dollars' worth of products that we export.

It will not do for the advocates of repeal to tell me that this is but a temporary thing; that when they have disposed of this bill, when they have the Sherman act off the statute book, they are prepared to give us proper legislation on this subject. If that was the sentiment of the people who are demanding repeal, they would have consented to some adjustment of this question. They would have consented that the people who fear and predict disaster to come to the industries of this country by consented to the people who fear and predict disaster to come to the industries of this country by consented to the people who fear and predict disaster to come to the industries of this country by consented to the people who fear and predict disaster to come to the industries of this country by consented to the people who fear and predict disaster to come to the industries of this country by consented to the people who fear and predict disaster to come to the industries of this country by consented to the people who fear and predict disaster to come to the industries of this country by consented to the people who fear and predict disaster to come to the industries of this country by consented the people who fear and predict disaster to come to the industries of this country by consented the people who fear and predict disaster to come to the industries of this country by consented the people who fear and predict disaster to come to the industries of this country by consented the people who fear and predict disaster to come to the industries of this country by consented the people who fear and predict disaster to come to the industries of this country by consented the people who fear and predict disaster to come to the industries of the people who fear and predict disaster to come to the industries of the people who fear and predict disaster to come to the people who fear and predict disaster to come to the people who fear and predict disaster to come to the people who fear and predict disaster to come to the people who fear and predict disaster to come to the people who fear and people who fe traction to be brought about by repeal might have something

given to them that would prevent the fear that they have ex-But from the beginning it has been determined that

it should be unconditional repeal or nothing.

There has never been an hour since the Senate met to consider
there has never been a majority of this body who this question that there has not been a majority of this body who believed in their hearts (and they have so expressed it, if not openly on the floor in private conversation at least), that there ought to be an adjustment of this matter; that there should be some provision made not simply for the purchase of silver, not simply in the interest of the mine owners, but in the interest of preventing a contraction; that there should be some steps taken to secure to the people of the United States an increase of

There is not a man living who will dare stand before the American people and declare to-day that there is not a necessity that every month there should be put into our currency more money, equal in extent at least to the growth of population, equal in amount to the demands that are made by new business, increased commerce and trade. No country growing as ours can afford to take the position of standing still on its money, and Senators

who are favoring repeal dare not face that question.

They tell us to wait until the repeal takes place and they will give us something that is liberal; that if they take away the siler legislation they will add to the money of the country all that the business of the country demands.

Mr. President, that is not to be done. There will be, in my sudgment, no effective legislation upon this subject in the next our years. There will be no effective legislation until the four years. American people are heard from-not the bankers, not the Wall street people, not the boards of trade, but the great American voting population; and I believe that they will be heard from in a way that may be eventually effectual; that it will be found in time that the people will rule, and that no man or two or three men can stand in the way of a proper adjustment of this question.

We were told the other day that there was to be a compromise.

We were told that the extremes were to meet, and those who demand a great deal on one side and on the other would yield something. If rumor is true a very large and respectable por-tion of the Senate had agreed to some adjustment of this difficulty. It is said in a way that justifies me in speaking of it that he who has no right to speak to us upon this subject declared that no compromise should take place; that it would be unconditional repeal or nothing.

Mr. President, the Senate has been in session for eleven weeks. The eyes of the whole American people have been upon the Senate. The demand has been made upon us from certain quarters for speedy action. We have deliberated and considered and dis-cussed. We on this side of the Chamber, I mean those who have favored the largest use of allver as money, have been ready at all times to test this question, not in the forum of physical endurance, but in that which is becoming and befitting American Senators, in the forum of debate. We have challenged our opponents to meet us on every question and they have met us principally with taunts and revilings. They have met us by the old stale and worn-out and broken-down arguments of monometallism. They have denied the existence of facts as patent and as apparent as that the sun shines in the heavens. Then they turn around and tell us to get rid of this bill and at some time in the future they will consider this financial question.

This question, touching every man's interest everywhere in

this country, is to be postponed to a more convenient season. What time can be more appropriate than the present, when the country is suffering, when the people are in distress, when the mills are shut up, and the country is full of unemployed and idle men? We have an abundance of time; why should there be haste? Why should we be asked to proceed to-day any more than next week or the week after?

A great party has come into power in all the departments of the Government, and here we are, after ninety days, with no financial system offered, no financial system provided. It was said here by myself more than six weeks ago that I assumed that this party would have a financial policy and would enuciate it. The Senator from Connecticut [Mr. Platt] indicated that he thought I was rather too sanguine. I think, possibly, I that he thought I was rather too sanguine. I think, possibly, I was; at least we have seen no indication of a financial policy, but we are told it is to come later. When?

We are told also that if the Sherman law is repealed there will

come prosperity: that the mills which are closed will be opened; that the unemployed will have employment: where there is now want there will be plenty: and where there is now idleness there will be labor. I am neither a prophet nor the son of a prophet, but I say here that the signs of the times do not indicate such a result, and the great metropolitan press, which have been preaching to us day by day that all that was needed to make good times was to repeal the Sherman act, vesterday in their columns, when they declared that the end of this controversy had come, that unconditional repeal was assured, took the precaution to inform their readers that they must not expect too much from repeal,

their readers that they must not expect too much from repeal, that it was not assured that prosperity would come with repeal.

Mr. President, this country is not to see prosperity immediately. The world is disjointed and out of shape on account of the monetary condition; and we shall have in this country distance and the property of the property of the state of the s the monetary condition, and we shar have in this country dis-tress, stagnation, and paralysis of business, and the same will be the case throughout the world; it will prevail abrond as well as here. They will have it in Europe; and they will have it in every country where the gold standard prevails; and they will have it nowhere else. They have not had it in India; they have not had it in China; they have not had it in Mexico; they have not had it in Japan; they have not had it in any country that has been using silver as the standard, because the discarded silver of the world has gone to those countries, and they have had an abundance of metallic money, while other people have been suffering on account of the scarcity of money. So there has been prosperity, I repeat, and greater stability of prices in every prosperity, I repeat, and greater stability of prices in every portion of the world where silver is used as the standard, than

portion of the world where sliver it used as the standard, than in countries where gold is used.

Mr. HIGGINS. If the Senator will allow me to interrupt him, his statement is very interesting; but it reminds me that only this morning the newspapers published a telegram from Mexico indicating that times were as badly out of joint there as anywhere else. It is to be remarked that Mexico is a country having large else. It is to be remarked that Mexico is a country having large gold obligations to Europe. On the other hand, we have information that the prosperity in China and Japan was never greater; that it has not been seriously affected by the stoppage of the coinage of silver in India, which has made a difference of exchange between India and other parts of the Orient. The purpose of my interruption was to ask the Senator if he understood

there were good times now in Mexico?

Mr. TELLER. I understand there are good times in Mexico. I understand that Mexico in the last five years has made more

nunderstand that Mexico in the last live years has made more progress than during any twenty-five years of its history.

Mr. HIGGINS. I am speaking about this time.

Mr. TELLER. Yes. The number of factories which have been started in Mexico in the last few years is remarkable. There is prosperity in Mexico, except so far as the public debt is concerned, which is payable in gold; and the Government of Mexico, like the Government of India, is in distress on that account. The tayers are collected in silver in Mexico, and their The taxes are collected in silver in Mexico, and their debts are payable in gold. The great railroad of Mexico, and their debts are payable in gold. The great railroad of Mexico, whose bonds are owned principally in Europe, has been paying 50 per cent of its income to turn its silver into gold; and in that respect that great railroad has been embarrassed. The Government, owing ten to twelve millions of interest every year, has been compelled to add the difference between the silver collected and gold, that is, what silver will buy in gold, making their interest debt in Europe instead of \$12,000,000 somewhere

in the neighborhood of \$18,000,000. That is the trouble which exists in Mexico. A distinguished Mexican said to me within the last four weeks that Mexico was prosperous. He is a man who ought to know the condition of Mexico if any man does. When I asked him, "Will you close your mints if silver goes lower?" he replied, "We shall not close our mints if silver goes to 50 cents an ounce." He said, "Mexico was never prospering as now; but what we sell we sell for silver, and what we buy we buy for gold; and the prices are so high that our people are ceasing to buy foreign goods and are themselves manufacturing.

Now, let us go to Japan and China. China has been substan-

tially stable in all her prices for twenty years. I know that when the disturbance came in the fall of silver, and when it was re-ported that the Mexican nation would cease to coin silver dollars and close its mints, the merchants of Hongkong, became frightened, held a meeting to determine how they could manage to do
business there, because they had been in the habit of using Mexican silver dollars as their currency. That is the only disturbancel can learn of in China. When they found that the Mexican Government did not intend to close its mints, but would continue to coin silver, they were content. This is the latest advice I have from China and it is quite recent.

There is no question of the appreciation of gold; there is no question that that appreciation of gold is bearing heavily upon all the productive energies of this country and of the world. all the productive energies of this country and of the world. There is no question that the only men who are being benefited by it, as the Senator from Nevada [Mr. Jones] has repeatedly said, and as Mr. Allard has said, are the annuitants, those who have fixed incomes, and the people who hold the credits of the world, who hold consols and bonds which are payable in gold. They are benefited because the amount to be paid remains the same, while the purchasing power of every dollar is doubled, and the ability of every man to pay is decreased by the appreciation of gold just in proportion as it appreciates. If the appreciation is 45 per cent, then he is 45 per cent worse off than he

calculated when he made his contract; if it is 55 per cent he is per cent worse off than when he made his contract.

Mr. President, no year of jubilee comes to the debtor class and no year of jubilee will come to them, until we rehabilitate silver and bring gold down to where it ought to be.

History shows that the greatest benefit the world has received

was when the burden of debt was removed from the people, and that the greatest calamity which can befall any people in the world is to have the burden of debt increased.

I presented here recently statistical information to show that the debts of this country had been increased to such an extent that it seems to me it will be impossible for the makers of these debts ever to pay. The only government in the world we know of which released all debtors was that which came directly from the Divine command, and which provided that every fifty years the debtorshould go free. It was a wise provision of law; it was an economic principle, that it would be well should be applied by all nations, but no year of jubilee is proposed here; pay or get out is the rule now.

I stated on a former occasion that the English system of finance adopted in 1816 and completed in 1819 by the so-called Peel act, changed the condition of the landowners of Great Britain, reducing their numbers to one-fourth, changing entirely the landed system of the country, under which the great productive farming power of the country, the independent farm-owner disappeared. That will be the condition in this country if the present policy is continued. The American farmer who owns his farm will in a generation be a thing of the past.

Mr. President, it is important for us to consider whether we

shall destroy the best element of American manhood by our system of finance.

Mr. GEORGE. I should like to ask the Senstor if he means to be understood as saying that the number of freeholders or landholders in Great Britain has been decreased to about one-

fourth of the original number?

Mr. TELLER. It is even worse than that.

Mr. HIGGINS. To one-fourth or by one-fourth?

Mr. TELLER. To one-fourth. In a few years, in a generation, of the men who owned their farms and tilled them under that system three-fourths of them disappeared; and that is what is laid out for us.

It will not do for anybody to tell me that this proposed legislation is in the interest of an honest dollar. It has to be done in the interest of a dishonest dollar, or robbery and thievery and fraud upon the productive energies of the American people.

Mr. HIGGINS. I should like to ask the Senator whether it

is his serious contention that the reduction and almost extirpation of the number of freehold farmers who till their own land in Great Britain was occasioned by such a cause as he has stated? Mr. TELLER. Will the Senator tell me what was the cause? Mr. HIGGINS. I believe that Alison, the historian, attrib-

uted it to free trade, but certainly the culmin tion occurred sev-

eral decades ago.

Mr. TELLER. Alison did not attribute it to free trade. That Mr. TELLER. Alson did not attribute it to free trade. That class of farmers disappeared practically before free trade was adopted. Free trade was not adopted in Engiand until after the great depression which came by the Peel act, described so graphically by the Senator from Nevada [Mr. Jones] the other day, and described hundreds of times by publicists and writers upon this question, which could hardly have escaped the attention of the Senator

Mr. HIGGINS. Certainly the reduction of the number of

freeholders in Great Britain who till their own farms could not have been caused by the failure of the world to use silver.

Mr. TELLER. Oh, Mr. President, it is not that. The world used silver, but England went to the gold standard, and attempted to do her business upon a limited amount of money. That is what she did, and that is what brought disaster. But does the Senator deny that there was for twenty years the greatest distress in Great Britain which ever existed in any country? If he will take Doubleday's history of the transactions of that period, he will find that men went to Parliament with petitions declaring that they had paid out large sums, amounting in some instances to almost two or three hundred thousand dollars for estates, and then had to mortgage them for half the money, estates, and then had to mortgage them for half the money, which they could not pay, and so had lost their estates, and asked Parliament to grant them relief. I think the Senator from Nevada recently in his first speech alluded to that. The whole matter can be found in Doubleday's Financial History of England, published in 1847.

Mr. HIGGINS. If the Senator will permit me, it is a subject upon which I have not read recently, but I well remember reading one of the last speeches of Mr. John Bright, in which he attributed that distress to the duty upon corn and that it placed the price of grain at a very unreasonable height in Great Britain, which made great profits to the landowner, so that he was

ain, which made great profits to the landowner, so that he was

able, and it was to his advantage, to buy out tenant farmers, and

Mr. TELLER. It was not the landowner who bought out the tenant farmer. John Bright could never have made that statement. It was the banker, and the merchant, and the broker who bought the land; it was not the men who tilled the land who bought, but it was the men who had capital and lived in cities and accumulated great amounts of land, which they leased out. Before that time the rule all over Great Britain was that the men who owned 200, 400, or 500 acres of land belonged to what they called in that country the yeomanry. They were the bone and the sinew of the land, and it was from that class that there came the soldiers, and the sailors, and the defenders of the Eng-

lish flag and the illustrators of the glory of the English race.

Mr. HIGGINS. It is my recollection that previous to the adop tion of the law repealing the corn laws the change of property in Great Britain was the aggrandizement of the estates of its nobles and its gentry, and it was owing to the great prosperity to trade which sprang up in England subsequent to the repeal of the corn laws, and consequently the advantage of England in the markets of the world which enabled the trades people to become the property of estates. Cantally that has been the

come the purchasers of estates. Certainly that has been the case in Ireland in later days.

Mr. TELLER. The Senator from Delaware will have ample time to explain his position. I say that he is incorrect. The Peel act was passed in 1819. That was the culmination of the act of 1816. In 1822, so bad had the condition of Great Britain become under the Sir Robert Peel act that they were compelled to suspend the operation of the act for some years, and a portion of the distress came during the following ten years, and afterwards, but it had culminated before the repeal of the corn laws in 1842. The Senator first said it was free trade, and now he says it was the corn laws.

Mr. HIGGINS. I stated that Alison, the historian, said it was free trade. I informed the Senator, and he will so find in an essay published in Blackwood's Magazine in 1849. I did not give it as my view, but I simply referred to that authority.

Mr. TELLER. I do not remember what Alison said, but the

history of the world, an examination of its position, and the petitions which went up to Parliament, explain the condition of the country at the time when it was declared that the landowners had been robbed and destroyed by the capitalists of the country. That ought to convince the Senator, and I think it will. I am not asserting it on my own statement alone, but it has been asserted again and again that England's going to a gold standard brought about a condition which nobody can deny existed.

It has been depicted and described by historian after historian. Some of them have said that it did not result, perhaps, altogether from the change in her financial system, but, it my judgment, it did result from that cause, and it brought about the condition I have mentioned; so that the man who owned from 200 to 400 acres of land and tilled it with his boys, and worked it with his own hands, and whose wife and daughters worked in the same way-that class has disappeared rapidly from Great Britain, and they are now the exception, while they were the rule before. Nobody can deny that.

That is, I repeat, what will be done in this country. You will place such burdens upon the American farmer that he will the utterly unable to remove the mortgage upon his property. This will be done by degrees; not in a year, not in ten years; but in a generation you will see American farmers as independent landowners disappear in this country. I do not suppose legislation here is intended for a month, or six months, or a suppose the statement of the suppose that the suppose is to what may have not a suppose the suppose that the suppose the suppose that the suppose that the suppose the suppose that the suppose the suppose that the suppose the suppose that the su year. I am not so much concerned as to what may happen tomorrow, but I am concerned as to the logical sequence of the principles which are here to be adopted, or to flow from them in one year or ten years or twenty years or thirty years; and he is

one year or ten years or twenty years or thirty years; and he is a very careless and a very ignorant legislator who legislates only for to-day and who sees no evil ahead.

Mr. GEORGE. I should like to ask the Senator if he has made any investigation of this question recently, and whether the relative proportion of landowners to our own agricultural population has increased or decreased within the last few years?

Mr. TELLER. I suppose that the farming population has probably increased. I think the landowners, owing to the land in the new States, have been on the increase. Of course we have

in the new States, have been on the increase. Of course we have had a large amount of virgin soil to divide amongst our people; we had the great plains of the West to be settled, and we have given a farm to every man who would go upon it. To-day that is practically over; as the Senator from Delaware rightfully said, we have reached the point now where there will be comparatively few farms made hereafter from unimproved lands paratively lew larms made incessiver from unimproved analysis and the extreme West, where irrigation prevails, but very little in any other section of the country.

But there is one thing which nobody denies, that farm mortgages have increased at a rapid rate. If Senators will take up

the census reports and take one State after another they will find the heading, "Farm mortgages have progressively increased." If the mortgages amounted to so much ten years ago, you will know they amount to more this year

I have here a statement, which I presented to the Senate on the 21st of August and had printed, and I then challenged any body to deny the correctness of it, because I took some little pains to satisfy myself that it was correct. It is the statement made by Mr. Frederick C. Waite relative to the cause of the financial and industrial depression, which has been mist the financial and industrial depression, which has been printed as a Senate document. I did not intend to refer to it, but as it bears upon this question I think it proper that I should quote from it. Mr. Waite says:

The most astonishing increase of all, however, is in the real estate mortgage indebtedness, as disclosed by the investigations of the Eleventh Census. Let us remember that this is largely the debt of the hardest working
and the poorest paid of all our American citizens, namely, the farmers and
the laborers who are trying to obtain a home of their own by honest toil.
In the twenty-one States for which the mortgage indebtedness has been tabulated the aggregate amount in force at the close of 1899 was four thousand
five hundred and forty-seven millions with the great States of Ohio, Texas,
and California, and whole groups of lesser States yet to be heard from. The
grand aggregate will be no less than six thousand three hundred millions.
The aggregate in 1890 was only about two thousand five hundred millions.

So the farm indebtedness, if this statement be correct, has more than doubled in ten years.

Last year, after turning the scale at eight thousand millions, the mortgage indebtedness continued its upward flight, not being contented with an
increase of 220 per cent, or nearly four times the increase in the true value
of real estate.

In a word, the total net private indebtedness of the American people
equaled, in 1880, but 86,750,00,000. Last September it amounted to nineteen
thousand seven hundred millions, an increase of thirteen thousand millions
in the short period of twelve years.

If anybody can contemplate with equalimity the condition of the American people with that amount of indebtedness to pay, with falling prices, with languishing industries, he must be different from most men.

When you realize that the holders of this \$19,700,000,000, or at when you realize that the holders of this \$19,700,000,000,000, or at least a portion of it, held in the great cities and the great money centers, are the agencies which have been assalling the Senate for ninety days to hasten to give them an extra opportunity to take an additional sum out of their debtors, you need not wontake an additional sum out of their debtors, you need not wontake an additional sum out of their debtors, you need not wontake an additional sum out of their debtors, you need not wontake an afford to bring upon the Senate agencies never before heaveful to be a present to be a pres brought to bear upon it.

I have said before, and I repeat now, their stake is too great to hope or expect that they will relax their efforts. They mean to put this country, if possible, upon a low plane of prices, because when they do that they increase the purchasing power of every dollar they hold, and then we shall be told that all of this is done that we may have an honest dollar, a dollar of the greatest purchasing power. Mr. President, the dollar which has appreciated 55 per cent in twenty years is not an honest dollar. What we want is a dollar which maintains the stability and uniformity of prices in this country, so that a man who enters into an engagement to-day to manufacture or to do any kind of business may know something about what he will getfor his product

I have a large number of quotations from various writers on this subject, which I thought I should use in the course of my remarks, but I do not think I shall take the time to-day to do it. I have here, however, an article written by Mr. J. Barr Robertson which was published in the February number of the Journal of the Society of Arts, in the city of London, entitled "The cur-rency problem." I had intended to quote at considerable length from this article, as it contains some very excellent suggestions, is very instructive, and is written in a most candid manner; but, instead of using it in my remarks, I ask permission of the Senate to have it published as a document, because I think it will furnish to Senators, no matter what their views may be on the subject, information which they will be glad to get.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the

article referred to will be printed as a document.

Mr. TELLER. I now yield to the Senator from Washington [Mr. SQUIRE]. SCHOOLS OF MINES.

Mr. DUBOIS. I ask the Senator from Washington to yield to me in order that I may call up Senate bill 1040, which I think

will not lead to any debate.

Mr. SQUIRE. I yield to the Senator from Idaho.

Mr. DÜBOIS. I ask unanimous consent for the present consideration of the bill (S. 1040) to aid the States of California,

Oregon, Washington, Montana, Idaho, Nevada, Wyoming, Colorado, and South Dakota to support schools of mines.

The VICE-PRESIDENT. Is there objection to the request of

The VICE-PRESIDENT. Is there objects the Senator from Colorado?

Mr. DUBOIS. I ask that the bill be read.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. TELLER. I notice that the bill provides for the payment of 25 per cent to the States named in the bill of the amount paid to the United States for mineral lands within those States. A similar bill has been passed three or four times and it has always been passed with a provision for 50 per cent. I shall move to strike out "25" and insert "50." Mr. DUBOIS. That will be entirely agreeable to me.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of the bill. Is there

Mr. McPHERSON. I think the bill had better go over until to-morrow, so that we may have an opportunity to examine it.
Mr. DUBOIS. I will state to the Senator that the bill has been reported from the Committee on Public Lands.
Mr. WASHBURN. When the bill shall be under consideration, I shall move an amendment to insert "Minnesota" in the

list of States named.

The VICE-PRESIDENT. Objection has been made to the present consideration of the bill, and it will go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res 66) that the acknowledgments of the Government and the peo-ple of the United States be tendered to various foreign governments of the world in commemoration of the discovery of Amer-

ica by Christopher Columbus.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the

Senate:

A bill (H. R. 693) for the relief of the heirs of Martha A. Dealy,

deceased; and
A bill (H. R. 913) for the relief of Louis C. Williams.
The message further announced that the House had passed concurrent resolutions regulating the engrossment and enrollment of bills and joint resolutions

DEATH OF REPRESENTATIVE MUTCHLER.

The message also announced that the House had passed relutions commemorative of the life and services of the Hon. William Mutchler, late a Representative from the State of Pennsyl-

Mr. QUAY. Mr. President, I request that the resolutions just received from the House of Representatives, relative to the death of my late colleague, Mr. Mutchier, lie on the table for the present. At the proper time I shall ask the Senate, by appropriate action, to pay fitting tribute to the virtues of the deceased.

The VICE-PRESIDENT. The resolutions will lie on the table.

INVESTIGATION OF FORD'S THEATER DISASTER.

Mr. WHITE of Louisiana, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred the resolutions submitted by Mr. HARRIS, October 7, 1893, reported them adversely, and submitted a report thereon. The resolutions were read, as follows:

The resolutions were read, as follows:

Resolved, That a select committee of five Senators be appointed by the Chair to investigate the Ford Theater disaster and report to the Senate whether in equity and justice the Government should compensate the sufferers of that disaster for the injuries sustained by them, and if it shall be decided that they should be compensated, then the committee will investigate each individual case and report the amount of compensation that should be allowed in each case. Be it further

Resolved, That the committee may employ a clerk who is a stenographer and who shall do the stenographic work of the committee as clerk, and that the committee shall have power to send for persons and papers, and the chairman of the committee, or of any subcommittee, may administer caths. Be it further

Resolved, That the expenses of said investigation shall be paid out of the contingent fund of the Senate.

Resolved further, That said committee may act jointly with a similar committee, and that the committee may report by bill or otherwise.

The VICE-PRESIDENT. The resolutions will lie on the table.

The VICE-PRESIDENT. The resolutions will lie on the table.

Mr. GORMAN. I suggest, as the resolutions are reported adversely, that they be postponed indefinitely.

Mr. WHITE of Louisiana. I hope the Senator will not make that motion.

Mr. GORMAN. I withdraw it.

Mr. WHITE of Louisiana. I simply ask that the resolutions lie on the table

The VICE-PRESIDENT. It will be so ordered, in the ab-

sence of objection.

Mr. HARRIS subsequently said: I desire to ask what disposition was made of the resolutions introduced by myself some days ago and referred to the Committee to Audit and Control the Contingent Expenses in regard to the Ford Theater sufferers.

The VICE-PRESIDENT. The Chair will state to the Senator

from Tennessee that the resolutions were reported adversely by the committee and laid on the table.

Mr. HARRIS. Let them lie on the table, and I shall ask the Senate, possibly to-morrow, to consider them.

ACTING ASSISTANT DOORKEEPER.

Mr. WHITE of Louisiana, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution introduced by Mr. Hale, August 30, 1893, reported adversely thereon, and the resolution was ordered to lie on the table;

Hesolved, That the Sergeant-at-Arms be, and he is hereby, authorized to employ an additional acting assistant doorkeeper at an annual salary of \$2,502, to be paid from the miscellaneous items of the contingent fund of the

ASSISTANT ENROLLING AND ENGROSSING CLERK

Mr. WHITE of Louisiana, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. Dolph, August 3, 1893, reported adversely thereon, and the resolution was ordered to lie on the table:

Resolved, That the Secretary of the Senate is authorized and directed to appoint an additional clerk, to be designated assistant enrolling and engrossing clerk, at an annual salary of \$2.400 per annum, to be paid out of the contingent fund of the Senate for the remainder of the fiscal year.

THOMAS WILLIAMS.

Mr. WHITE of Louisiana, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution submitted by Mr. WOLCOTT, September 12, 1893, submitted an adverse report thereon, and moved that it be referred to the Committee on Claims; which was agreed to:

Whereas Thomas Williams, in the proper discharge of his duties as laborer in the folding room of the Senate, on the 8th day of August, 1892, was seriously injured in the freight elevator, having the heel of his right foot badly injured and the fiesh entirely scraped away, rendering a permanent injury, and from the results of which he was confined to his bed for five months after the accident and is still suffering therefrom:

*Resolved**, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the said Thomas Williams out of the contingent fund of the Senate the sum of \$000, to enable him to pay for medical and other expenses incurred and which may hereafter be incurred on account of said injuries.

ASSISTANT CUSTODIANS AND JANITORS.

Mr. GORMAN. I submit at this time a resolution asking for information of importance to the Committee on Appropriations, which I desire to have read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of the Treasury be directed to report to the Senate as early-as practicable the number, names, title of office or employment, rate of compensation, and date of appointment of all persons now employed at each public building under control of the Treasury Department and paid out of the appropriation for "pay of assistant custodians and janitors, fiscal year 1894."

Mr. GORMAN. I only desire to state to the Senate that there appears to be a large deficiency in the appropriation made for this purpose, and an additional appropriation is asked for. The information requested by the resolution is desired by the Com-mittee on Appropriations before it acts on the matter. I ask for the present consideration of the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

resolution.

Mr. CALL. I understood that the report made by the Senator from Missouri[Mr. COCKRELL] in reference to the several Executive Departments of the Government contained the information asked for by the resolution of the Senator from Maryland.

Mr. GORMAN. No, it does not contain the information which the committee desire. This resolution is to cover a specific case in reference to a deficiency of \$150,000.

Mr. CALL. I have no objection to the resolution, but I indownstood that the information sought had been previously.

understood that the information sought had been previously furnished

Mr. GORMAN. No.
The VICE-PRESIDENT. The question is on agreeing to the

The resolution was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 693) for the relief of the heirs of Martha A. Dealy, deceased, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 913) for the relief of Louis C. Williams, was read twice by its title, and referred to the Committee on the Quadro-Centennial (Select).

ENGROSSMENT AND ENROLLMENT OF BILLS.

The VICE-PRESIDENT laid before the Senate the following

concurrent resolutions of the House of Representatives; which

Were read:

Resolved by the House of Representatives (the Senate concurring), That, beginning with the first day of the regular session of the Fifty-third Congress, to wit, the first Monday in December, 1893, in lieu of being engrossed, every bill and joint resolution in each House of Congress at the stage of the consideration at which a bill or joint resolution is at present engrossed, shall be printed, and such printed copy shall take the place of what is now known as, and shall be called, the engrossed bill, or resolution, as the case may be; and it shall be dealt with in the same manner as engrossed bills and joint resolutions are dealt with at present, and shall be sent in printed form, after passing, to the other House, and in that form shall be dealt with by that House, and its officers in the same manner in which engrossed bills and joint resolutions are now dealt with.

Resolved, That when such bill or joint resolution shall have passed both Houses it shall be printed on parchment, which print shall be in lieu of what is now known as, and shall be called, the enrolled bill, or joint resolution, as the case may be, and shall be dealt with in the same manner in which enrolled bills and joint resolutions are now dealt with.

Resolved, That the Joint Committee on Printing is hereby charged with the duty of having the foregoing resolutions properly executed, and is empowered to take such steps as may be necessary to carry them into effect, and provide for the speedy execution of the printing herein contemplated.

Mr. COCKRELL. I desire, in connection with these resolu-

Mr. COCKRELL. I desire, in connection with these resolutions, to submit a report from the Joint Commission to Inquire into the Status of the Laws Organizing the Executive Departments, etc., recommending the resolutions. I ask that the report and the resolutions be printed, and for the present lie on the table, until I can call them up.

The VICE-PRESIDENT. It will be so ordered.

OCEAN DERELICTS.

Mr. FRYE. I ask unanimous consent to make a report from the Committee on Commerce at this time. I am instructed by the Committee on Commerce to report, without amendment, the joint

resolution (H. Res. 55) for the reporting, marking, and removal of derelicts; and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appropriate \$5,000 to enable the President of the United States to make with the several governments interested in the navigation of the North Atlantic Ocean an international agreement providing for the reporting, marking, and removal of dangerous wrecks, derelicts, and other menaces to navigation in the North Atlantic Ocean outside the coast waters of the respective countries bordering thereon.

Mr. FRYE. I merely desire to state that the hydrographic Mr. FRYE. I increase desired to the state of a line in the Atlantic Ocean drawn from the Bermudas to Cape Race and Newfoundland there were 983 of those wreeks. The pilot chart of the same month showed 45 wrecks, 25 of which were directly in the tracks of our transatlantic steamers. The life of these

wrecks is on the average about thirty days.

There have been added to the number I have given, every month for about five years, at least 16, and I have no doubt today that our sailors are much more terrified at the presence of

these derelicts than they are at storms or anything of that kind.

The Maritime Congress, which met here four years ago, recommended very earnestly that the different countries should unite and have such of these derelicts marked as could be marked, and that as fast as possible the balance should be destroyed. This action has been taken now after the lapse of four years, and I trust that the Senate may concur with the other House and

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW ENGLAND COAST STEAM REVENUE CUTTER.

Mr. FRYE. I am also instructed by the Committee on Commerce to report favorably, and without amendment, the bill (H. R. 3421) providing for the construction of a steam revenue cutter for the New England coast.

I ask unanimous consent for the present consideration of the bill, for the reason that the proposed revenue cutter is to take the place of the Gallatin, which was destroyed in a severe storm about a year ago. The Secretary of the Treasury says that it is absolutely necessary that one shall be immediately built, and it is important that the building should commence at as early a

day as possible.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to have constructed a steam revenue cutter of the first class for service on the New England coast, at a cost not exceeding \$175,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bul-

lion and the issue of Treasury notes thereon, and for other pur-

Mr. SQUIRE. Mr. President, I desire to discuss the bill which is under consideration by the Senate; but I wish to do so more particularly with reference to the amendment offered by myself, which I ask may be read.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Washington will be read.

The Secretary read the amendment intended to be proposed

which was to strike out all after the enacting by Mr. SQUIRE; clause of the bill, and insert:

olause of the bill, and insert:

That hereafter any owner of silver bullion, the product of mines or refineries located in the United States, may deposit the same at any mint of the United States, to be formed into standard dollars of the present weight and fineness, for his benefit, as hereinafter stated; but it shall be lawful to refuse any deposit of lees value than \$100, or any bullion so base as to be unsuitable for the operation of the mint: Provided, however. That there shall only be delivered or paid to the person depositing said silver bullion such number of standard silver dollars as shall equal the commercial value of said silver bullion on the day of deposit as ascertained and determined by the Secretary of the Treasury; the difference, if any, between the mint or coin value of said standard silver dollars and the commercial value of the silver bullion thus deposited shall be retained by the Government as seignlorage, and the gain or seignlorage arising from such coinage shall be accounted for and paid into the Treasury: Provided, That the deposits of silver bullion for coinage into silver dollars under the provisions of this act shall not exceed the sum of \$2,000,000 per month. The amount of such seignlorage or gain shall be retained in the Treasury as a reserve fund in silver dollars, or such other form of equivalent lawful money as the Secretary of the Treasury may from time to time direct, for the purpose of maintaining the parity of value of every silver dollar, issued under the provisions of this act, with the gold dollar issued by the United States; Provided Further, That when the number of standard silver dollars coined under the provision shall reach the sum of \$100,000,000 then all further coinage of silver dollars shall cease.

Sec. 2. That the said silver dollars shall be a legal tender in all payments at their nominal or coin value.

dollars shall cease.

SEC. 2. That the said silver dollars shall be a legal tender in all payments at their nominal or coin value.

SEC. 3. That no certificates shall be issued to represent the silver dollars coined under the provisions of this act.

SEC. 4. That so much of the act approved July 14, 1890, entitled "An act directing the purchase of silver builion and the issue of Treasury notes thereon, and for other purposes," as directs the Secretary of the Treasury to purchase from time to time silver builion to the aggregate amount of 4,590,000 counces, or so much thereof as may be offered in each month at the market price thereof, not exceeding \$1 for \$71.25 grains of pure silver, and to issue in payment for such purchases Treasury notes of the United States, be, and the same is hereby, repealed.

SEC. 5. That the Secretary of the Treasury is hereby authorized to issue, sell, and dispose of, at not less than par in coin, bonds of the United States bearing interest not to exceed 4 per cent per annum, payable semiannually, and redeemable at the pleasure of the United States after five years from their date, with like qualities, privileges, and exemptions provided for the bonds at present authorized, to the extent of \$200,000.000, and to use the proceeds thereof for the purpose of maintaining the redemption of the United States at par with the gold dollar.

SEC. 6. That hereafter national banking associations shall be entitled to receive from the Comptroller of the Currency, upon compliance with all there is a particular the gold dollar.

SEC. 6. That hereafter national banking associations shall be entitled to receive from the Comptroller of the Currency, upon compliance with all there is the proceeding to the returner of the Currency and compliance with all the trust for the association: Provided, That the aggregate sum of such notes for which any association shall be liable at any time shall not exceed the amount of its capital stock at the time actually paid in.

Mr. SQUIRE. Mr. President, my original intention in offering the amendment proposed by myself was to embrace in it that which would be a reasonable solution of the great question now before us, so as to secure an early and decisive vote, and thereby perore us, so as to secure an early and decisive vote, and thereby in a reasonable way quiet the agitation throughout the country in regard to the national finances. I have endeavored to find that "middle path," which is the path of safety. Now, the object is the same, but the conditions are different. We are assured that a vote will be permitted by the minority upon the main question and the amendments thereto. Several amendments have been proposed, but none of them appear to me to reach the heart of the difficulty, or to satisfy the just expectations of those who are not extremists in either direction, unless this may be accomplished in the plan proposed in my amendment.

plished in the plan proposed in my amendment.

Originally I was for repeal, and am so now, and when the vote shall be taken on the main question, I shall be found standing with those who are in favor of repeal. Within a week from the time that we convened here in extra session it would have been proper in my judgment to have authorized the President of the Injud States to suggest the operation of the so-called Sherman United States to suspend the operation of the so-called Sherman act, especially with reference to the clause directing the purchase of silver by the United States Government

Mr. President, I would have acted in this matter as I would had there been a conflagration raging, taking a hand in carrying a bucket. I would stand by the President of the United States as I would have done had there been a foreign invasion or a great civil insurrection, authorizing him to call out men for the pur-

pose of protecting the interests of our country.

As to the Sherman act all sensible men had long ago arrived at the conclusion that the experiment in that direction had proceeded far enough to demonstrate its failure, in view of the distrust that was being created in reference to the ability of the United States Government to maintain its credit on the gold basis, which is now the policy of the Government.

Instead of proceeding promptly to repeal the purchasing clause of the Sherman act and then devoting ourselves to new measures in aid of a sound and sufficient currency, we have gone into discussion of the whole subject during the past three months, and the American people, our constituents, have also been studying the subject, so that I feel that we are now prepared to enact some positive legislation instead of contenting ourselves with simple repeal. It has been openly stated on the floor of the Senate by the chairman of the Committee on Finance that as soon as the present question of repeal shall be settled he proposes to introduce new legislation on the silver question and other collateral currency questions, which will open up other wide fields of de-

The tendency of the proposed future discussion will naturally be such as to still further agitate the public mind on this general question; and therefore it seems to me proper to ask the Senate at the present time to act on certain main propositions so as to settle this business for the present in a manner to allay all irritation and to be just to all interests. It has been said in story that Nero, the Emperor of Rome, amused himself by playing the violin while Rome was burning. Is there any reasonable excuse for us to be fiddling further over this subject? Can we not reach some reasonable, comprehensive, and just conclusion on the leading questions involved without further delay, and thus give tone and vigor to the nation and assist to restore the business interests of the country to their normal status?

of the country to their normal status?

There are four phases to my amendment: One is the repeal of the purchasing clause of the Sherman act; but the léading feature of the proposed amendment is the recognition of silver under conditions that I am led to believe will be satisfactory at the present time to many advocates of the free coinage of silver.

I may say that it has been my endeavor to consult with those Senators representing the great silver-producing States, and to ascertain, if I might, from them, that which they could afford to accept; and I have been informed by some of them—not by all—that they would be willing to accept the provision for silver which is embodied in the terms of my proposed amendment.

which is embodied in the terms of my proposed amendment.

Not that this is all they desire, but that it comprehends such a continuation of the use of that metal as money as to save it from utter repudiation, and such further use of it as a money metal as this great Government can afford to undertake at the present time, without impairing the credit of the Government, and without shocking the sensibilities of those who are fearful of an early approach to a silver basis under the present existing conditions. In a word, I propose that which might be termed the "free coinage of silver," limited to \$2,000,000 per month, the aggregate of the money coined not to exceed \$100,000,000.

I propose that any holder of silver bullion, the product of American mines or refineries, may deposit his bullion with the

I propose that any holder of silver bullion, the product of American mines or refineries, may deposit his bullion with the Government to be coined into silver dollars of the present weight and fineness; and that he shall receive therefor in coined silver dollars the market value of the bullion on the day of deposit, such market value to be ascertained and determined by the Secretary of the Treasury. I propose that all the money thus coined above the market value of the silver bullion deposited on the day of deposit, shall be covered into the Treasury as a reserve fund, sacred to the maintenance of a parity of value between the silver dollars thus coined and the United States gold dollar.

I further propose that the seigniorage or surplusage thus coined above the value of such bullion may be transferred at the pleasure of the Secretary of the Treasury into any other form of equivalent lawful money. Thus it can be transferred into subsidiary coin or into gold coin or into any other kind of lawful money. For an example, if a holder of sufficient bullion to coin one hundred standard dollars shall deposit the same and receive sixty of these coined dollars as the equivalent in value of his bullion, as would approximately be the case in the present state of the silver market, there would remain, according to the proposed amendment, forty coined silver dollars in the reserve fund of the Treasury. This \$40 may be paid out in place of gold, and then in such case the Government would have in its coffers \$40 in gold to maintain the parity of one hundred silver dollars thus issued.

It will readily be noticed that this reserve fund would relatively far exceed the reserve fund now held or proposed to be held for the redemption of \$346,000,000 of greenbacks, which at its highest figure, \$100,000,000, at no time equalled one-third of the nominal value of the greenbacks. Besides this, the holder of every silver dollar would feel assured that he held "an honest dollar" in every sense of the word. It is the belief of some our friends in the Senate that under a measure of this kind the price of silver would appreciate; at any rate, that it would not decline. Certainly the declension of value of silver bullion under such conditions is not likely to occur, although there may be fluctuations in the value of silver.

If the price of silver bullion should remain about the same as

now, every holder of a silver dollar would know that he held 60 cents' worth of silver bullion in his own pocket, and that the other 40 cents would be in the possession of the Government for his benefit in maintaining the parity of the silver dollar with the gold dollar of the United States. He would have the guaranty of the Government; and the Government would have possession of the money with which to fulfill its guaranty. The security of the silver dollar issued under such conditions would be such as to make it good in any part of the world. What better security could there be for any money issued by any government?

The question may be asked are we sure that the Government will possess the gold to fulfill this guaranty; but the answer is that if the Government maintains its credit and does actually maintain the parity of the dollar in commerce the Treasury will receive its fair share of gold under the natural conditions of trade.

If the seignorage "reserve" should remain in silver dollars, then the number of silver dollars issued would be much less than \$2,000,000. In fact, at the present price of bullion there would be less than \$1,200,000 issued per month.

But if the Secretary should not care to exchange the surplus or seignlorage for gold still there would remain in the parity fund a sufficient amount of money in some other form to maintain this guaranty.

tain this guaranty.

The great difficulty that we have encountered in the late crisis has been the apprehension at home and abroad that there would be an indefinite and interminable expansion of the use of silver, or of its paper representative, as money under the operations of the Sherman act. And the whole doctrine of the purchase and storing of silver bullion by the Government in such masses has become revolting to us. Nobody doubts that this great Government and the business operations of its people could readily absorb one or even two or three hundred additional millions of silver money. We point to France and say that she has six hundred and fifty to seven hundred millions of silver and still maintains the gold standard; but the doubt has existed as to the Sherman law because of the wide, limitless sea of silver which might know no shore; and it is because of this uncertainty as to the quantity of silver money to be issued as money of final redemption by the United States that the minds of investors have become alarmed.

It is this and only this that caused the withholding of funds; and this is the evil that we mainly ought to seek to correct. I find much to commend in the theory of the distinguished Senator from Nevada [Mr. JONES], if I understand it correctly, in reference to the doctrine of distinct and definite units and the quantity of units as a measure of values; and this thought of mine is not inconsistent with his; but I would feel our way more slowly and definitely in regard to the absorption of large additional amounts of silver as money of final redemption. The statement has been attributed to him that "What we want is not confidence but more money."

I do not exactly agree with him. I would venture to state the proposition in this way, that what we lack in confidence we need in money. Thus it is that in times of panic and distrust more actual money is needed than under normal conditions of trade; and there ought to be some way of meeting this demand, some greater flexibility as to the volume of money in the times of stringency. But it seems to me folly to suppose that by the addition of any reasonable or practicable amount of money in time of panic we shall be able to entirely overcome all the results of a loss of confidence. If we should increase the volume of the money fourfold we would not be able to do this; and the reason is very well stated in the very excellent report of Mr. Hepburn, late Comptroller of the Treasury, dated February 5, 1892, as follows:

My object in this report has been to furnish reliable data from which the public could see and realize how small a percentage of business transactions are represented by actual money, and how impossible it is to furnish a volume of currency sufficient to meet the wants of the people at all times—that is, in times of general distrust, or quasi panic. Over 90 per cent of all business transactions are done by means of credit. When the public lose confidence and the credit is impaired and refused, over 90 per cent of all business transactions are directly affected. It is easy to realize how impossible it is for the remaining 10 per cent of money to carry on the business of the country without monetary stringency and financial distress. The refusal to extend or continue credit, the demand for payment in money, leaves the actual money or currency of the country, be it \$24 per capita or \$50 per capita, utterly powerless to supply business needs.

This was written about a year and a half before the late panic, and of course without anticipation of it. But it is to the point now. Therefore it is plain that the main object of the present legislation should be the restoration of confidence. In no other way can we evoke the money that has been hoarded. The first thing to be secured is the assurance that the parities of value will be maintained so that every dollar will be equal in value to every other dollar, not only now, but for the future, so that investors will have confidence in the business operations of our people. This can not be accomplished by declarations in the

statutes without some practical means for the support of these declarations.

This brings me to another and the most important section of the amendment, namely, that authorizing the Secretary of the Treasury to issue, sell, and dispose of at not less than par in coin bonds of the United States bearing interest not to exceed 4 per cent per annum, payable semiannually and redeemable at the pleasure of the United States after five years from their date, with like qualities, privileges, and exemptions provided for the bonds at present issued and authorized, to the extent of \$200,000,000, and to use the proceeds thereof for the purpose of maintaining the redemption of the United States notes according to the provisions of the act approved January 14, 1875, and for the further purpose of maintaining all the money of the United States at a par with the gold dollar.

I will state here that I am not marticular about any specific

I will state here that I am not particular about any specific rate of interest. The reason I inserted 4 per cent in the amendment was that I wished to make the rate ample, so as to compete with the rate of the Bank of England, which, I understand, is sometimes as high as 4 per cent; but I should be quite willing to have the rate fixed at 3 per cent or less if it be preferred.

While it is reasonably certain that the proposed coinage of

While it is reasonably certain that the proposed coinage of 100,000,000 silver dollars, running through four years, will be amply secured by the parity fund proposed to be provided in the manner stated, still I deem it necessary to strengthen the whole grand fabric of our circulation, and to fortify the gold reserve, as was done for specie resumption in 1878, and to increase our gold reserve in order to provide for the prompt redemption of all our currency in gold, and to maintain the parity between all our moneys. The surest way to establish confidence in our intentions and ability to maintain a gold basis, and to keep all our money at par with gold, would be to provide the necessary means of accomplishing this, which this amendment seeks to do.

Instead of being dependent on a reserve of about \$81,000,000 or less to support six hundred or seven hundred millions of "credit money" and a lot of declarations in different statutes, it is proposed to permit the Secretary of the Treasury, at his discretion, to buy gold with the credit of our country and use this gold for the purpose of maintaining and redeeming all of our money at par. That the legal right exists at present to sell bonds under the provisions of the specie resumption act of January 14, 1875, to secure the gold necessary to maintain specie payments, I have no doubt; but this provision removes the doubt, if it exists, beyond all question, and provides for a bond bearing a lower rate of interest them at present authorized.

of interest than at present authorized.

That serious trouble exists, that the two metals, gold and silver, will have unequal value in our currency system unless something be done to strengthen our gold reserve, is apparent to everyone. The only method available to prevent such a catastrophe, is to use the credit of our Government and to secure the gold necessary to insure the maintenance of the parity declared by the act of July 14, 1890, to be the established policy of our Government and to keep all our money redeemable in gold on demand. This provision, as I understand, has already received a favorable report from the Committee on Finance of the Senate.

The placing of bonds to a reasonable extent, such as the necessities of the case would warrant, in the discretion of the Secretary of the Treasury, and strengthening our gold reserves, would in my judgment do more to restore confidence, both at home and abroad, in our intention to maintain the gold standard than any other measure that could possibly be enacted, not excepting the absolutestoppage of the purchase of silver and coinage. It would restore confidence, not only by securing the means to readily maintain gold payments, but as a substantial declaration to the world that the matchless credit of this great nation would be used for that purpose whenever and to whatever extent necessary.

It is justified not only by the exigencies of the situation, but especially by the distressed condition of public finances, and by the fact that the large and unprecedented redemption of the principal of the bonded debt of the United States during the last eight years has seriously crippled the Treasury, not leaving a sufficient balance for convenient working purposes. Since August 3, 1805, the bonded debt of the United States has been reduced from \$2,383,033,315 to \$585,034,810, a reduction of \$1,797,998,505; and during the last eight years, under the Administrations of Presidents Cleveland and Harrision, the principal of the public debt was reduced by the enormous sum of \$597,168,500, not mentioning premiums or interest maid.

not mentioning premiums or interest paid.

The large increased expenditures of the Government, including pensions, would amply justify the replacing of a perticulant this debt at a low rate of interest and would be a practical and absolute security for the maintenance of the gold standard in this country, and such limited bimetallism as we are enabled to maintain in the face of the fact that silver has become so largely

depreciated through its disuse as money of ultimate redemption by the leading nations of Europe.

Coupled with the provision for securing the necessary gold to maintain specie payments and to secure the redemption of all our paper money on demand in gold, the parity of all our money would be maintained; and the provision for the additional use of silver to the extent of \$100,000,000 in a period of over four years would not injure the maintenance of bimetallism in this country. I believe the country would approve such action on our part, adding to our small money of domestic use a limited number of silver dollars each month, such as may be justified by the relative increase of population and business, and strengthening the gold reserves in the Treasury to meet any demands upon it for foreign exchange.

Exchange.

I am aware that there exists a great prejudice in the minds of some people against any renewal of the bonded indebtedness of this country. I am aware that a party in power may hesitate to meet a charge of having fastened another bonded indebtedness upon the "tolling millions." There has been, in my judgment, a timidity and a fear to act promptly upon this subject, at a time when if action had been taken, I believe the present panic would have been averted. One Administration going out did not act because the gold reserve was not actually invaded; another Administration coming in hesitated to act; and thus between the "two stools" this necessary measure "fell to the ground."

ministration coming in hesitated to act; and thus between the "two stools" this necessary measure "fell to the ground." I believe that any party and any Administration ought to be brave enough to face any issue and to act energetically and promptly. I have great respect for the present Secretary of the Treasury, and I have great confidence in and even admiration for the President, whom I have personally known to have been tried in the balance in a critical emergency and not to have been found wanting; and I wish to say that I shall never forget the support I received from that source during a time of most critical emergency, when I occupied the position of Governor in a Western Territory, under the former Administration of President Cleveland.

But it is perfectly astounding to me that an Administration sits supinely by and sees the public credit go to ruin and does not do something to prevent it at an exigency like this. "An ounce of prevention is worth a pound of cure," and it has been said that in financial matters it is worth a ton. If our gold leaves us in February and March and there is a run on the Treasury—presto! change—we may have the silver standard in forty-eight hours. The serious situation now is the condition of the Treasury and

The serious situation now is the condition of the Treasury and the small gold reserve, not silver purchases alone, which have been virtually annulled by the Treasury ruling as to the market price of silver. Now, it may be asked what would be the effect of going on to a silver basis; it may be said "What do we care for that?" But is it not evident that, if we should go on to a silver basis, the present currency would be contracted by the withdrawal of all the gold that is at present in circulation? It would no longer perform the functions of money, but would become hoarded and become a commodity. Think of the result of the withdrawal of about seven hundred millions of gold from circulation in this country! Is not the thought of such a possibility, not to say such a prospect, sufficient to arouse the Administration and to cause the Congress of the United States to strengthen the hand of that Administration?

We are not here as partisans, Democrats, Republicans, or Populists; but we are here to maintain the credit and power and glory of this great nation, of this great country, full of resources, full of energy, and of great productive power. Why should we cripple ourselves by lack of foresight and lack of nerve? Who fears an electioneering cry when danger to his country confronts him? The credit of a great nation involves the credit of every institution and every individual under it. If investors seek to put out their money, do they resort to a country whose governmental finances are enfeebled and shattered? Do investors in any great numbers seek their fields of investment in the Argentical country whose governments in the country when the c

mental finances are enfeebled and shattered? Do investors in any great numbers seek their fields of investment in the Argentine Republic, or even in Mexico?

No. They go to the countries that are strong and vigorous and prosperous, to those countries where credit is being built up rather than run down and destroyed. Why should we not as a nation obtain two or three hundred millions of money, in good part probably from abroad, at a low rate of interest? If a people want money why not get it on their best securities at the lowest rate? It brings so much more money into this country, and every man, woman, and child gets an indirect benefit therefrom. Every man and every institution would feel the electrical thrill

want money why not get it on their best securities at the lowest rate? It brings so much more money into this country, and every man, woman, and child gets an indirect benefit therefrom. Every man and every institution would feel the electrical thrill of pride, of pleasure, and of prosperity!

When an individual wishes to borrow money, does he take his poorest securities and pay the highest rate of interest, or does he take his best securities and obtain money at the lowest rate of interest? What is true of an individual is true of a nation. If we would bear up our heads as one of the great nations of the earth, we must be able to meet them on common ground. They

have chosen the ground of gold, and I say let us meet them on that plane. We are able to do it, and why should we play a second part when we are able to be a leading character as a

nation on the great stage of the world's drama? It is but a short time since we were able to place a limited

number of bonds bearing a rate of interest at 2 per cent per annum; and I trust we shall soon see the time again. I would give num; and I trust we shall soon see the time again. I would give the Secretary of the Treasury authority to pay whatever rate of interest may be necessary up to 4 per cent per annum, because the rate of the Bank of England occasionally reaches that figure, and I would trust to the discretion of the Secretary to place the and I would trust to the discretion of the Secretary to place the bonds at as low a rate as possible. The mere fact of giving the Secretary the authorization to issue these bonds may be sufficient without ever issuing a bond. What the investors of the world desire to know is what the intentions of the Government may be in relation to maintaining its credit. Away, then, with may be in relation to maintaining its credit. Away, then, with this timidity and half-heartedness. Let the Government of the United States assert itself inno uncertain tone; and then, from this beggarly and pitiable condition, we shall rise to the dignity of masters of the situation.

With plenty of gold in our lockers we can carry all the silver we place in our circulation up to one thousand millions, but, now that the fight is on, without gold we shall be degraded to the condition of a second-class monetary power. The great nations of the world have decided that gold is the thing to be fought for. Like true Americans let us do our fair share of the fighting! Such action on our part may make the other great nations somewhat more reasonable on the subject of silver; because they will need it, in large measure, to supplement their own depleted

We have a gold basis now which was won under circumstances of peculiar trial and adversity—under a great war debt. Let us maintain it and take no steps backward. The people of this country are accustomed to toil, and privation, and hardship; they love their country and its institutions, and will not play second to any power on the face of the earth. They want the best and what the world regards as the best; and they will have it even at some cost in dollars and cents. The national honor requires that this Congress shall stand by the people of the United States in maintaining the great and colossal credit of this Government. They will not excuse any party that degrades them by its cheese-

There can be no question that the distress which has been largely the cause of the recent panic, and which even now is laying business prostrate, arose in its incipiency from a belief, well founded or otherwise, that the United States could not continue ad infinitum the absorption of a depreciated and depreciatand anyment the absorption of a depreciated and depreciating metal, silver, in its currency system without seriously jeopardizing the gold standard in this country. The result of the silver policy of this country, which was commenced on March 1, 1878 (but only in the form of gold payments for silver since the passage of the act of July 14, 1890), has been to steadily diminish the gold reserve of the Treasury and to largely increase, both in circulation and in the receipts of the Government, the currency head on silver. This week paring process more silver and

rency based on silver. This weakening process, more silver and less gold, has gone on until the danger line has been reached.

Without entering into any discussion of the circumstances which have led to this situation in the Senate, without dwelling on the injustice of suddenly and without notice destroying the silver industry in this country—which the Senator from Idaho [Mr. DUBOIS] has spoken about so earnestly, which industry is built up largely by governmental use as money—without discussing the wisdom of a policy of committing this country irrevocatly to the use of gold as money and closing the door to any further use of silver as money, it seems to me that it is the part of intelligent and patriotic men who earnestly desire to accomplish something that will relieve the present distressing situa-tion and at the same time prove for the best interests of all our people, to devise some plan by which we can continue to coin silver, for a limited period at least, in safe amounts, and at the

same time provide a means for maintaining all our currency at par with gold and each kind equal with the other.

[I will say parenthetically, with reference to the product of our refineries, that there are ores, I understand, obtainable from Mexico, which, when used in combination with our refractory ores, are valuable, and enhance the value of our ore product by facilitating its reduction. Hence the language of my proposed amendment.]

This is what I have sought to accomplish by the amendment which I have offered, limiting the deposit and coinage of silver to our own product, and of that only to the extent of two millions per month, to be received and paid for at the market price. the seigniorage to be held in the Treasury as a reserve, and all deposits and coinage of silver to cease in about four years. Surely this will not do any serious injury to the country; and as my amendment proposes that the actual coined dollar shall be

issued and kept in circulation, it will not increase the amount of credit money, but, on the contrary, will slightly increase the circulating medium in a small way, and should prove of benefit rather than of injury

It can excite no alarm, because it would be foolish to suppose that so small an annual addition of silver to our currency, especially in the shape of coined dollars, could be made an instrument of evil. If it were proposed to pay for this silver in legal-tender notes, interconvertible with gold, as under the present law, it is possible that some might look upon it as an additional means of depleting our gold reserve. This is the great evil of the present law, that we are issuing annually some \$50,000,000 of legal-tender money redeemable in gold, in the purchase of silver bullion, and piling up the silver bars in the Treasury as a useless asset, while the notes issued in its purchase afford the exporters of gold a rare opportunity to obtain gold from the Treasury, weakening our gold reserves and injuring business

The same objection can not apply to this amendment as to the present law; and, if there is to be any use of silver as money in the United States in addition to what we already have, it seems to me that there can be no safer use than that proposed in my amendment. While enabling the mines of the United States to continue to produce to a limited extent and for a definite period this money metal, which has been used as money from the foundation of our Government, indeed as far back as we have authentic and historic record, by all governments, with due notice of a quitting point, it will serve as notice to the world that at the expiration of four years the United States shall cease to coin silver money; unless in the meantime foreign nations will unite with us in international bimetallism.

The United States is committed by its Constitution, by its attitude before the world in three international conferences, 1878, 1881, and 1892, and by its silver legislation for the last fifteen 1881, and 1892, and by its silver legislation for the last fifteen years to the use of gold and silver as money of ultimate redemption and full legal-tender power. It will be committed by the very repeal bill before us, as reported from the Committee on Finance of the Senate, if passed, to a continued use of silver in our currency system. All political parties in their platforms have declared for the continued use of silver as money. The people of the United States have therefore declared by their suffrages that silver shall be used as far as practicable in our currency system.

What kind of a spectacle would we present at the reassembling of the Brussels conference if, after having called the nations of the world together to consider "an enlarged use of silver in the currency systems of the world," we had in the meantime during the recess of the conference abandoned it altogether ourselves? The only way that bimetallism, (which every one seems to favor in the Senate, from the Populist Senator, PEFFER, to the great financier, SHERMAN) is possible under present conditions is by a limited use of silver sustained at par by large gold reserves. This limited and "limping" form of bimetallism we have now; and my amendment proposes to continue it under additional safeand in a limited manner. I have no disposition to place this country on a silver basis. I believe it would be the greatest calamity that could possibly happen; and under my amendment such a possibility is rendered impossible.

It may be said that such action can be revoked by another Congress and silver purphers and crimers and continued.

Congress, and silver purchases and coinage can be continued after the \$100,000,000 limitation has expired; but the same may be said about the repeal of the present law, that another Congress could undo our action. But we can safely trust the American can people through their representatives in Congress, after full and fair discussion, to do what is right to maintain the honor of our country under all circumstances.

That is especially true at this juncture. and intellectual minority have contended on this floor for many weeks and months for that which they believe to be right and true and proper. Intimations have gone out from time to time that something strange, something unreasonable, something revthat something strange, something unreasonable, something revolutionary might occur. But it appears now, after all this discussion and agitation, that this great minority, so powerful in genius, in energy, in resources, in information, in philosophy and wisdom, are willing to show to the American people that the American Senate is a body that is willing to bow to the will of the majority without force, without physical test. I say that this is a grand triumph, not only for the genius of the American people, but it is a proud moment for the illustrious Senate of the United States. United States.

The amendment further proposes to remove the stigma upon our bonds by allowing national banks to issue circulating notes to the par value of such security. I know that a prejudice exists in many minds against the national banks of our country. Recognizing the fact that the present issue of national bonds will expire by limitation in about fourteen years, there is a disposition to refrain from any legislation that can possibly extend the life

of the national banking system. The national banks were born of genius and in the great stress of war. I have but very little personal interest in them, not enough worth talking about; but such as I have I am not ashamed of; for I have never taken store in any bank except by borrowing money to do so, and because I regarded the establishment and maintenance of such an institution as being for the welfare of the community where I reside.

However, I am in favor of justice and fair play and the recognition of every power in this country that has tended or shall tend to the power and prosperity of its people; and I am forced to the conviction that the national banks have been a great benefit to the people and the Government of this country. Erected as they have been by the Government, they have been its supporter in its hour of need. They are founded and built up your own people, and there is no question but that they have assisted in extending aid to the people and have contributed to the development of our country even in its remotest bounds. I am satisfied they have materially contributed to the development of my own State, and that the people of that State have procured loans and received assistance at a lower rate of interest through the national banks than they would otherwise have enjoyed. True it is that out of the seventy national banks in the State of Washington some which have recently been established have gone to the wall during the late crisis; still, as a whole, they have been of vast benefit to the people, and with few exceptions, less in proportion than in some other States, they have maintained their existence in this hour of trial. They have added over \$31,000,000 to the loanable assets of the people of that State.

The Senator from Nebraska [Mr. Manderson] a few days ago had occasion to call the attention of the Senate to the prosperity of the banks in his State; and I took great pleasure at the splendid showing he then made for his great State; but I may be pardoned for referring to the fact that the State of Washington can show a record even more remarkable than he then presented to the Senate; for the statistics show that we have in the national banks in the State of Washington about 60 per cent more of capital per capita than there is in the national banks of the State of Nebraska. Of course, this incident cuts no figure in the debate. I merely mention it to show the benefit that national banks have been to the remoter States of the Union which have great resources and great prospects of development.

I look upon the national banks as an arm of power to the Gov-

I look upon the national banks as an arm of power to the Government and in behalf of the people. Naturally they are governed by their interests; but they are none the lesss a power which it has taken years to establish, and which can be and should be safely potentialized for the good of the people.

It appears by the last report of the Comptroller of the Curtain and the last report of the Comptroller of the Curtain and the last report of the Comptroller of the Curtain and the last report of the Comptroller of the Curtain and the last report of the Comptroller of the Curtain and the last report of the Comptroller of the Curtain and the last report of the Comptroller of the Curtain and the last report of the Comptroller of the Curtain and the last report of the Curtain and the

It appears by the last report of the Comptroller of the Currency that the actual circulation outstanding on September 30, 1892, for which the national banks were responsible was \$147, 191,593. Thus it appears that the circulation had been largely diminished from what it was in 1882, 1883, 1884, when the average national-bank circulation was in the vicinity of \$350,000,000, the height of circulation having reached \$362,889,134 in 1882.

diminished from what it was in 1882, 1883, 1884, when the average national-bank circulation was in the vicinity of \$350,000,000, the height of circulation having reached \$362,889,134 in 1882.

Now, as I stated, these banks have been governed as to their circulation by what appeared to them to be profitable. The tax of 1 per cent on circulation, which amounted to \$72,670,412.30 up to July 1, 1892, and the permission to issue circulating notes only up to 90 per cent of the par value of their bonds, had caused them to retire their circulation. During the recent panic, when the demand for currency of all kinds was so great that from 3 to 5 per cent premium was paid for currency with which to compensate the laborers of this country, the banks commenced to take out additional circulation, so that as I understand it, the circulation at present now amounts to about \$210,000,000.

Many national banks have never taken out any circulating notes whatever. Such banks as the great Chemical National Bank of New York, the National Park Bank, the Merchants' National Bank of New York, and the National Bank of Washington, D. C., have never taken out any circulating notes whatever. Now, if the banks are allowed to take out circulation to the par value of their bonds, the probabilities are that the addition to the national-bank currency would not be confined to the additional 10 per cent of the national-bank currency now extant, but that many banks which have never taken out circulating notes, or that have never issued to the authorized limit, would be stimulated to issue notes; and it has been estimated that the national-bank currency would in the aggregate be increased to the extent of sixty or seventy millions of dollars.

Now, we know the benefit that was secured to the people by the additional circulation of forty or fifty million dollars that was obtained by the national banks during the recent crisis, and we can thereby reason that that benefit would be increased by the addition of sixty or seventy million more, making an approximate total bank circulation of from two hundred and fifty to two

hundred and seventy-five million dollars. Now, I maintain that the addition of this representative money to the circulating medium of the country will add to the loaning powers of the banks and that the people will thereby be benefited.

I am not looking so much to the interests of the banks as I am to the interests of the people; and while I am willing to add to the money of final redemption by the coining of silver, I am also willing to add to the representative money, because this representative money is received in payment of debts, and thereby relieves the stringency of the money market in all these widely separated localities, where nearly four thousand national banks are established, about three-fourths of which banks have a capital not to exceed \$150,000 each.

In other words, we can legitimately utilize the resources of the banks for the relief of the people. The banks are not taking out this circulation for idle purposes. If they take out the circulation they take it out to be loaned; and why should we not avail ourselves of every lawful means at our disposal for the good of the people? The Government of the United States will pay all the bonds at their face value; nobody questions that. There is no chance whatever of loss in issuing currency up to their face value. At a time during the war when the bonds of the Government were sold or likely to go below par, it was different. It was then wise to issue currency to only 90 per cent of their par value. Now the conditions are changed, and these bonds bear a premium, excepting the extended 2 per cent bonds, which can be called in at the pleasure of the Government. There is ample security to the Government, which guarantees the circulation of the banks, and the people ought to have the benefit of the loanable funds to be derived by extending such circulation.

Some people imagine that the national banks have had something to do with bringing about the present stringency; but every man that knows about State banks is aware that they were in the same condition as national banks in regard to this proposition during the panic. There is no difference whatever between State and national banks as to their willingness to put out money. The reluctance is not chargeable to national banks as such. They simply obeyed the common instinct of self-preservation and the doctrine of "the devil catch the hindmost."

Nor am I in favor of crippling the national banks. To use an old adage, "I would not cut off my nose to spite my face." I would give them all safe, legitimate additional power to be of service to the people, even if they do incidentally make an earning thereby for themselves.

earning thereby for themselves.

Now, finally, Mr. President, my object in bringing forward these propositions in the form of this amendment is for the purpose of securing without delay such action by the Government of the United States as may placate existing conditions, such as will afford relief to those who are in distress, such as will maintain the credit of the Government, such as will preserve the position of our Government in reference to the doctrine of bimetallism, such as will, if possible, end for the present the agitation, embarrassment, and trouble on this subject. The chairman of the Committee on Finance has announced that as soon as the present repeal bill is disposed of he intends to introduce other financial measures. He, and a majority of his committee are known to be the friends of silver, and of the continued and enlarged use of it as money.

larged use of it as money.

A bill has been introduced by the Senator from Missouri [Mr. VEST] providing for the increase of national-bank circulation on the terms that I propose; and I am largely indebted to him for the language that I have used in this particular part of my amendment. This shows the drift of sentiment, of reason.

Is it not practicable for us, after all these weeks and months

Is it not practicable for us, after all these weeks and months of debate, to determine finally for the American people the lines that we ought to adopt in this monetary legislation for their benefit? Is it necessary that, after repealing the Sherman law under the terms of the present bill, we should wait and struggle and go through a long period of debate, of exciting comments on all hands before coming to such a solution of the main questions at stake as to meet the reasonable requirements of the American people in this great emergency?

people in this great emergency?

This Congress has other important subjects to which its attention should be addressed. Other great subjects are practically before it, such as affect the credit and business of our people. Ido not mean the election bill. Idoubt very much if it was a wise thing to introduce a subject of that kind which has strong partisan characteristics at this time. Every man should be stirred with the feeling of patriotism, the feeling that is as important in time of peace as in time of war. What we need to do is to give relief to the people of this country, and that relief should not "stand upon the order of its going" but should come at once. Great vital matters are to be the subjects of legislation.

It has been announced by the President that we are to have a revision of the tariff. I stand ready to welcome any and every wholesome revision; such revision as ought to take place, from time to time, in the tariff schedule, corresponding with the needs of the country and the developments in its business; but there is no mistaking the fact that the next great question that the people of the United States stand upon tiptoe to hear and to understand and to await the result of the action of this Congress, is that relating to the perpetuation of the industries of this country. We can not shirk it. It is before us. The last election made it a great fact which we must solemnly encounter.

In my judgment, quite as much importance is to be attached to the solution of that question, so far as it relates to the prosperity of this country, as to the present question before the Senate of the United States; and I say again, in that matter as in

ate of the United States; and I say again, in that matter as in this, it is needful that there be action, that there be result, and that there be lines laid upon which men can predicate their business and their prospects. Let the future policy of the Government become known.

ment become known.

If men and fortunes and industries and wages are to be scaled down or wiped out, let us know it! Men are awaiting their fate; and while I belong to that party that believes in the preservation and the conservation of forces, in keeping within ourselves all that there is of value, in building ourselves up by every legitimate means, yet if there is an industry to be finally paralyzed which new stands doing rothing and awaiting the variety to a second a second control of the cont which now stands doing nothing and awaiting the verdict, I say, which now stands doing nothing and awaiting the verdict, I say, let it come. Let us know the worst, let us prepare for it; and the sconer we know what is to be the result of the exercise of the wisdom and the political power of those now in the ascendency in our Government, the better for our people.

If there is to be an alleviation anywhere, let us know it. If the foundations and superstructure of any great industry are to be uprooted and destroyed, let us know it—let us "take our medicine." Then, when we get to the bottom, we can commence to

cine." Then, when we get to the bottom, we can commence to rear new things, new industries; and if we can not run, we can walk; if we can not walk, we can crawl; if we can not crawl, we can live. But let us have a settlement. The books are open; the party is in power; and the American people, like the criminal in the chair, calmly awaits the fate of electrocution.

But if, as the President intimated in his letter of acceptance, this is not to be an oppressive and destructive era for American industries, then let us know what the benign and clement power

industries, then let us know what the benign and clement power industries, then let us know what the benign and element power shall decree. Then will business begin to resume; feeble it may be, but never disheartened. Then will the American people rise to the height of the situation, and, as they have always done, will show their superiority to every incident of politics; and though they may be down to-day they will rise to-morrow, and meet the suggestion in the lines of Gerald Massey, the poet of labor, who wrote of the poor man's child as being "hustled and sweated down" (like sovereigns in a bag) "till the image of God is worn from heart and brow." He sang:

But never sit we down and say There's nothing left but sorrow; We walk the Wilderness to-day, The Promised Land to-morrow.

Build up heroic lives, and all Be like a sheathen saber, Ready to flash out at God's call, O, Chivalry of Labor!

It may be the policy of the party in power to relegate all these positive financial questions to the future, and not to pass upon them now, but in the interest of early and immediate action on behalf of the people, I feel it my duty to present my views. I am not concerned as to the authorship of this or that remedy. It is not material by whom the legislation is introduced. I have my duty to fulfill and have thought long and earnestly upon the applied; and its second to the subject subject; and it seems to me that no good can be obtained by postponing the hour of action on the great problems that concern us; at least so far as relates to those things that are plain,

cern us; at least so far as relates to those things that are plain, that any man having eyes can see, any man having ears can hear, and he that hath reason can understand.

If it be the pleasure of the majority in this Senate to postpone all positive legislation or action on these propositions to a future day, contenting curselves simply with repeal, I bow to their will; but I may be permitted to say there is no such good time as now. There is no escaping our responsibility; and the American people will render their verdict for unnecessary delay. When the time comes to yet or my amendment I will set that When the time comes to vote on my amendment, I will ask that it be taken by sections. In all the great debate you have listened to history, to statistics, to philosophy, and dialectics. I ask the Senate to do that which is practical for the immediate relief of the Government and the received.

relief of the Government and the people.

Mr. STEWART addressed the Senate. After having spoken

nearly an hour and a half.

Mr. VOORHEES. Does the Senator from Nevada desire to proceed further at this time?

Mr. STEWART. I shall not be able to conclude to-night. Mr. VOORHEES. I then move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 43 minutes p. m., Thursday, October 26) the Senate took a recess until tomorrow, Friday, October 27, 1893, at 11 o'clock a. m.

Extracts from the proceedings of the Senate in executive session from which the injunction of secreey has been removed, and which have been ordered to be printed in the RECORD:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

Friday, October 20, 1893.

On motion by Mr. ALLEN, and by unanimous consent,

Ordered. That the injunction of secrecy be removed from the vote of the Senate advising and consenting to the appointment of James J. Van Alen, to be ambassador extraordinary and plenipotentiary to Italy, and the pairs announced during the call of the roll.

Wednesday, October 25, 1893.

On motion by Mr. VEST, and by unanimous consent,

Ordered, That the vote of the Senate of the 20th instant, advising and consenting to the appointment of James J. Van Alen to be ambassador extraordinary and plenipotentiary to Italy, together with the pairs, and the announcement of Senators present and paired as to how they would vote if not paired, be printed in the RECORD.

Friday, October 20, 1893.

The question being "Will the Senate advise and consent to the appointment of James J. Van Alen?" the year were 39 and

Those who voted in the affirmative are Messrs .-

Aldrich, Bate, Berry, Blackburn, Brice, Butler, Caffery, Camden, Cameron, Coke,	Davis, Dixon, Faulkner, Frye, Gibson, Gorman, Gray, Higgins, Jones, Ark. Jones, Nev.	Lindsay, McMillan, McPherson, Mills, Morgan, Murphy, Palmer, Pasco, Quay, Ransom,	Roach, Smith, Stewart, Turple, Vest, Voorhees, Walthall, White, La. Wolcott.
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Those who voted in the negative are Messrs .-

Allen, Carey, Cullom, Dolph, Dubois, Gallinger	George, Hansbrough, Hawley, Hill, Irby, Kyle	,	Lodge, Manderson, Martin, Peffer, Pettigrew, Sherman	Stockbridge, Teller, Vance, Washburn.
Gallinger,	Kyle,		Sherman,	

During the roll call the following pairs were announced:

Mr. Cockrell with Mr. Allison.
Mr. Call with Mr. Proctor.
Mr. Gordon with Mr. Hale.
Mr. Harris with Mr. Morrill. Mr. HUNTON with Mr. PLATT.

Mr. HUNTON WITH Mr. PLATT.
Mr. PUGH with Mr. HOAR.
Mr. WHITE of California with Mr. SHOUP.
Mr. VILAS with Mr. MITCHELL of Oregon.
While the roll was being called Messrs. CALL, HARRIS, HUNTON, PUGH, and VILAS severally announced that, if not paired, they would vote "yea:" and Mr. SHOUP announced that, if not paired, he would vote "nay."

HOUSE OF REPRESENTATIVES.

THURSDAY, October 26, 1893.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by Rev. RUMSEY SMITHSON, of Washington, D. C., as follows:

follows:

O Lord God, our Heavenly Father, we offer and present unto Thee this day thanksgiving and praise for Thy manifold and great mercies toward us in the past, in the preservation of our lives, and in the bestowment of Thy blessings upon us.

We pray Thee to look upon us at this time in the forgiveness of all that Thou seest amiss in us. Cleanse our hearts by the inspiration of the Holy Spirit, that we may perfectly love Thee and magnify Thy holy name. Now, O Lord, we pray for Thy blessing upon this House and upon all the members of this body. We pray that they may be directed in all things to Thy glory and for the good of this great people.

O Lord, we pray Thy blessing upon the distressed of our race, and especially would we commend to Thee the family of the deceased Chaplain of this House. May Thy grace be their support, and may they have constantly the consolation that cometh alone from Thee.

alone from Thee.

Guide us all by Thy counsel, and finally receive us to Thyself, through Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ACKNOWLEDGMENT TO FOREIGN GOVERNMENTS.

The Speaker laid before the House the joint resolution, with Senate amendments (H. Res. 66), that the acknowledgments of the Government and the people of the United States be tendered to various foreign governments of the world who have partici-pated in commemoration of the discovery of America by Christopher Columbus.

The amendments of the Senate were read.

Mr. HOUK of Ohio. Mr. Speaker, this resolution passed the House a week or two ago. There is no change in its phraseology, and the amendment only provides that the information of its passage be conveyed to the different foreign governments by the President of the United States instead of by the Secretary of State. I will only say that the resolution, as originally offered and passed in the House was drawn upon consultation with the of State. I will only say that the resolution, as originally offered and passed in the House, was drawn upon consultation with the Secretary of State as to its form, in regard to the manner in which the acknowledment should be presented to other governments; but the Senate amendments are entirely in accordance with propriety, I think, and I move, therefore, that the amendments of the Senate be concurred in.

The motion was agreed to.

The title of the resolution was amended to conform to the body of it.

DEATH OF CHAPLAIN OF THE HOUSE.

Mr. RICHARDSON of Tennessee. I offer the resolution which I send to the Clerk's desk, and ask for its immediate considera-

The resolution was read, as follows:

Resolved, That the House has heard with profound sorrow of the death of Rev. Samuel W. Haddaway, Chaplain of the House.

Resolved, That as a mark of respect to his memory the Speaker appoint a committee of seven to attend his funeral services.

The resolution was agreed to; and in accordance therewith the Speaker appointed as such committee Mr. Compton, Mr. Richardson of Tennessee, Mr. Dingley, Mr. Kyle, Mr. Cockrell, Mr. Curtis of New York, and Mr. Cobb of Alabama.

WORLD'S FAIR COMMISSIONER FROM ALASKA.

Mr. HEARD. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was before the House a few days ago, and an explanation was asked for by the gentleman from Texas [Mr. KILGORE] which explanation I now have from the Treasury Department I desire to have that explanation read in connection with the

The bill was read, as follows:

A bill (H. R. 913) for the relief of Louis L. Williams

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, directed to pay to Louis L. Williams the sum of \$305.70 due him as salary and for expenses incurred in the discharge of his duties as World's Fair Commissioner from Alaska.

The SPEAKER. Is there objection to the present consideration of this bill. Mr. SAYERS.

Mr. SAYERS. Mr. Speaker, I would suggest to the gentleman from Missouri [Mr. HEARD] that an amendment be offered after the word "cents," in line 5 of this bill, to insert the words "out of moneys heretofore appropriated for such purposes.

"out of moneys heretofore appropriated for such purposes."

Mr. DINGLEY. I desire to ask the gentleman from Texas [Mr. SAYERS], as there are many commissioners who may have such bills as this, whether he has sufficiently examined the matter, so that he is willing to have this established as a precedent.

Mr. HEARD. I desire to say to the gentleman from Maine that there can be no great number of these cases, as there are only two commissioners from Alaska. The point made against the payment was raised in the State Department as to whether Alaska was a Territory in the meaning of the law authorizing the appointment of such commissioners from the different States and Territories of the Union.

Mr. DINGLEY. Is that the only point involved?

Mr. DINGLEY. Is that the only point involved?

Mr. HEARD. That is the only point involved, and the Attorney-General decided that it was a Territory in the contemplation of the law. The letter of the Treasury Department makes perfectly clear the reason why the claim has not been paid, and that it is equitably due, but can be paid only by authority of web are not act this.

The SPEAKER. Without objection, the Clerk will report the letter.

The letter was read, as follows:

TREASURY DEPARTMENT, OFFICE OF THE FIRST AUDITOR,

Washington, D. C., October 25, 1893.

SIR: I have the honor to acknowledge the receipt of your request that the reason be stated why this office considers it necessary that a special act be passed for payment of the expenses of Louis L. Williams as one of the commissioners to represent Alaska on the World's Columbian Commission

from November 2 to December 12, 1890, instead of allowing them from the regular appropriation, as has been done since December, 1890.

It appears that the governor of Alaska nominated Mr. Williams on June 10, 1890, but the State Department on November 25, 1890, referred to the Attorney-General the Question whether Alaska is a Territory within the meaning of the act creating the World's Columbian Commission, on December 19, 1890. The Attorney-General decided affirmatively, and December 29, 1890, Mr. Williams's commission was issued.

In the meantime it appears that Mr. Williams actually traveled in November, 1890, from Alaska to Chicago, and was present at the commission's meeting, and his expenses would have been allowed had the question not been raised in the State Department, by which the issuing of his commission. Was delayed, this office only allowing expenses after the date of the commission.

It appears that Mr. Williams is equitably entitled to payment, and that this cas: only be accomplished by a special act of Congress.

I transmit by you herewith a copy of the letter from the Secretary of the First Comptroller, payment is refused for the reason given above.

Respectfully,

E. P. BALDWIN, First Auditor.

Hon. John T. HEARD, House of Representatives.

The SPEAKER. Is there objection to the request for the resent consideration of this bill? [After a pause.] The Chair hears none

Mr. SAYERS. Mr. Speaker, I ask that the amendment I suggested be read.

The Clerk read as follows: Insert, after the word "cents" in line 5, the following: "out of moneys eretofore appropriated for such purposes."

Mr. HEARD. I have no objection to the amendment. The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection, and the amendment was agreed to The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE BUILDINGS.

Mr. BANKHEAD. Mr. Speaker, I desire to ask the correction of a reference of the bill which I send to the Clerk's desk. The title was read, as follows:

A bill (H. R. 3440) to provide for post-office buildings.

The SPEAKER. This bill has been referred to the Committee on the Post-Office and Post-Koads. That committee will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

The committees were called for reports.

ENGROSSMENT OF BILLS AND JOINT RESOLUTIONS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to submit a privileged report from the Joint Commission appointed Mr. Speaker, I desire to to Investigate the Executive Departments of the Government.
It is a concurrent resolution.

The SPEAKER. The Clerk will first report the concurrent resolution submitted by the commission.

Mr. RICHARDSON of Tennessee. I ask that we have order.

as this is a matter of some importance.

The SPEAKER. This is an important matter, as it relates to the engrossment and enrollment of bills.

The Clerk read as follows:

The Clerk read as follows:

Resolved, by the House of Espresentatives (the Senate concurring). That, be mining with the first day of the regular session of the Fifty-thril Congress, to wir: the first Monday in December, 1893, in lieu of being engrossed, every bill and joint resolution in each House of Congress at the stage of the consideration at which a bill or joint resolution is at present engrossed shall be printed, and such printed copy shall take the place of what is now known as, and shall be called, the engrossed bill or resolution, as the case may be, and it shall be dealt with in the same manner as engrossed bills and joint resolutions are dealt with at present, and shall be east with at present, and shall be dealt with by that House, and its officers in the same manner in which engrossed bills, and joint resolutions are now dealt with.

Resolved, That when said bill or joint resolution shall have passed both Houses, it shall be printed on parchment, which printshall be in fleu of what is now known as and shall be called the enrolled bill or joint resolution, as the case may be, and shall be called the enrolled bill or joint resolution, as the case may be, and shall be called the enrolled bill or joint resolution, as the case may be, and shall be called the enrolled bill or joint resolution, as the case may be, and shall be called the enrolled bill or joint resolution, as the case may be, and shall be dealt with in the same manner in which enrolled bills and joint resolutions are now dealt with.

Resolved, That the Joint Committee on Printing is hereby charged with the duty of having the foregoing resolutions properly executed, and is empowered to take such steps as may be necessary to carry them into effect, and provide for the speedy execution of the printing herein contemplated.

The SPEAKER. The Clerk will now read the report.

The SPEAKER. The Clerk will now read the report. The report (by Mr. RICHARDSON of Tennessee) was read, as

Report of the Joint Commission to inquire into the status of the laws or ganizing the Executive Departments of the Government, etc.

The commission have considered the House concurrent resolution in reference to the engressing and enrolling of bills and joint resolutions, and have inquired into and made an investigation of the matters involved therein. The object of this inquiry and investigation was primarily the prevention of mistakes and errors in such engressment and enrollment; and, secondarily, a reduction of the expenses thereof. Much complaint has arisen by reason of the errors and mistakes which occur at every session of

Congress in the measures which pass that body. It is believed, and it is doubless true, that in nearly every instance such errors are directly traceable to the clerical force engaged in the work of engrossing and enrolling these measures. In the nature of things it is almost impossible to prevent them oftentimes in the haste in which the work is done.

The commission have made investigation into the methods pursued in the legislative bodies of other countries than our own in respect to these matters. They have also made inquiry as to the eystem followed in some of the States of the Union. It is found that in nearly all the leading foreign parliamentary bodies, and in several of our own States, the old method or system of engrossment and enrollment by hand, with ink and pen, has been abandoned. As far back as 1849 the Parliament of Great Britain abandoned this method, and adopted that of printing. They applied it at first only to bills of a public or general character for both houses. It was found, however, that the new "arrangement was so productive of economy, convenience, and dispatch, and tended so much to lessen the chance of errors, that they speedily applied it to private bills, and resolutions of overy character. The commission is informed by a recent communication received from an officer of that Parliament that since 1849 the practice then adopted has been constantly followed.

It is believed by the commission that the change to printing will largely prevent errors, and that it will considerably reduce expenses. It is not believed that any delay will result by reason of this change in the preparation of the measures which are to be engrossed or enrolled, as the printing can be done quite as expeditiously and it is claimed more rapidly than the errors, and that it will considerably reduce expenses. It is not believed that any delay will result by reason of this change in the preparation for the change herein indicated be reported favorably and be concurred in by the two Houses.

ALEX. M. DOCKERY,
JAMES D. RICHARDSON,
NELSON DINGLEY, JR..
Members on the part of the House.
F. M. COCKRELL,
JAMES K. JONES,
S. M. CULLOM,
Members on the part of the Senale.

Mr. RICHARDSON of Tennessee. Mr. Speaker, as will be readily seen, this resolution contemplates a radical change in the method of engrossing and enrolling bills and joint resolutions It is well understood that the engrossment of every bill is had before it is read a third time in legal and parliamentary contemplation, but as a fact the practice is that it is not engressed until after it has passed through the House if it be a House measure, or the Senate if it be a Senate measure. This resolution does or the senate if it of a senate measure. This resolution does not change the time at which joint resolutions or bills will be engrossed, but it simply provides that at that stage at which they are engrossed they shall be printed, and that the printed form shall take the place of and be called the engrossed resolution or bill, as the case may be.

air. Speaker, the object of this resolution, as we state in the report, is not so much to economize as to prevent errors and

Mr. HOPKINS of Illinois. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON of Tennessee. I wish you would let me

make my statement, and then I will yield to you cheerfully. It is sometimes extremely difficult to detect errors in manuscript. The manuscript copy of a bill is not always in the best handwriting, and errors are very liable to creep in and to go undiscovered

As stated in the report, much complaint has arisen by reason of the mistakes that have crept into the laws and have not been detected until after the adjournment of Congress, too late to prevent or to correct them. It is believed that by printing the "ongressed" copy errors will be much more easily detected, and if they are not detected then, they will almost certainly be discovered in the "enrolled" copy. The resolution provides for printing both the "temperated" and the "corporated" and the "corporated by the complete of bull and interest. the "enrolled" copy. The resolution provides for printing both the "engrossed" and the "enrolled" copies of bills and joint resolutions. The joint commission appointed to inquire into the machinery of the Executive Departments have devoted a good deal of time to investigating this question. They have obtained information from quite a number of foreign countries and also from some of the States as to the methods pursued in their legislative bodies. They have had considerable correspondence with the officers of the Parliament of Great Britain.

Some idea of the fullness of the correspondence may be obtained by the fact that the large bundle of papers which I hold in my hand includes only the information and the exhibits obtained from the officers of the British Parliament. I have here illustrations of the prints of bills and resolutions in England at the different stages as they progress through the two houses of Parliament. The joint commission, after examining the matter carefully, were unanimous in the conclusion set forth in the report. The only objection urged against the change which seemed to have any force was as to the difficulty of printing the "engrossed" copy of a bill, and also the "enrolled" copy, in time for them to be acted upon by the two Houses of Congress.

Upon that question we have examined the Public Printer and also the foreman of printing in the Government Printing Office, and from their statements and from the information we have received from foreign parliamentary bodies, and also from some of the legislative bodies of the States where this method has been adopted, we believe that the printing can be done just as expedi-

tiously as the writing. If members will take the trouble to examine these samples of English bills, they will see at once that it would be much easier to detect an error in this print than in any manuscript copy, so that really the only question presenting any doubt is as to whether the work can be done as expeditiously in this way as by the old method.

I hold in my hand an enrolled copy of an English bill ready for signature. In making the investigation the committee found, I repeat, that the only objection that seemed to have any force was this one as to the rapidity with which the work could be done. Now, if a bill has to be written, whenever it is engrossed or enrolled we know that that always takes time; and inasmuch as a portion of the work can be anticipated with the printing press just as easily as it can be under the present system, we believe there will be no difficulty in carrying this resolution into effect. The officers of the Government Printing Office say that if they can have only three or four hours they can present the longest bill ready for the signature of the proper officers of both Houses and of the President.

Mr. STOCKDALE. Will the gentleman please explain how this change would prevent errors?

Mr. RICHARDSON of Tennessee. It is so much easier to detect the content of the proper in that the gentleman please explain how this change would prevent errors?

tect an error in plain print than in manuscript that the gentle-man's question almost answers itself. The enrolling officers of this House, first the Clerk, and afterwards the Committee on Enrolled Bills, have to scrutinize each bill and resolution, and, as I have already said two or three times, it will be very much easier for them to detect errors in print than in writing, and it is believed that by having an efficient proof-reader to aid them it will be almost impossible for a typographical error to creep into these bills or joint resolutions.

Mr. Speaker, I was saying, when the gentleman from Mississippi [Mr. STOCKDALE] put his question, that the only serious objec-tion made to this change was that at the close of the short session of Congress, when we are compelled to adjourn at a given hour—12 o'clock on the 4th day of March—if a bill should be passed very late on the morning of the 4th, the printers might not have time to enroll it, but the same difficulty would arise if it had to be copied with pen and ink; and the officers of the Government Printing Office say that if they can be allowed three or four hours they can print and have ready for signature the longest bill that ever came before Congress. As a matter of fact, we are informed that at the close of the last Congress the last conference report on the last appropriation bill was signed before 5 o'clock on the morning of the 4th, which would have given the fullest time

The Public Printer and the foreman of printing in the Gov ernment Printing Office agree that if that were true generally there would be no possible danger of not having time to "enroll" such a bill and have it ready for the proper signatures and for the President's. The commission, therefore, have thought it prudent to recommend that Congress enter upon this reform. Since the English Parliament adopted it in 1849 they have adhered to it closely in every instance, and they say that under no circumstances would they now abandon it.

circumstances would they now abandon it.

The gentleman from Maine [Mr. DINGLEY], who is paying attention, and who is a member of the joint commission, tells us that this practice has been followed in his State for a great many years, and he will describe to the House how it operates there. I now yield to him if he desires to address the House.

Mr. DINGLEY. As a member of the joint commission I joined very heartily in reporting this bill for a reform in the method of engrossing and enrolling bills by print rather than by writing. As has been stated by the chairman of the committee [Mr. RICHARDSON of Tennessee], this system of engrossing and enrolling bills by print has been in existence in the ing and enrolling bills by print has been in existence in the British Parliament since 1849, commencing at that time with public bills, and working so well with reference to them that in a very few years it was extended to private bills. Visiting England lately, I had a conference with the clerk of the British House of Commons, who said to me that on no account would they think of going back to the old method of engrossing by

But not only abroad has there been experience in this matter. but in our country several States have adopted the plan of engrossing and enrolling bills in print instead of in writing; and every State that has adopted this plan has continued and extended it, regarding it as a perfect success. In my own State of Maine this plan was adopted twenty years ago -at first with some doubt as to whether the work could be done expeditiously; but experience has shown that the work can be done as expeditiously as in writing; and the success in securing accuracy has been most remarkable.

Gentlemen will observe that engrossed and enrolled bills in print may be easily examined by members who are interested in the bills for the purpose of discovering errors. As the bills in this form can be read more easily, errors can be more readily detected, the examination admitting of a carefulness which is impossible under the system of having the bills in writing. Moreover, it is found that when the bills are put in type and printed, the careful reading by the proof-reader and the subsequent reading by the committees of the House and Senate will

Gentlemen are aware that bills are often passed in a hurry through the House and the Senate, especially near the close of a session, and that errors in enrollment have frequently ariseu. In several of the last appropriation bills these errors were of great importance in many respects. It is almost impossible, in scanning a written page and doing it hurriedly, to be able to detect every error that may exist. But in reading a printed page there is hardly any difficulty in discovering errors, especially when it is taken into consideration that these pages will be in the first place thoroughly read by practical proof-readers in the Government Printing Office, and that afterwards they will be subject to the inspection of every member of the House who cares to ascertain whether perfect accuracy has been observed.

So much for the efficiency and accuracy which may be expected from this reform. Now, as to the expense: Experience has shown that this system, instead of increasing the expense, will actually reduce it. In my own State the expense of engrossing and enrolling our bills has been reduced nearly 25 per cent as compared with the expense of written engrossment and enroll-ment by clerks. So that, in addition to greater accuracy and uni-formity and promptitude, this system will conduce to economy. I am, therefore, on this account, heartily in favor of the proposed As the system has been tried not only abroad, but in this country with such success, I hope the House will concur in

this country with such success, I hope the House this proposition.

Mr. CULBERSON. Can the gentleman tell us what the difference in cost will probably be?

Mr. DINGLEY. It is estimated that the system now proposed to be introduced will cost about 25 per cent less than the system of enrolling in writing. But if that estimate should be a mistake, the change will certainly not cost any more. In my own State, as I have said, the cost is less. At any rate, the accuracy which the system will secure, even if the change should entail a little additional cost (which it will not), would compensate for some increased expense in the matter. some increased expense in the matter.

Mr. CULBERSON. There must be a great difference in the

Mr. CULBERSON. There must be a great difference in the cost of paper as compared with parchment.

Mr. DINGLEY. Under the plan proposed, only one copy, the enrolled copy, will be printed on parchment; the engrossing and extra copies of the enrolled bill which may be wanted will be printed on ordinary linen paper.

Mr. CULBERSON. How do you expect to correct errors which may occur in the enrolled copy on parchment?

Mr. DINGLEY. The matter must, of course, be freed from all errors before it is finally printed on parchment.

Mr. CULBERSON. I notice there are many errors in the work which comes to us in print from the Government Printing Office.

Mr. DINGLEY. Those result from reading the proof of bills in a hurry at a stage where thousands of bills are being preliminarily printed; but that trouble will not arise in connection with the engrossing and enrolling of the comparatively few bills that reach that stage when accuracy becomes vital. There will be, that is, the printing of the bill for consideration in either House—that is, the print we ordinarily have here, on ordinary papers, then there will be the reprinting of the bill after it is reported, which will be on ordinary paper; then there will be the printing of the engrossed copy upon linen paper; this will be after the bill has been amended in the House and Senate and when accuracy is supposed to be secured. Then for the final enrolled copy there will be careful reading of the proof by the skilled proof-reader in order to free the matter from all possible errors before the parchment copy is struck off. Thus there will be secured the highest degree of accuracy. And after all this there will then be the comparison of the enrolled bill, in print, with the original by the Committee on Enrolled Bills.

Mr. CLARK of Missouri. I would like to ask the gentleman from Maine whether there is now any provision in the law or in our rules to prevent or prohibit erasures in enrolled bills? first, the printing of the bill for consideration in either House

our rules to prevent or prohibit erasures in enrolled bills?
Mr. DINGLEY. After the bill has been enrolled?
Mr. CLARK of Missouri. Yes, I mean in the enrolled copy.
Mr. DINGLEY. Oh, of course the securing of a perfect enrolled copy is a matter which comes finally under the observation of the Committees on Enrolled Bills of the House and the

Mr. CLARK of Missouri. Now, suppose it should turn out, even with the greatest caution the printers can use, that there should be substantial errors in the printed copy of the enrolled bill—the last printed copy—would it not be more difficult, let me ask

the gentleman, and require a good deal more time, when time is the essence of things, to have it sent back to the Printing Office

and make the necessary corrections in type, than to have a clerk to do it, where manuscript is used, with a pen?

Mr. DINGLEY. I think not. In any event, I think having the two reprints, and the accurate examination of the bill, which is necessarily required by a skilled proof-reader before the final print is made, it will be more likely to eliminate every possible source of error. But assuming that an error should be discovered in the enrolled bill, as it may be discovered in a written ered in the enrolled bill, as it may be discovered in a written bill. In that case there must be, of course, the reënrollment of the bill, or, rather, the page on which the error appears; and it would be just as much trouble to make a copy with a pen as to have a copy prepared in type. It would require, in fact, more time as a rule, because in many cases the change of a single word or two in the type would secure the correction required, whereas the whole page would probably have to be rewritten in the manuscript. Besides that, as I have already said, in this case there is a double or a triple reading of the bill, first by a practical proof-reader, who revises all the copy, then by the committee of the House, and by the Senate committee.

Mr. CLARK of Missouri. Is it not true that on one occasion the misplacement of a comma in an enrolled bill made a differ-

the misplacement of a comma in an enrolled bill made a difference of many thousands of dollars in the revenues of the Gov-

ernment:

Mr. DINGLEY. That is correct, I believe, but that was in a written enrolled bill.

Mr. CLARK of Missouri. Is it not true also that of all men on the face of the earth practical printers are more wedded to their own theories of punctuation than any other set of men in

the world?

Mr. DINGLEY. But the gentleman must remember that in enrolling a bill for the final signatures the printer would not be allowed to exercise his own discretion as to the punctuation or even the use of words. He would be required to adhere absolutely to the copy, just as a writer would in the manuscript enrollment.

Mr. CLARK of Missouri. Do you think the printers in the Government Printing Office could ever be induced to follow copy when they think the punctuation is different from what they sup-pose it ought to be? If so, I would like to have the recipe for it.

Mr. DINGLEY. They would not be any more subject to error on that account than any clerk. They would be compelled to follow copy in a legal document which must be an accurate dupli-They would not be any more subject to error cation. At any rate, there has never been any difficulty in such direction that I have ever heard of. The fact that one has a printed copy before him leads to greater accuracy, because it is so much easier to read a printed document than a written one and to see exactly whether there is an error or not. Besides that, the printed copies of bills are in the hands of all members, and parties interested would ascertain the existence of errors in the sections of a bill before they are finally acted upon by the House and Senate.

The suggestion has been made that there might be some difficulty in securing the engrossment and enrollment of a long appropriation bill or bills, which should not finally pass till 5 or 8 o'clock in the morning of the 4th of March at the close of a short

ssion

Practically I think there would be no more difficulty in enrolling a bill in such a situation by print than is now experienced by writing. The practice now is for the enrolling clerks to engross beforehand all the sheets containing matters in which the two Houses have concurred, reserving only the sheets containing the points in dispute or in conference; thus leaving only two or three press to be engressed in the three or love house before three pages to be engrossed in the three or four hours before

adjournment.

This is exactly what would be done if the bill or bills were to be engrossed and enrolled by print. Indeed, an entire bill or a part of a bill can be engrossed by print, in case of necessity, more rapidly than by writing, because the number of clerks that can be engreed the number of pages. But be put on the work can not exceed the number of pages. But the number of printers that can be put on the work is limited only by the large force of the Printing Office. A half a dozen printers can be putting a page into type at the same time, be-cause the page is printed from the type after it is set.

From every point of view engrossing and enrolling by print seems to me far preferable to engrossing and enrolling by writ-

mr. HOPKINS of Illinois. I would like to ask the gentleman from Maine a question with his permission. Is there any provision in the constitution of the State of Maine limiting the sessions of the Legislature of the State?

Mr. DINGLEY. There is not.

Mr. HOPKINS of Illinois. Is there any State in the United States where this practice in regard to enrolled bills has been

States where this practice in regard to enrolled bills has been adopted?

Mr. DINGLEY. There is not. Mr. HOPKINS of Illinois. Is there any in the British Par-

Hament! Mr. DINGLEY. Not any.

Mr. HOPKINS of Illinois. Then I would like to ask the gen-Mr. HOPKINS of Innois. Then I would like to ask the gentleman, or the commission, if the citation of the British Parliament, or the example of any of the States that have adopted this plan, will serve as a safe precedent with us where the second session of a Congress must necessarily terminate at a certain hour or a certain minute? In States where this rule prevails, or in the British Parliament, if it is ascertained that a bill valis, or in the British Parliament, it is ascertained that a bill can not be engrossed in sufficient time, they can make provision to extend the time of the sitting; but in Congress, at the second session, we must, whether the bill is engrossed or not, end the session at a certain moment. Now, it seems to me that this matter ought to be carefully considered by the House before so radical a change is adopted.

Mr. DOCKERY. But the gentleman from Illinois forgets that sometimes we employ the clock in extending sessions here even under the present system.

Mr. HOPKINS of Illinois. Oh, for a few moments, but not sufficient, I imagine, to allow time enough to meet an emergency

that might arise if this new plan was adopted.

Mr. DOCKERY. Let me say to the gentleman further, that
there is not a civilized government in the world, except the United States, which employs the present system of enrolling

bills by the pen.

Mr. HOPKINS of Illinois. Well, there is no other government in the world that has just such a regulation that the legislative assembly must end its session and terminate its existence

at such an hour and minute.

Mr. DOCKERY. I have no information on that question, and ask the gentleman from Illinois if he is prepared to assert that

the statement he has just made is accurate?

Mr. HOPKINS of Illinois. I am prepared to defend the statement, if questioned by the gentleman from Missouri. [Laugh-

Mr. DOCKERY. The "gentleman from Missouri" is inclined

to think that the gentleman from Illinois is mistaken.

Mr. RICHARDSON of Tennessee. The same trouble arises in reference to the enrollment of a bill with a pen; and, as I stated when I had the floor, as a matter of fact the last bill in one session of Congress was presented and the conference report signed before 5 o'clock on the 4th of March. Mr. HOPKINS of Illinois. Now, that is one separate instance;

but there have been many where the time was not sufficient with-

out an extension of it to allow the work to be done.

Mr. RICHARDSON of Tennessee. It is well known that wherever there is a disagreement in matters between the conference committees it is usually on some one subject, and while considering that the remainder of the bill would be engrossed, except possibly a half dozen or a dozen lines, all the rest being pre-sented and ready for signature, and all that the printer would have to do when the conference committee had agreed, even as late as 10 or 11 o'clock on the day of final adjournment, would be to print five or six lines and insert them in the proper place in

These printers say there would be no difficulty whatever in

doing that. All they would want would be a little time.

But, Mr. Speaker, if this system brought about a change in our methods of passing bills the last few moments or the last hour or two of a Congress, it seems to me it would be very desir-

Mr. HOPKINS of Illinois. It might be desirable, if the

gentleman wished an extra session.

Mr. RICHARDSON of Tennessee. If it was understood we could not get a bill through at the eleventh hour, it would perhaps be very well for us, and certainly would not work any

Now, the idea the commission have is not to let it interfere at first with our corps of engrossing and enrolling clerks. It is an experiment. It is tentative, in other words, as we propose to put it to work. We do not propose to burn our bridges behind us so that we can not go back to the other process if it be desirable to do so; but we believe it can be instituted, that it is a re form that ought to be inaugurated, and that much good will come from it. We want to begin it with the long session, in order that there may be ample time to get the force ready to do the work.

I want to say that we conferred most fully with our corps of clerks, with the gentlemen who have charge of engrossing and enrolling, and particularly with the Chief Clerk of this House [Mr. Towles], who has had very long experience in this matter.

And I want to say for him and to his credit, that this is a reform
which he has been urging upon Congress for many years. He
believes that it can be made most effectual. I can not see that

there can be any objection to it, when we propose to test it in the method I have described.

the method I have described.

The question has been asked me whether it will interfere with our Committee on Enrolled Bills. By no manner of means. It is not intended to interfere in anyway with the system that is followed of engrossing and enrolling the bills. The engrossment and enrollment will take place just as at present, except the substitution of a printed for a written copy in each case.

With regard to the suggestion made by my friend the gentleman from Missouri [Mr. CLARK] with reference to the printer controlling the punctuation, as a matter of fact he could not do it if the desired to do it. The measure with nucleus com-

it if he desired to do it. The measure with punctuation com-plete must be submitted to the chairman of the Committee on Enrolled Bills. He reads it and has the last opportunity to pass upon it, even if the printer has punctuated it improperly.

Mr. CLARK of Missouri. You have been in this Congress a

good long time, and you have had a good many speeches printed,

have you not?

Mr. RICHARDSON of Tennessee. Yes, a few.

Mr. CLARK of Missouri. Did you ever get those printers over there to print a speech as you wanted it printed, as to punctu-

Mr. RICHARDSON of Tennessee. Perhaps not, but in such cases the Committee on Enrolled Bills did not review the proof, after the proof-reader had passed it in the Printing Office this case the last man to observe the punctuation would be the chairman of the Committee on Enrolled Biiis.

Mr. CLARK of Missouri. They are no worse about it than other printers; but if they send you the proofs of your speech and you go through it and change the punctuation back to the way you had it originally, can you get them to fix it that way then?

Mr. RICHARDSON of Tennessee. Well, there may be difficulty about that; but I do not hesitate to say that you will find the proof-readers of the Government Printing Office, as a general thing, are very accurate.

Mr. CLARK of Missouri. I know that.

Mr. RICHARDSON of Tennessee. Many of them have been there a great many years, and they study the question of punctuation as experts. Besides, it is well to say that the office has rules for punctuation, the object being to establish uniformity

as far as practicable.

Mr. CLARK of Missouri. But that is the very trouble about the whole business. The Government printers are, as I suppose, the crack printers of the whole country. They have their theories about how a thing ought to be punctuated and printed, and they are going to stick to them unless there is some power that compels them to change them. The matter of taste will

Mr. RICHARDSON of Tennessee. The gentleman may be right in that; but that objection would not apply in this case, because our Committee on Enrolled Bills will not be interfered with, and can control the question. They will make the same reports; and it will be their duty to pass upon every bill and joint

resolution to see that they are not only correct in every respect, but also in respect to punctuation.

Mr. OUTHWAITE. Is it the intention to have this printing done at the Printing Office, or to have it done here at the Capitol?

Mr. RICHARDSON, of Tennessee. If it turns out that it can be done more expeditiously here, and if it is necessary to do it here, then a little printing press could be set up in some room of the

Capitol, where the printing could be done at once; but it seems to me that would only be necessary at the close of a short session of Congress. If it is necessary, it could be done without any increased expenditure, of course, because it would be done by printers sent from the Government Printing Office, and with a Government press

Now, Mr. Speaker, I ask the previous question on agreeing to the resolution.

The previous question was ordered.

The resolution was agreed to.
On motion of Mr. RICHARDSON, of Tennessee, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes to 1 o'clock

Mr. MCRAE. Mr. Speaker, I desire to withdraw the bill (H. 119) and let it go to the Calendar from which it is taken up. Mr. WILSON of Washington. A parliamentary inquiry, Mr. Sneaker

The SPEAKER. The gentleman will state it.
Mr. WILSON of Washington. What condition will that leave that bill in?

The SPEAKER. Just in the condition it was before it was called up.

Mr. WILSON of Washington. Then it will be still on the Calendar as unfinished business?

The SPEAKER. It will be on the Calendar as unfinished business.

The committees were called.

MARTHA A. DEALY.

Mr. SOMERS (when the Committee on the Public Lands was called). Mr. Speaker, I am directed by the Committee on the Public Lands to call up for consideration the bill (H. R. 683) for the relief of the heirs of Martha A. Dealy, deceased.

The bill was read, as follows:

The bill was read, as follows:

Be it snacked by the Senate and House of Representatives of the United States of America in Congress assembled. That the Commissioner of the General Land Office be, and is hereby, authorized and directed to allow the heirs of Martha A. Dealy, widow of David Dealy, to enter under the homestead laws; if the said David Dealy when Ilving were qualified to make such entry, the north half of the northwest quarter of lots 3 and 4 of section 16, in township 38 north, of range 2 east of Willamette meridian, and to allow Mary Younkin, widow of Moses Younkin, to enter under the homestead laws; if the said Moses Younkin when Ilving were duly qualified, the north half of the northeast quarter, and lots 5 and 6 of section 16, in township 38 north, of range 2 east of Willamette meridian, both of said tracts lying in Whatcom County, in the State of Washington, and to issue patents to the heirs of the said Martha A. Dealy, and to Mary Younkin for the respective tracts hereby authorized to be entered by them, upon their making such proof as is required by existing laws, and executive regulations, and in compliance with the requirements of the homestead laws: Provided, That the State of Washington, by the proper State officer, or officers thereto duly authorized by laws of said State, shall first select, or shall signify a willingness to select, according to the laws regulating selections of other land of equal area, to be taken and heid by said State in lieu of the land hereby authorized to be entered, and such selections shall be a waiver of any right of said State to the land above described as indemnity school lands.

Mr. SOMERS. Mr. Speaker, I ask to have this bill considered in the House as in Committee of the Whole.

The gentleman from Wisconsin asks unani-The SPEAKER. mous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

Mr. SAYERS. Let it take its regular course.

The SPEAKER. Objection is made.

I move that the House resolve itself into Com-Mr. SOMERS. mittee of the Whole for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. OATES in the chair.

The CHAIRMAN. The House is in Committee of the Whole

for the consideration of a bill the title of which the Clerk will

The title was again reported.

Mr. SOMERS. Mr. Chairman, I ask for the reading of the

The report (by Mr. SOMERS) was read, as follows:

The Committee on the Public Lands, to whom was submitted the bill (H. R. 683) for the relief of the heirs of Martha A. Dealy, deceased, have had the same under consideration, and report it back with the recommendation that

pass. The bill is recommended by the Interior Department in the following let-er, which is made a part of this report:

"DEPARTMENT OF THE INTERIO "GENERAL LAND OFFICE,
"Washington, D. C., October 9, 1893.

"Sir: I have the honor to acknowledge the receipt, by reference from your office, for report thereon, of House bill No. 683, 'for the relief of the heirs of Martha A. Dealy, deceased,' submitted by the chairman of the Committee on the Public Lands, House of Representatives, with his letter of the 86th ultimo, for your opinion thereon.

where on the rubile Lands, House of Representatives, with his letter of the Sth ultimo, for your opinion thereon.

"In connection therewith I beg leave to call your attention to the fact that a bill (S. 1804) similar in its intent and purpose to that now before me was reported in Congress on March 7, 1892, and upon which a full and complete report favorable to its passage had been made by this office on Februsia 1, 1802.

"This last-mentioned bill, I am informed, was favorably reported upon by the Committee on Public Lands of both the Senate and House of Represent-atives; was passed by the latter, and only failed of passage in the Senate by the failure to call it up in time during the closing hours of the Fifty-second

the failure to call it up in time during the closing hours of the Fifty-second Congress.

"The present bill differs from the former only in the fact that in the previous bill the beneficiaries named were the heads of two families, Messre. David Dealey and Moses Younkin, since deceased, while the beneficiaries named in the present bill are the heirs of the original claimants and of the wife of the first named also deceased; and also in the fact that in the present bill it is made obligatory upon the State of Washington first to select, or signify its willingness to select, according to the laws regulating selections, other land of equal area, to be taken and held by said State in lieu of the land authorized thereby to be entered, which selection, it provides, shall be a waiver of any right of the State to saidland; whereas in the former bill the State was shaply authorized to make such selection.

"Owing to the fact that the conditions relating to this case remain the same as when the former report was made except in the particulars mentioned above, I have considered it unnecessary to make a new report, but submit herewith a copy of the former opinion, as contained in the report of the Committee on Public Lands in the Senate, referred to above, as embodying the views of this office upon the question therein presented.

"The bill, together with the letter of Mr. McRae, transmitting the same, are herewith returned.

"Very respectfully,

"S. W. LAMOREUK,

[House Report No. 1950, Fifty-second Congress, first session.] The Committee on the Public Lands, to whom was referred the bill (S. 1504) for the relief of David Dealy and Mary Younkin, respectfully submit the folfor the relief of David Doub.

lowing report:
A full statement of the facts and the merits of the case are set forth in the following letter from the Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, D. C., February 1, 1592.

Sin: I have the honor to acknowledge the receipt, by reference from you, of Senate bill No. 1504, entitled "A bill for the relief of David Dealy and Moses Younkin," with request for a report thereon. The purpose of this bill is to confirm the title of the beneficiaries to certain land in a school section, viz. Sec. 16, T. 38 N., R. 2 E., in the State of Washington, and to allow the said State to select an equal quantity of other land in fleu thereof in satisfaction of its school land grant

From affidavits and other papers on file in this office, it appears that David Dealy settled upon land in said section in March, 1884, having purchased the possessory right of one William Wood, who had, in the year 1890 or 180, bought the same from one Monroe, who was occupying the land at the date of survey, intending to claim it under the donation law.

The other beneficiary settled at a later date, having bought a part of Dealy's claim, apparently in the belief that it was public land by virus of Monroe's occupation thereof previous to and at the time of survey, which was supposed to have effected a permanent exception of the land from the reservation in favor of schools.

In order that it may be understood how such belief could be entertained a brief resume of some departmental rulings previous to and at the time may be necessary.

It appears that prior to 1878 the holding of the Department in references.

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It appears that prior to 1878 the holding of the Department in reference to settlements on school land in California under the seventh section of the act of March 3, 1858, was that land to which the grant did not attack at the date of survey could not thereafter become subject to the right of the State although the original settler should abandon his claim or sell it.

In 1878 a contrary view was adopted, and it was held that the right to claim the land as excepted from the grant was personal to the original settler and that upon his abandonment thereof the land would revert to the grant or reservation, to the exclusion of subsequent settlers (Gates rs. California and Oregon Raliroad Company, 5 C. L. O., 155; Mette vs. State of California bidd., 164). This view was adopted on a certain construction of the language of the Supreme Court in the case of the Water and Mining Company a. Bugbey (96 U. S. R., 165). In 1882, in Perkins vs. Central Pacific Raliroad Company (L. D., 336). Secretary Teller, after considering the decision in the case mentioned and companing it with the explanatory comments made thereon in Mining Company vs. Consolidated Mining Company (102 U. S. R., 167), nold that the former case had been misconstruct, and reaffirmed the doctrine held prior to 1878. Secretary Teller, in a decision dated December 4, 1884, in the case of Giovanni Le Franci (3 L. D., 239), again reviewed the Supreme Court decisions and held that if a tract was excepted from the school grant at the date of survey it could not afterward be claimed by the State.

In August, 1886, the Department, in the case of the State of California of the case of clovannia to the case of the State of California of the case of t

doctrine and prior to itsis. Secretary Yeller, in a decision dated becember 4, 1684, in the case of Giovanni Le Franci (S. L. D., 289), again reviewed the Supreme Court decisions and held that if a track was excepted from the school grant at the date of survey it could not afterward be claimed by the Sin Angues, 1688, the Department, in the case of the State of California of L. D., 169), again changed its opinion upon the question and announced he doctrine assumed in 1878 and discarded in 1885, which denied the right is enter school land in a school section to all except the original sectics. This holding has, since 1885, been several times affirmed, and is now the rule of the Department, not only with reference to California cases, but as of general applicability; and it was under this ruling that the claims of Dealy and Younkin to enter the land claimed by them were rejected by office decision of August 19, 1889.

From the foregoing outline of departmental decisions it will be seen that between the years 1883 and 1888 land in the predicament of that described in the bill in California was held to be public land free from the reversionary interest of the State, and open to settlement after abandonment by the original settler, whose occupation at the date of survey was held to except if from attachment of the school grantor reservation. It is true the decisions of the set of March 3, 1886 (10 U. S. Stat., 244), and not under the general law; but in the popular mind they received a general application, and parties might be about all him to be a seen of California arising under the seventh section of the set of March 3, 1886 (10 U. S. Stat., 244), and not under the general law; but in the popular mind they received a general application, and parties might be about all the present of seven and part from conclusive.

Younkin's settlement appears to date only from about March 1, 1889. It may benoted, however, that while the doctrine at present held by the Department under the California law had been announced in 188

a considerable amount of money in improvements thereon, it would seem that they are deserving of all consideration that can be shown them.

The bill is herewith returned.

Very respectfully,

The SECRETARY OF THE INTERIOR.

The SECRETARY OF THE RELEASE.

In the foregoing the Secretary of the Interior concurs, From affidavits filed with this committee it appears that since the passage of this bill by the Senate, David Dealy has died, leaving a widow, Martha A. Dealy. The committee therefore recommends that the bill be amended by substituting the name of "Martha A. Dealy" for that of "David Dealy," wherever the latter occurs in the bill, and by making like substitute in the title. With these amendments the committee recommends that the bill do pass.

Mr. SOMERS. If there is no desire to debate the bill, I move that it be reported to the House with the recommendation that

It do pass.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. Oates, Chairman of the Committee of the Whole, reported that the committee had had under consideration the bill (H. R. 683) for the relief of the heirs of Martha A. Dealy, deceased, and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be encrossed for a third reading, and

The bill was ordered to be engrossed for a third reading, and being engrossed it was accordingly read the third time, and

On motion of Mr. SOMERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CASH ENTRIES OF OFFERED LANDS.

Mr. SOMERS. Mr. Speaker, I am directed by the Committee on Public Lands to call up for consideration the bill (H. R. 4244) to confirm cash entries of offered lands. The report has not yet

The bill was read, as follows:

Be it enacted, etc., That all private cash entries of public land subject to sale as offered lands, made between the dates of the approval of the joint resclution of May 14, 1888, and its promulgation, May 29, 1888, in case in which all requirements of law have been complied with, be, and the same are hereby, confirmed.

Mr. DINGLEY. Does not the Committee of the Whole? Does not that bill require consideration in

The SPEAKER. The Chair did not pay attention to the reading of the bill. The gentleman from Maine raises the question that this bill should be considered in Committee of the Whole.

Mr. DINGLEY. I merely asked whether it should not be considered in Committee of the Whole. I did not notice the

reading. Is it not the granting of public land by confirming the

The SPEAKER. It seems to the Chair that this bill ought

to be considered in Committee of the Whole.

Mr. McRAE. The bill seeks to confirm some entries made between the passage of a joint resolution and its promulgation. I suppose that it ought to go to the committee.

The SPEAKER. The bill will have to be considered in Com-

mittee of the Whole.

Mr. SOMERS. I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.
The House accordingly resolved itself into Committee of the Whole, Mr. OATES in the chair.
The CHAIRMAN. The House is in Committee of the Whole

for the consideration of a bill the title of which the Clerk will

The title was again reported.

Mr. SOMERS. I now yield to the gentleman from Arkansas.

Mr. McRAE. Mr. Chairman, Congress on the 14th of May,

Mr. DINGLEY. Should not the bill and report be read?
The CHAIRMAN. The gentleman from Arkansas will suspend until the Clerk reads the bill.

The bill was again read.

The bill was again read.

Mr. McRAE. Mr. Chairman, Charles A. Hall, a constituent, I believe, of the gentleman from Alabama [Mr. Wheeler], made a cash entry between the passage of the resolution, May 14, 1888, and May 29, the date of the promulgation of that resolution, which I will ask the Clerk to read:

The Clerk read as follows:

Joint resolution relating to the disposal of public lands in certain States. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the public lands of the United States in the States of Mississippi, Arkansas, and Alabama now subject to private sale as offerred lands shall be disposed of under and according to the provisions of the homestead laws only until the pending legislation affecting such lands shall be disposed of or the present session of Congress shall adjourn. Provided, That any isolated or disconnected tracts or parcels of the public domain less than 100 acres may be ordered sold at private or public sale for not less than \$1.25 per acre by the Commissioner of the General Land Office, when, in his judgment, it would be proper to do so.

Approved May 14, 1868.

Mr. McRAE. After the passage of that resolution, and before

it was promulgated in the States named, a few persons made entries of what is known as offered land, the money was paid and all the requirements of the law complied with. This private and all the requirements of the law complied with. This private bill, introduced by Gen. WHEELER, was to confirm the entry of Mr. Hall. It was referred to the Laterior Department. The Secretary and Commissioner recommend in lieu of that bill a general bill, so that a few entries made between the dates named, covering a period of about fifteen days, may be confirmed.

Mr. HERMANN. I desire to ask the gentleman from Arkansas whether this bill pertains to all private cash entries in any part of the country between those two dates, or does it apply to the States named by the gentleman?

Mr. MCRAE. It applies to all the States where entries were

Mr. McRAE. It applies to all the States where entries were made between those two dates, of offered land. You will understand that the bill only applies to those States, for the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and Missian entries of the suspension resolution was only aimed at Arkansas, Alabama, and sissippi. As a matter of fact you have no offered lands in your

Mr. HERMANN. I will ask the gentleman whether this substitute has been submitted to the Commissioner of the General

Land Office?

Mr. McRAE. It has not been. The Commissioner recommends that we pass a general law instead of the special act, so as to avoid the trouble and necessity of adjusting each one of these

claims by a special bill.

Mr. HERMANN. And it only pertains to these suspended cash entries offered between those two dates?

Mr. McRAE. Yes, sir. It might be safer to limit to the three States, Arkansas, Mississippi, and Alabama, and I will move that mendment.

Mr. WILSON of Washington. Will the gentleman allow me

to ask him a question?

Mr. McRAE. Certainly.

Mr. WILSON of Washington. As I understand it, all the

lands in your section are offered lands?

Mr. MCRAE. They were nearly all offered lands.

Mr. WILSON of Washington. They are not now.

Mr. MCRAE. They are not now, in the sense that they can

be sold for cash.

Mr. HERMANN. I ask that the bill and report be read

Mr. McRAE. The report does not appear to have come from the Printing Office yet. I can tell you what the facts are. The Commissioner of the General Land Office and the Secretary have considered the bill, and recommend that a general bill be passed in lieu of the private bill.

Mr. COBB of Alabama. Have you any information as to the amount of land covered by this bill?

Mr. McRAE. There were but very few entries of this character between those two dates. The report from the General Land Office did not specify the number of entries nor the area, but there are very few. The money has been paid by the applicants, and the Commissioner of the General Land Office thinks that the entries made during that period by men whose money has been accepted and paid in the Treasury should be confirmed.

Mr. HERMANN. Mr. Chairman, I think it is due to the House, upon a matter so important as this, that it should be put in possession of the opinion of the Commissioner of the General Land Office, as it is in his office that all these suspended entires Land Office, as it is in his office that all these suspended entires are, and inasmuch as the gentleman in charge of the bill states that the report is still in the hands of the printer, I ask him to consent that the matter be postponed until that report is printed and until we can get the views of the Land Office.

Mr. McRAE. Mr. Chairman, I have stated the facts. The Commissioner of the General Land Office recommended the passage of a general bill covering this class of entries. I am willing to amend the bill so as to apply only to the States of Alabama, Arkanssa, and Mississimi.

Arkansas, and Mississippi.

Mr. WILSON of Washington. Mr. Chairman, I think these titles ought to be confirmed in all the States where men have paid their money and it has gone into the general treasury. We want such a law in our Western country where we have "offered lands. In your Southern States you have no offered lands now, as I understand. Wherever men have gone forward and made these entries, have complied with the law as they understood it, as they were told by the local land officers the law was, and have and their money and taken their receipts and that money has paid their money and taken their receipts, and that money has gone into the Treasury of the United States, there certainly ought to be some way by which the title to their lands can be confirmed

onfirmed.

Mr. McRAE. So far as my information goes, I have never heard of any such cash entries in my State. There may be some. This one in Alabama is all that I have heard of, but the Commissioner of the Land Office informs me that there are a few other cases, and I hope the matter will not go over.

Mr. WILSON of Washington. I have no doubt that confusion

did arise in the Southern States in making the change from offered to unoffered lands, and I think there ought to be some

legislation to give relief to those who suffered by reason of it.

Mr. HERMANN. Let me say that there are a great many of
these suspended cash entries that were absolutely fraudulent in their inception, and that have been rightfully held up by the Commissioner. Now, I understand that this bill would virtually validate all classes of claims.

Mr. McRAE. It is not possible that there could be fraud in this class of entries. The lands were subject to sale at \$1.25 an acre, and the purchasers bought them at that price and paid their money, so that there could be no fraud, provided the lands were nonmineral lands. It was purely a sale of land, and no settle-

ment was required of the purchaser.

Mr. HERMANN. But the man might not have been entitled

to make the entry.

Mr. McRAE. The gentleman does not seem to understand Mr. McKAE. The gentleman does not seem to understand that in the States in question lands that have been subject to sale for a certain period become "offered" lands subject to private cash entry by anybody. That was not the case in his State, but it was in these States. The resolution that has been referred to here withdrew all the offered lands in those three States, that was followed later in the same Congress by an act prohibiting the sale of any lands for cash, and now those States are on the ing the sale of any lands for cash, and now those States are on the same footing with you. But during that period, a time when anybody had a right to buy these lands, a few men did buy and paid their money to the Government, and I think their titles ought to be confirmed or their money refunded.

Mr. HERMANN. But the gentleman must remember that the law required that an affidavit should be filed in each case as

to the nonmineral character of the lands.

Mr. McRAE. Certainly. The Government has had ample time to determine the mineral quality of the land.

Mr. COBB of Alabama, amount of land, I believe. Under the old law they could buy any

Mr. McRAE. Yes. Mr. COBB of Alabama. Now, would not the amount of land which was purchased between these two periods have something

to do with the propriety of passing this bill?

Mr. McRAE. Certainly, if there was any considerable amount, but the Commissioner of the General Land Office says that there

are only a few entries Mr. COBB of Alabama. But you are not able to inform us as

to the exact amount. Mr. McRAE. I have told you what the Commissioner says. He says that there are only a few entries. I know of no large

transactions Mr. COBB of Alabama. Would it not be better to refer this bill to the Commissioner to have him state the exact amount? If a man purchased a homestead, that might be considered in

our legislation.
Mr. WILSON of Washington. Suppose a man purchased 320 acres and paid his money for it and the local land office received his money and the General Land Office received it, and it went into the Treasury, do you not think his title to that land should

be confirmed?

Mr. COBB of Alabama. Not necessarily.
Mr. WILSON of Washington. If you should try to get the money out of the Treasury, you would think differently. [Laugh-

Mr. COBB of Alabama. Oh, there is no trouble about that. Mr. SMITH of Arizona. I wish the gentleman would help me

to get some out. [Laughter.]
Mr. COBB of Alabama. I will do my best to help you.
Mr. McRAE. In this class of cases I understand that there can be no refund of the money except by a special act of Congress, and no man who has not followed the course of one of gress, and no man who has not followed the course of one of these private bills to the Committee on Claims and through Congress can appreciate the difficulty of securing its passage. You refuse to give these men the land after taking their money, and then you say that they must go to Congress to get their money back. It is an outrage, and the larger the transaction the greater the outrage.

Mr. WILSON of Washington. Will the Chairman please have the resolution of 1888 read again for the information of the House.

The resolution was again read.

Mr. McRAE. Mr. Chairman, in order to avoid all question, I will move to amend the bill so as to confine it to those entries in the States of Mississippi, Alabama, and Arkansas. As a matter of fact it would not affect other States, but that amendment will avoid any question about it, and so I hope it will be adopted.

Mr. HERMANN. That will be more satisfactory.

The Clerk read as follows:

After the word "sale," in line 3, insert, "in the States of Alabama, Mississippi, and Arkansak," so as to read, "that all private cash entries of public lands subject to sale in the States of Alabama, Mississippi, and Arkansas,"

Mr. COBB of Alabama. Is there any necessity for providing for any other State except Alabama?

Mr. McRAE. The bill does not mention any State by name

but the resolution which makes this bill necessary applied to the

three States named.

Mr. WILSON of Washington. Mr. Chairman, I am opposed to this amendment. Inasmuch as the tendency has been, during the last few years at least, to make our land laws general, applications of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of the Union silve it seems to provide the control of cable to all sections of the Union alike, it seems to me that this amendment should not depart from that policy. While it is true that this matter does not affect Western interests in any great de-While it is true gree, some cases might arise there under the bill; and knowing how difficult it is for people who have made entries in error at the local land offices to have refunded the money obtained by the Government, it seems to me that such persons ought to have an opportunity to perfect their titles and obtain patents under gen-I am opposed in principle to legislation of this chareral laws. acter providing for only two or three States. I think our public land legislation ought to be general. But while I am opposed to the amendment I shall not make any obstructive opposition. The question being taken on the amendment of Mr. McRAE, it

was agreed to. Mr. McRAE. I move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OATES reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. 4244) to confirm cash entries of offered lands, and had come to no resolution thereon.

The SPEAKER. The first question is on agreeing to the amendment reported from the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The Chair desires to call the attention of the gentleman from Arkansas [Mr. McRAE] to the fact that the word "case" in line 7 should apparently be "cases."

Mr. McRAE. Yes, sir, that is an error which should be corrected, and I ask that the amendment be made.

The SPEAKER. Without objection this typographical error will be corrected.

There was no objection.
The bill as amended was ordered to be engrossed and read a

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being on the passige of the bill,
Mr. COBB of Alabama. I move to recommit the bill to the
Committee on Public Lands, with instructions to ascertain the
amount of land covered by the bill and the purchasers and the
amount purchased by each person.

Mr. McRAE. I hope the motion will not be agreed to.
Mr. COBB of Alabama. Is the motion debatable?

The SPEAKER. It is not.
The question being taken, the motion of Mr. COBB of Alabama was agreed to, there being—aves 41, noes 31.

bama was agreed to, there being-ayes 41, noes 31. RAILROAD ON HOT SPRINGS RESERVATION.

Mr. GRESHAM. I am authorized by the Committee on Pubtic Lands to call up the bill (H. R. 4243) granting the right of way for the construction of a railroad and other improvements over and on the Hot Springs Reservation, Hot Springs, Ark.

The SPEAKER. This bill is on the Calendar of the Commit-

tee of the Whole. Mr. GRESHAM. I move that the House resolve itself into Committee of the Whole for the purpose of considering the bill. Mr. HOPKINS of Illinois. Before that question is taken with

a view of ascertaining whether exception will be made to this measure, I would like to ask the gentleman from Texas [Mr. GRESHAM] how many rights of the kind contemplated in this bill have been granted to railroad companies during the last three Congresses. I have not keptaccurate count, but the num-

ber is certainly very large.

Mr. GRESHAM. It is impossible for me to tell how many bills of this character have been passed by Congress.

Mr. HOPKINS of Illinois. It seems to me that if this thing

is to continue the Hot Springs Reservation will be gridironed with railroads.

The question being taken on the motion of Mr. GRESHAM, that the House resolve itself into Committee of the Whole for

the consideration of the bill, the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. OATES in the chair), and proceeded to the consideration of House bill No. 4243.

The bill was read, as follows:

Be it enacted, etc. That the right of way 45 feet in width, upon which to construct, equip. operate, and maintain a railroad with one or more tracks, is hereby granted to George W. Baxter, John D. Ware, Leslie Webb, and George M. Baxter, their associates and assigns, upon and over the West Mountain of the Hot Springs Reservation, as follows: Commencing at a point on first line marked A. 7 feet east of the line marked M on Government plat survey, 1862, for topography; thence by a route to be approved

by the Secretary of the Interior to the boundary line of said West Mountain Reservation, or as near thereto as shall be necessary, but the said railroad shall not obstruct any highway contemplated by the plans for the improvement of the Government reservation of Hot Springs, Ark., and the said grantees shall, by the erection of substantial iron bridges with closed beds and sides, or by means of tunnels, avoid rendering the crossings dangerous to passengers on the said highways, either in conveyances or on foot.

SEC 2. That the said parties or their assigns shall cause to be made an accurate map and profile of the located line of said railway with the specifications for the construction thereof, and the same shall be approved by and filed with the Secretary of the Interior before the construction of said railroad shall be commenced. The Secretary of the Interior shall have the supervision and control over the location and construction of said railroad, which must be built and put in running order to the top of said mountain within two years from and after the passage of this act. Each of the conditions in this section shall be construed as a condition precedent to the grant herein made, and a failure to comply with any of them shall of itself work a forfeiture of the rights hereby granted.

SEC 3. That the said parties or their assigns shall have the privilege of erecting on said West Mountain observatories, hotels, and such other buildings as may be considered by the Secretary of the Interior desirable for the accommodation of the public, and for such purposes, and for laying off and beautifying a park surrounding or adjacent to such buildings the said parties or their assigns are hereby privileged to use 5 acres of ground upon said mountain, they agreeing to build upon and beautifying a park surrounding or adjacent to such buildings the said parties or their assigns are hereby mininged to the grounds to be used for the purposes herein mentioned shall be first submitted to the Secretary of the Interior and app

agement of said property.
Sec. 6. That Congress reserves the right to at any time alter, amend, change, or repeal the rights and privileges hereby conferred.

Mr. RAY. Is there a report accompanying this bill?
Mr. GRESHAM. There is a report, but I think it has not been printed; and if it were at hand it would contain only the recommendation that the bill be passed. The purport of the bill is to convey to certain parties named the right to construct a railroad from near the foot of West Mountain, in the Hot Springs Reservation, to the top of it. The construction of the road and its location are absolutely under the control of the Interior Department.

Mr. RAY. It seems to me that on so important a matter we

ought to have some report.

Mr. GRESHAM. I think I can answer any question of the gentleman, or give him any information he may desire in regard to this bill

Mr. RAY. Mr. Chairman, is it in order to consider a bill

without the report?

Mr. GRESHAM. This bill was reported yesterday, and the report, as I have said, has not been printed; but a similar bill was passed in the last House.

The CHAIRMAN. The Chair holds that under the rule any bill reported and on the Calendar may be called up during this

hour.
Mr. GRESHAM. The regulation of the road, the amount of tolls, the mode of its construction, and all matters of that character are left absolutely within the control of the Interior Department, by which the plans are to be approved.

Mr. HOPKINS of Illinois. I would like to ask whether the bill in its present form has been submitted to the Interior De-

partment'

Mr. GRESHAM. The Interior Department submitted a bill which the committee modified, putting in it many more restric-

tions than were proposed by the Department.

Mr. HOPKINS of Illinois. Is there now anything on record which will show the differences between the bill as recommended by the Interior Department and the bill as reported by the com-

Mr. GRESHAM. No, sir; I think not, because the bill as reported now is almost entirely a new bill, containing even more restrictions on the grant than were embodied in the recommen-

dations of the Interior Department.

Mr. HOPKINS of Illinois. Does the gentleman in charge of the bill know whether, as presented to the committee now, this bill has received the favorable consideration of the Interior Department?

Mr. GRESHAM. It has every restriction placed on it that was suggested by the Interior Department, and many more, I

will say to the gentleman.

Mr. HOPKINS of Illinois. But that does not answer the uestion. Does the gentleman know whether in its present form the bill meets the approval of the Interior Department?

Mr. GRESHAM. I can not say; but as all the views he has suggested, and something more are contained in the bill, I do not see how he can possibly object. It goes beyond what he recom-mended even. Now, in the first instance, the bill as originally introduced here, did not provide for a limit to the right of way.

He suggested that there should be certain tunnels or iron bridges constructed at one crossing; but the committee made it general and provided that there should be no crossings on the highways at grade in any particular; and left the establishment of the grade well as the location of the line to the discretion of the Interior Department.

Mr. BRETZ. Will the gentleman allow me toask him a ques-

Mr. GRESHAM. Certainly.
Mr. BRETZ. I did not distinctly hear the reading of the bill, but if I understood it correctly I think it gives these parties five acres of ground?

Mr. GRESHAM. It gives them the use of that ground on the

top of the mountain. Mr. BRETZ. What for?

Mr. GRESHAM. For a public park, for hotels and observa-tories, all of which is to be done at the expense of these people. Mr. BRETZ. By what authority is this railroad company authorized to order the construction of anything in the way of hotels or parks?

Mr. GRESHAM. This grant is to individuals, not to an ex-

Mr. GRESHAM. This grant is to individuals, not to an existing company, but to these parties for the purpose indicated. Mr. WILSON of Washington. If the gentleman will pardon me, I do not know that I have any special opposition to the measure, but I wish to say, if I may be heard for a moment, taking for granted, and I do of course, that every statement the gentleman has made is absolutely accurate, yet I think there seems to be creeping into this House a practice of reporting bills without the accompanying reports, or that information which the House is entitled to receive from the committee. I think that practice entitled to receive from the committee. I think that practice is a bad one and ought not to prevail. I think these committees should present their reports with every bill, and before the bill is called up that the report should be in possession of the clouse.

I think the House ought to have them for information.

We have plenty of time. Now, this morning we had two or three bills reported for consideration here without the reports attached, which the House ought to have, as has been the uniform practice, embodying information from the committee or from the Departments as to the measure proposed; and it seems to me, with all due respect to my friend from Texas, that the practice which has been creeping in here to-day is establishing

a very bad precedent.

Mr. GRESHAM. I do not see how a report could be more explicit than the bill itself, as to its terms.

Mr. RAY. Do I understand that the Interior Department has recommended the grant of this particular right of way?
Mr. GRESHAM. Yes, sir; that is what I understand from their letter; and I will say further, that a bill was passed in the last Congress upon a similar recommendation.

Mr. RAY. Then you must have in your possession or somewhere in the files of the committee this particular recommenda-

tion or letter.

Mr. GRESHAM. We have, but it is rather indistinct. dently the gentleman who prepared it knew nothing about the

construction of railroads.

Mr. RAY. It seems to me that we ought to have that communication before us.

Now, I do not want to stand in the way for a single moment of a proposition to grant the right of way in this case, if it is proper to be done, and the Interior Department, knowing the facts about it, recommends it. I will not do it. But it is a strange thing if there is such a recommendation that the committee did not report it to the House. I ask the gentleman, therefore, that the committee report that communication in order that we may have the information we ought to have, and if proper I certainly will not stand in the way, and I am sure gentlemen on this side will

Mr. GRESHAM. The gentleman simply wants that letter

read?

Mr. COOMBS. We ought to have the report.
Mr. GRESHAM. The report does not contain the letter or anything but the favorable report on this bill.

Mr. RAY. Has this particular bill been referred to the Interior Department?

Mr. GRESHAM. No, sir. The bill originally introduced was referred to the Department, which returned it with certain modifications. These were all adopted, and power conferred on the Interior Department which enlarged very much its own recommendation. The bill he suggested designated a certain line on which the road should be constructed. The committee yielded to that suggestion, but left the location of the line to his

own determination hereafter.

Mr. RAY. Whose determination?

Mr. GRESHAM. The determination of the Interior Department, because we had neither a survey nor a profile of it, and it was impossible to state what the grades might be or where the line should run until there was an actual survey, so we gave him power beyond what was asked for originally in his recom-

Mr. RAY. Do I understand the gentleman to say that this bill does not prescribe or point out the particular line?

Mr. GRESHAM. Certainly, sir; for the reason that the proposed line commences at the foot of West Mountain and climbs the mountain to the top; and exactly how that is to be done can not be known accurately until there has been a survey and profile establishing the alignments and the grade.

Mr. RAY. Let me ask the gentleman another question.

Mr. RAY. Let me ask the gentleman another question. Mr. GRESHAM. Certainly. Mr. RAY. What particular hasts is there in regard to this bill?

Mr. GRESHAM. I do not know that there is any, except that

this is a measure that was passed by the last House.

Mr. RAY. Then why are you not willing to hold it back and refer this bill to the Interior Department? If they recommend it, I am quite sure that gentlemen on this side of the House would not oppose it.

Mr. GRESHAM. It is just simply the delay, and the difficulty

of ever resching it.

Mr. RAY. It can be called up in any morning hour.

Mr. BRETZ. I understood the gentleman to say that these hotels that were to be built on the 5 acres of ground at the top of the mountain were to be built at the expense of the Government.

Mr. GRESHAM. No; at the expense of the parties who get this franchise. Before they can be constructed, the plans and specifications are to be submitted to and approved by the In-

terior Department. Mr. RAY. It seems to me, Mr. Chairman, that any party desiring to build a railroad over this reservation ought to come to this House with the profile of the proposed road, that it ought to be submitted to this House, so that the members of this House can exercise some independent judgment in the matter.

Mr. GRESHAM. How many of them could tall from the pro-file, when they get it, whether the road was properly located or

whether the grades were proper or not?

Mr. RAY. It is perhaps immaterial how many; but at least every member of this House ought to have the right to exercise the judgment that he has, and to look into the matter and be satisfied in regard to its propriety. You do not know where this road would go, over what part of the reservation it would You do not know what other right it may interfere with.

Mr. GRESHAM. Oh, yes, we do.

Mr. RAY. It may cover some mines or interfere with some timber lands, or something of that kind. We know nothing

about it.

Mr. GRESHAM. Yes, we know that it commences at the foot of the mountain and runs to the top of it, and we know also that if there are any great mines to be discovered, or anything else of that kind, that the Government can at its pleasure revoke the grant that it is now proposed to convey by this bill, at any time.

The trouble is, it seems to me, that there ought to be a profile of this proposed route, that any man who wants the right to go over this land should know first where he wants to go, and, in the second place, that he should produce to be made and presented to Congress a profile of the proposed route, show-ing where it is located, and how much land will be taken; and ing where it is located, and how much land will be taken; and
then this House could judge with some sort of correctness whether
it was proper or not that the right be granted.
Until that is done I want to say to my friend that I should feel
disposed to stand in the way of the passage of this bill.
Mr. GRESHAM. I will say in regard to that, that if the line
has to be located and the estimates made out for every railroad

before the bill is passed, railroad companies would build very

few miles of road that required Congressional action.

Mr. RAY. I would not care for the estimate, but gentlemen want to know where the proposed line is to be constructed, and what interests it might conflict with.

Mr. GRESHAM. Sometimes, before a route is finally located, as many as twenty lines will be run up and around a mountain, and the final route will only be determined after a full estimate as to which is the cheapest and the best route. That will have to be approved, in this case, by the Secretary of the Interior, before any work can be commenced.

Mr. RAY. Then, in effect, this House is asked to authorize

these gentlemen to build a railroad anywhere upon this reserva-

Mr. GRESHAM. No, sir.

Mr. RAY. And then after they select a particular line they propose to submit it to the Secretary of the Interior, and if he says "go ahead" it will be all right.

Mr. GRESHAM. No. sir.

Mr. RAY. In other words, we in effect submit the whole mat-

ter to the Secretary of the Interior to say whether a proposed

ter to the Secretary of the Interior to say whether a proposed route shall be occupied by the railroad or not.

Mr. GRESHAM. No, sir.

Mr. RAY. And Congress in that event would yield all jurisdiction over the matter to the Secretary of the Interior—

Mr. GRESHAM. No, sir; that is not the case in this bill.

The termini are fixed, and the road to be built between the two termini is the thing that is left in the discretion of the Interior Department.

Well, then, the proposition is you fix the two Mr. RAY. ends of the road

ends of the road.

Mr. GRESHAM. Yes.

Mr. RAY. And the promoters of this enterprise may go anywhere on this reservation, round and round it, and over it and over it, and you leave it to the Secretary of the Interior to approve that. The Secretary of the Interior will leave it to some clerk in the Department to look into; so that this Congress surrenders its entire jurisdiction and discretion in the matter postably and probably to some clerk in the Interior Department. sibly and probably to some clerk in the Interior Department. Now, I submit to the gentleman, do you think that that is at all proper or wise? Do you think that this Congress ought to submit to any such thing as that?

Mr. GRESHAM. Yes.

Mr. GRESHAM. Yes. The CHAIRMAN. The hour has expired, and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OATES, from the Committee of the Whole, reported that that committee had had under consideration the bill H. R. 4243, and had come to no resolution thereon.
The SPEAKER. The morning hour has expired.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WHERLER of Alabama, for four days, on account of important

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the special order. The Clerk read as follows:

A bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States.

BANKRUPTCY BILL.

Mr. OATES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which has just been read.

The motion was agreed to.
The House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the chair.
The CHAIRMAN. The House is in Committee of the Whole

for the consideration of a bill the title of which the Clerk will now report.

The title was again read.

The CHAIRMAN. The gentleman from Louisiana.

Mr. BCATNER. Mr. Chairman, it might be supposed that a measure such as the one now before the House, one proposing to deal with a purely business question, one having no political or sectional lines, would receive from this House a careful, a calm, and a dispassionate consideration. One would suppose, howfrom reading some of the remarks which have been delivored in the consideration of this question, that an infamous conspiracy had been entered into to deprive a large number of American people of their constitutional rights and privileges.

One would suppose that the bill struck at the firesides and

the hearthstones of a large number of our constituents, and that the gentlemen who framed the bill, who introduced the bill, who reported the bill, and those who advocate it are entirely indifferent to the sufferings of their distressed constituents, and are willing tools in the hands of heartless Shylocks, to betray to oppress, and to outrage the people whom they have come

here sworn to represent.

I challenge, Mr. Chairman, the consideration of this bill by any fair-minded man for one single atom of foundation for the violent charges and assertions which have been made against it.

I find, sir, in the remarks of the gentleman from Alabama [Mr. Drinson], delivered a few days ago, some violent diarribes and charges against the bill. He claims that it will despoil his farmer constituents of their homes, that it is "an infamous thing," and in general he exhausts the vocabulary of denunciation in declaring this bill ought not to receive the support of this House. When your corne to analyze his greech, Mr. Chairtion in declaring this bill ought not to receive the support of this House. When you come to analyze his speech, Mr. Chair-man, you find that the first great fault which he discovers is in the definition of insolvency. The next is that if a merchant does not meet his commercial paper in thirty days, and remains suspended for that length of time, that he is subject to the pro-visions of the act. The third is that national banks are not sub-

ject to the provisions of the act. The fourth is that the fees of counsel and the employés to look after the estate in the bank-rupt courts are to be paid out of the funds of the bankrupt surrendered to the trustee.

The fifth provision to which he objects is that relating to homestead exemptions, and his sixth point is that the farmers are substantially subjected to the provisions of this bill because they owe the merchants, and if the merchants are thrown into bankruptcy the farmers may be compelled to pay their debts. These points, Mr. Speaker, taken out of the gentleman's speech, constitute the sole basis for the charge which he has made against the bill as an infamous conspiracy concocted by one

class of American citizens to rob and despoil another class.

Let us look at the definition of "insolvency." The definition in the bill is that a man is insolvent when his property, at a fair valuation, is not sufficient to pay his debts; a definition of insolvency known to the civil law ever since there was a civil law, a definition differing from the definition of the common law, inthat the common law declares that a man is insolvent when he fails to pay his debts, while the civil law holds that he is insolvent only when his property is not sufficient to pay his debts Now, how is a man's insolvency to be determined under any system of laws? Is he to say himself whether he is insolvent or not? Is any particular individual to say so? Is the judge to say 80? And whoever is to say so, must be not have some rules for his guidance, some rules by which to determine the fact in a legal sense?
Then, what fairer rule can be found than that his insolvency

or his solvency shall be accertained by a fair valuation of his property, and that the verdict, the result, shall be pronounced by a fair and impartial jury who have heard the evidence in the case? Is it to be presumed that, simply because a man has been proceeded against in bankruptcy, the judge at once becomes a tyrant, at once becomes incompetent and dishonest, that the jury is to be packed against the victim, that the jurors will not consider the testimony, that witnesses will commit perjury to injure him. that the court will not decide according to the law and the jus-

Mr. Speaker, if that is a fair deduction, if any such deduction can be drawn in this case, then we ought to abolish all trials and all courts, because, whenever a man is brought before a court, upon any ground whatever, he is to be regarded as a victim, everything is against him, and he can not get justice in the tribunals of the land. To my mind, sir, that objection is absolutely absurd, with all due respect to the gentleman from Alabama. No man ought to be put into bankruptcy unless he is insolvent, and you can find no fairer means of testing a man's solvency than that which is proposed in this bill, to ascertain whether his property is sufficient, on a fair valuation, to pay his

But the gentleman asks what is a fair valuation? It is a fair valuation; that is what it is. It does not mean what his property will sell for under the hammer; it does not mean what his prop erty will sell for on ten years' credit. It does not mean what his property would sell for without proper effort to effect a sale.

It means just what it says, a fair valuation. It means that the appraisers and the witnesses who come before the jury shall be asked about their knowledge of the property, and about their judgment as to what is a fair valuation of it under existing con-

Mr. RAY. If the gentleman will permit me to interrupt him for a moment, I do not want to enter into any controversy at all, but I want to ask him whether he is arguing that every man ought to be put into bankruptcy, or that the law ought to permit every man to be put into bankruptcy, simply because he is

Mr. BOATNER. By no means, and this bill does not so contemplate.

I knew that; but I desired to bring it out clearly. Mr. BOATNER. This bill only provides that whenever certain other conditions named in it concur, and when in addition the man is inscivent, then he may be put into bankruptcy. Of course if every man who is insolvent were to be thrown into bankruptcy we would have a collapse in commercial circles in

the United States.

Mr. RAY. I asked the question simply because I thought the gentleman was giving the impression to the House that this bill did permit the throwing of every man into bankruptcy simply use he was insolvent

Mr. BOATNER. If anything I was saying was producing any such impression I am very thankful to the gentleman from New York for correcting it, because I had no such idea in my mind.

Mr. DENSON. I will ask the gentleman when is this fair valuation to be determined?

Mr. BOATNER. The fair valuation is to be determined at

Mr. DENSON. At the trial; and yet you say in your bill that if the man, being insolvent, fails to pay his commercial paper within thirty days he may be hurled into bankrbptcy.

Mr. BOATNER. "Hurled" is a very good word. [Laughter.]
Mr. DENSON. Mr. Chairman, the very terms and the very
reason of the bill itself show that the insolvency must be determined by the debtor himself within thirty days. I understand the gentleman from Louisiana to say now that he may determine

there has been any judicial determination of the fact. being true, the debtor has got to determine it. Has got to de-termine it, and when? Within that thirty days, and every day

within that thirty days.

Mr. BOATNER. If the gentleman has concluded his remarks
I will resume mine. [Laughter.]

Mr. DENSON. I thank the gentleman for the time he has

granted me.

Mr. BOATNER. What I said was that a fair valuation meant a fair valuation. I know no simpler word in the language than the word "fair." It is an original word, belonging to the language than guage, and it has been in use so long that its meaning is well understood by the common people as well as by the courts.

Mr. BOATNER. Idecline to yield just at this moment. What I said was (and the gentleman from Alabama will not misunderstand me now if he did before) that this bill means that the stand me now if he did before) that this bill means that the property shall be valued fairly. It does not mean that the property shall be estimated by what it would bring under the auctioneer's hammer, or by what it would bring if sold for cash without the benefit of an appraisement, or by what it could be sold for on ten years' credit. The intention is that the court shall ascertain what is a fair valuation of the property under existing conditions, upon information to be obtained from witnesses who are acquainted with the property and know its

Mr. DENSON. Will my friend from Louisiana yield for a statement and for a question in the nature of a statement—short and succinct, I think?

Mr. BOATNER. I will yield for a question, not for a speech.
Mr. DENSON. What is to regulate this "fair valuation"—
the condition of the money market, the demand for that particular kind of property, and the means at command for purchasing
it? By the express terms of this bill must not the debtor himself, within thirty days from the time he fails to meet his com-

mercial paper, determine this valuation?

Mr. OATES. The gentleman will permit me to say that no question arises on the exempt property until the adjudication in

bankruptcy is made.

Mr. DENSON. I understand that; my friend from Alabama [Mr. OATES] certainly states that matter properly. But the question I am talking about is the principle of putting a man into bankruptcy on that ground. Whether he has property worth a million dollars or property worth only a few hundred, the question is how is the value to be determined? It must be determined within those thirty days. We have adopted, it seems, the gold standard, and the value of this property would have to be determined by the gold standard when there is to-day an insufficiency of gold in the land. And if a man can not pay his debts in gold his property is to be sold under this bankruptcy proceed-You put him upon a gold basis—the most excruciating ma-

chine of oppression ever conceived by the mind of man.
Mr. BOATNER. The gentleman evidently desires to open
up a question which has, for the present, I think, been settled.
I have had all to say upon it that I desire to say at this time. Mr. DENSON rose

Mr. BOATNER. I begthe gentleman's pardon. If he desires to make another speech on the question, I will yield him the floor; otherwise, I must beg him to allow me to proceed with my

Mr. DENSON. I had no wish to interrupt the gentleman.
Mr. BOATNER. I have not the slightest objection to being
interrupted by a question, but I do not want my argument broken in upon so that the gentleman will occupy the position of delivering a speech and I that of an auditor. I have read the gentleman's speech with a great deal of pleasure, and hope we may have the pleasure of hearing from him again on the same subject. But I desire to say a little myself about this question.

Mr. DENSON. On a gold basis?
Mr. BOATNER. On any basis you see fit to put it on.
I supposed that my friend from Alabama would understand that

the condition of the bankrupt is tested by his position at the time the act of bankruptcy occurs

Mr. DENSON. And the valuation is to be made then, too.
Mr. BOATNER. I do not know that the bill so expresses it;
but it is so clear a legal principle that it would be implied. A
man is proceeded against in bankruptcy; the allegation is that
he has committed an act of bankruptcy; the time when the act is committed must be alleged; and the condition of insolvency as a concomitant circumstance and necessary cause must be alleged along with it.

If the paper of a merchant goes to protest to-day and remains protested for thirty days, his condition at the end of thirty days, financially and otherwise, determines whether he is subject to a proceeding in bankruptcy. If he is insolvent on that day, he would, under the provisions of this bill, be adjudged a bankrupt; if not insolvent on that day he would not be adjudged a bankrupt; and in ascertaining whether he is solvent or insolvent the fact would be determined by a fair valuation of his property and a comparison of its value with the amount of the debter. and a comparison of its value with the amount of the debts

Mr. DENSON. The inevitable consequence of the gentleman's argument is that this "fair valuation" must be the cash valuation within those thirty days during which the act of

bankruptcy is committed.

Mr. BOATNER. The gentleman is at liberty to draw any conclusion he pleases from my argument; but I must protest against being interrupted in this way and having a speech inter-

jected into my remarks under the guise of asking me a question.

Mr. DENSON rose.

Mr. BOATNER. I decline to yield to the gentleman just now. I have not the slightest objection to his asking me any question pertinent to the bill; but I must insist that I can not engage in a discussion with him about the merits or demerits of this question.

I have already, Mr. Chairman, explicitly stated that in my in have already, Mr. Chairman, explicitly stated that in my judgment the meaning of the language is not the cash value of the property, but the fair value of the property; not the price that the property would bring under extraordinary conditions, but the value that it would produce in the ordinary course of business. If merchandise, it would be the value at which such merchandise in such condition would ordinarily sell for.

Mr. DENSON. What is the standard of value?

Mr. DENSON. What is the standard of value?

Mr. BOATNER (continuing). If it be the stock of a whole-sale dealer, then the value would be what that stock would bring at ordinary wholesale prices; if it be a retail dealer, then what the merchandise would bring at retail prices, taking into con-sideration the age of the goods and the period of the sale and all the conditions and circumstances surrounding the case. it be real estate it would be what the real estate would sell for at the ordinary market value of such property, partly cash and partly credit.

I therefore despair, after having read carefully the speech of the gentleman from Alabama, who has been interrupting me, I utterly despair of making the slightest impression on his mind or inducing him to understand any of the provisions of the bill from the standpoint of the ordinary construction of fairness and reason. For his remarks indicate that this bill is to him like a red flag to an ordinarily mad bull; it inflames his passions and resentments and stirs him up to sentiments which induce him to say that under no circumstances would he have anything to do with the infamous thing, as he chooses to call it. I am merely trying now in my own way to expose the utter fallacy of his premises and his conclusions.

To proceed. A merchant must pay his commercial paper in thirty days. Now, the gentleman from Alabama does not express any great concern about the merchant, but he shows where the shoe pinches somewhat, because he tells us if you put the merchant into insolvency the merchant holds the waived notes,

merchant into insolvency the merchant holds the waived notes, judgments, and mortgages upon property of his farmer constituency, and they would all be brought under the jurisdiction of the Federal court by this process of law. How are they to be brought under the machinery of this law, I would ask?

The fact that the note or the debt that they owe falls into the hands of the assignee does not give the United States court jurisdiction of the suit on the claim or the notes they own. These must be enforced in the courts in Alabama, where your farmers have the benefit of the State laws and the exemption laws, and where they can not be any more oppressed by the assignee than by the merchant himself. So that argument falls flat, that the bill carries any hardship on the farming interest of the country

It seems to me, Mr. Chairman, that the championship of the farmers by some of the gentlemen upon this floor is purely gratuitous and unnecessary. So far as I know the farmers of the United States pay their debts. In my own district I know it to be a fact that it is the rarest thing that any one has a claim for collection

against a farmer. They are generally the best paying of the debtor class. It is a certain class of merchants who do not pay their debts, not the farmer; and the farmers do not ask any one toclaim for them exemption from liability on their contracts and immunity from laws enacted for the benefit of all.

The gentleman from Alabama found tremendous fault with the bill because national banks are not subjected to the involuntary provisions of the bill. Is the contleman is a subject of the involuntary provisions of the bill. untary provisions of the bill. Is the gentleman ignorant of the fact that the settlement of the affairs and the liquidation of the national banks is provided by the law of the Uni ed States, and which authorizes the most summary process for that pur-

Mr. DENSON. I made no objection about national banks not

being included in the bill.

Mr. BOATNER. Well, the gentleman, if he did not make objection on that score, certainly had a great deal to say about it. He spoke at considerable length on the subject, and referred to the fact that the national banks had practically suspended payment; that they had refused to pay the checks of their customers against deposits; and the gentleman from Texas [Mr. Cul-BERSON] suggested that the national banks by this process could lock up the money of their customers and force them into bank. ruptcy because they could not obtain money to pay their debts. The gentleman certainly is aware of the fact that under the law any national bank which fails or refuses to cash at once a single check drawn by any one of its depositors is subject to instant suspension, and to be placed in the hands of a receiver.

Mr. McMILLIN. And to have its deors closed.

Mr. BOATNER (continuing). Yes, to adopt the most summary measures; put it in the hands of a receiver and close the

They have not done this because they know the banks

were justified by the public sentiment and the emergency of the situation in doing as they did.

In the interest of conservatism, in the interest of prevention of the enormous damage which would have occurred from the policy of allowing the banks to be entirely depleted of their deposits, this system was sanctioned by the Comptroller of the Currency, I believe, of justifying national banks in refusing to pay checks to an unlimited extent.

Mr. McMillin. Any one creditor, however, notwithstanding the action of the Comptroller, could close a bank for failure to pay his checks.

Mr. BOATNER. Of course any one creditor who saw fit could have invoked the most rigorous measures against any bank that refused to pay his checks, and the fact that that was not done is the strongest proof that they all felt it was in the public interest that the banks should pursue the course they did pursue; and it was because the liquidation of national banks, the supervision of was because the inquidation of national banks, the supervision of them and the settlement of their affairs in the event of failure, are so fully and amply provided for by the general laws, that they were excepted from the provisions of this act; and I supposed no one knew that any better than the gentlemen who have assuled the bill, indirectly it may be, because of the fact that national banks are not included in its provisions.

Now, the gentleman finds that the fees of the lawyers who are

employed to liquidate and conduct the business of a bankrupt estate in court are to be paid out of the assets of the estate. is, that creditors are required to pay their lawyer with their

own money.

Gentlemen seem to forget the fact that when a man is a bank-rupt, when his property has been surrendered to his trustee or rupt, when his property has been surrendered to his trustee or assignee, that property then becomes the property of the creditors and that they alone are interested in it. His very adjudication in bankruptcy is a declaration of his insolvency, is a declaration that his property is insufficient*to pay his debts, and when the law provides that the fees of counsel employed to liquidate the affairs of the bankrupt estate shall be paid out of the proceeds of the property, it merely provides that the creditors shall, pro rata, contribute to the necessary expenses of the liquidation of an estate in which they are interested.

Now, the gentleman's next object of attack is the provision relative to homestead exemption; and he undertades to make a legal quibble over the language of the act, undertakes to make it appear that a man might be adjudicated a bankrupt in one State whose domicile was in another, and that by the law declaring that the exemptions, recognized by the laws of the State where the adjudication was made, shall be respected, he not having any exemptions there, would be defrauded of his exemptions in his own State.

It is a sufficient answer to that to state that the member having this bill in charge [Mr. OATES] immediately replied that if any such construction could be put upon the law—and by no fair rule of interpretation could such construction be put upon it he was ready to accept an amendment which would most com-pletely recognize the homestead exemption of the party in the State of his residence.

And I can say to gentlemen who attack the bill upon that ground that we would be just as far from advocating any measure which would imperil the exemptions and homestead laws of the several States as they themselves would be; and if there is anything in this bill which, by any sort of construction, can be held to mean what the gentleman from Alabama [Mr. DENSON] says it does, we are ready to accept an amendment which will

remedy that.

Now, Mr. Chairman, stripped of all verbiage, taking away all

Now, Mr. Chairman, stripped of an verbiage, taking away an questions of sentiment and of passion, striking out all vituperation and epithets, what is this bill?

It is a simple proposition that those who find themselves incumbered with debts more than they can pay, may come into court and surrender what property they have, and be exonerated

from their debts. Secondly, that all those who are insolvent and who have committed acts fraudulent or quasi-fraudulent, are liable to be proceeded against in the ordinary method, and after a fair trial be-

fore an impartial jury, and to be adjudged bankrupts.

Those are the main objects of the law. The first one is purely humanitarian. It is in the interest of the debtor class. It is also in the interest of the public, because it will enable men whose energies are cramped by a load of debt which they are unable to discharge to again embark in business and add their

quota to general prosperity.

The second object is to protect the mercantile interests of the country against the fraudulent failures, the collusive suits, and the schemes which are being continually concocted by dishonest debtors to defraud their creditors. That is what it is; and it is astonishing, sir, that so many champions should arise here for men, all of whom, under the terms of this law, are dishonest; because I say that no honest man can be hurt under any of the most stringent provisions of the law; and if there is any provision of this law under which an honest man can be injured, whether he is solvent or insolvent, further than that his property may be subjected to the payment of his debts, I would like some opponent of the bill to rise in his place and point it out

Mr. BAILEY. Did not the gentleman from Louisiana [Mr. BOATNER] introduce a bill omitting several of the grounds which this bill contains?

Mr. BOATNER. I did.
Mr. BOATNER. I did.
Mr. BAILEY. Then why did you omit them? and by omitting them did you not admit that they are objectionable?
Mr. BOATNER. I omitted them because I considered that they were unnecessary. I consider them unnecessary now, and shall move to amend the bill in those particulars; but that does not take away anything from the force of the assertions which I made just now, and which the gentleman from Texas does not contradict, that there is no provision in this bill under which

made just now, and which the gentleman from Texas does not contradict, that there is no provision in this bill under which any possible penalty could be visited upon an honest man.

Mr. BAILEY. I submit to the gentleman from Louisiana that a perfectly honest man may make a perfectly honest assignment, and yet, under the provisions of this bill, he could be made a bankrupt. Do you deny that?

Mr. BOATNER. I do not deny that.

Mr. BOATNER. That is he might be adjudged a bankrupt, on his own application, or that of his creditors under certain circumstances.

circumstance

Mr. BAILEY. But you say he could not be made a bankrupt under this bill.

Mr. BOATNER. I did not say that. Mr. BAILEY. Then I misunderstood the gentleman. Mr. BOATNER. I said he could not be made subject Mr. BOATNER. I said he could not be made subject to any penalties of this bill. It does not strike at any honest man,

whether he be solvent or insolvent

Mr. BAILEY. I did not say it could be made a crime under

Mr. BOATNER. If an honest man has made a full surrender of his property, and if he has complied with that provision of the law which requires that he shall faithfully deliver up his property, furnish a list of his creditors and debtors, then he is done. There are no pains and penalties in the law for-him. He is relieved, his debts are discharged. It is the man who has committed what the gentleman from Texas can not deny is a crime or a quasi crime who is subject to the penalties of the law, and who finds himself within its clutches.

Mr. BAILEY. If the gentleman will permit me, as he has

referred to me, and challenged me to produce that portion of the law, I say if a man makes an assignment with a preference, under this bill, that while he can not be prosecuted under this bill as a criminal, yet he is put under its penalties. It has been held in every court where the case has been submitted that a man may make a preference in assignment, and still for doing that he is denied his discharge.

Mr. BOATNER. Will the gentleman show me wherein, under this bill, a man may be prosecuted as a criminal for making a preference that he is permitted to make under the laws of the

Mr. BAILEY.

Mr. BAILEY. Yes, sir; I will. Mr. BOATNER. I will be very much obliged to the gentle-

Mr. BAILEY (reading):

Given a preference as herein defined, under an assignment for the benefit of creditors or otherwise which has not been surrendered to the trustee.

Mr. BOATNER. Where is that? Mr. BAILEY. You will find that on page 15, subdivision 2. Mr. BOATNER. The gentleman does not suppose that is a penalty

Mr. OATES.

Mr. OATES. It is a cause of bankruptcy. Mr. BAILEY. For this he is refused his discharge. Is that not a penalty and punishment?

Mr. BOATNER. Please call my attention to the place where

you find that again.

Mr. BAILEY. It is on page 15, and it is on line 15.

Mr. BOATNER. You are referring to that part of the bill that refers to the discharge of the bankrupt?

Mr. BAILEY. Yes, sir. In other words, you can make him a bankrupt for having done a thing and then refuse him a discharge.
Mr. BOATNER. You refer to line 24.

Mr. BAILEY. No; I refer to the second subdivision, on line

Mr. BOATNER. On page 15, line 22.
Mr. BAILEY. No; page 15, line 15, subdivision 2. It gives the offenses for which he shall not be discharged, and begins: Committed an offense punishable by imprisonment or fine, as herein pro-

And then beginning on line 15, page 15, with (2) it proceeds as I have instanced a moment ago.

Mr. BOATNER. It states give preference "as herein defined.

Mr. BAILEY. And the preference is not defined.
Mr. BOATNER. I do not find it Mr. BOATNER. I do not find it. In reference to that it is sufficient to say that the section to which the gentleman calls my attention refers to an unlawful and fraudulent preference, which is a quasi offense, and which no honest man can make.

Mr. BAILEY. Not merely a fraudulent preference; any preference. A preference may be entirely lawful under the laws of the State yet it is covered by this provision. Mr. BOATNER. I do not find at this moment the definition

of "preference" in the bill. It says "as herein defined," but I

of "preference" in the definition.
do not find the definition.
Mr. BAILEY. "Preference," as defined in the bill is the common law definition. In other words, preference there means any

Mr. BOATNER. I will come back to that point later, but I say now that that is no penalty, because it leaves the man in exactly the same condition that he would be left in by the laws of his State. His property is subjected to the payment of his debts, and he is still held liable for the balance, if any. He is left in exactly the condition of any constituent of the gentleman from Texas whose property is seized and sold to satisfy a judgment for

more than the property brings.

Mr. BAILEY. The gentleman declared that there was no penalty, no punishment provided in this bill, and I was simply con-

tradicting that statement. Mr. OATES. Let me suggest to the gentleman from Louisiand that wherever the bill speaks of a preference, there can be no penaly in law attached to that preference unless it is a fraud-

lent one. Every lawyer ought to know that.
Mr. BAILEY. I beg the gentleman's pardon. Many of the States declare any preference untawful, while at the common law a debtor could prefer any creditor.

Mr. OATES. Can the gentleman find any court that will pun-

ish a man for making a preference unless it is fraudulent?

Mr. BAILEY. I undertake to say that no court in this Union, unless there be a special statute, can punish a man for making even a fraudulent preference.

Mr. OATES. Well, this bill, when it refers to "preference,"

means a fraudulent one and nothing else.

Mr. BAILEY. The gentleman from Alabama [Mr. OATES]
does not help the gentleman from Louisiana much. [Laughter.] Mr. OATES. Certainly. If there is no definition in the bill of what it means by "preference," then the word takes its com-mon law signification.

Mr. BAILEY. Why don't you say "fraudulent" if you do not intend to cover them all?

Mr. OATES. The law says it.

Mr. BAILEY. The law does not say it; and the gentleman

from Alabama will not stand up here and affirm before a body

composed largely of lawyers that every preference is fraudulent. Mr. OATES. I did not say that. I said that no preference, unless it was fraudulent, would be punished by the criminal law, and I reassert that proposition. Does the gentleman assert the

Mr. BAILEY. Certainly not; but even a fraudulent prefer-

Mr. DATES. Certainly not, but even a fraudulent preference is not punishable at common law.

Mr. OATES. The question arose in this way. The gentleman said that by this bill a preference was dealt with criminally, but that the word "preference" was not defined in the bill. I remarked that if it was not defined in the bill, then it

bill. I remarked that if it was not defined in the bill, then it must bear its ordinary legal interpretation, and that to make a preference punishable by law it must be fraudulent.

Mr. BAILEY. The gentleman from Alabama [Mr. OATES] was otherwise occupied at the time, and the point of my criticism escaped him. I beg the pardon of the gentleman from Louisiana [Mr. BOATNER] for interrupting him, but he invited it.

Mr. BOATNER. Of course I did, and I think the gentleman has utterly failed to show any provision of this bill which can be construed as a penalty, or even as a disadvantage in the nature of a penalty, upon any honest man.

Now, sir, I do not apprehend that we can by any law of the United States put a man at a disadvantage for the commission of any act which is lawful by the laws of his State. I suppose it is lawful by the laws of give a preference to a creditor. If a man has made an assignment or a preference under the law of Texas, that assignment must stand; what was lawful at the date of its commission can not be made unlawful by the subsequent act of anybody whatever. Therefore, by the pure force of reasoning the provision of this bill to which the gentle-man calls attention must refer to that class of preferences which ought to be denounced by the laws of the State as unlawful or otherwise fraudulent.

For example, the law of Louisiana allows a man to mortgage his property whenever he chooses, but it also declares that any mortgage which is executed within four months of his failure shall be deemed to be fraudulent. By the mere fact of its being executed within four months of his failure that mortgage is deemed fraudulent and it carries no lien with it. So the bill declares that all preferences which are made within four months of the proceeding in bankruptcy, if the debtor making them shall be insolvent at the time, shall be deemed fraudulent and shall be set aside, and that is the class of preferences referred to in the provision to which the gentleman calls attention.

Mr. HAINER of Nebraska. If the gentleman from Louisiana will permit me, I wish to suggest, that under the Constitution of the United States Congress may pass a uniform bankruptcy law, and wherever that law conflicted with the State law the State law

would necessarily give way.

Mr. BOATNER. Yes; the State law would necessarily give way, but I do not consider that we could by a bankruptey law abrogate the laws of the State which relate to the ordinary contracts between citizens of the State, or between citizens of that State and of any other State. Congress may, in adopting a bankrupt law, deal with the question of insolvency in all its aspects, and any laws of the State dealing with the same subject are abrogated or suspended during the existence of that law.

Mr. KILGORE. Will the gentleman allow a question?

Mr. BOATNER. With pleasure.

Mr. KILGORE. As I understand the gentleman, when a man goes into bankruptcy under the proceeding here contemplated, any mortgage executed or lien acquired within the preceding any mortgage executed or hen acquired within the preceding four months becomes null and void. Now, suppose that within the period of four months, immediately prior to the bakruptcy proceeding, a mortgage has been executed, judgment obtained, execution levied, the proverty sold, money collected and paid, the whole transaction completed, how would this bill affect that sort of a transaction? Would it not be entirely unsettled? Would at the whole transaction of the more discounted that who would be a transaction. not the whole proceeding under that mortgage or lien have to be commenced anew?

Mr. BOATNER. The gentleman states an extreme case; I should consider it prima facis fraudulent, collusive, and out of the ordinary course of business. If an unlawful preference, under the terms of the bill it would be avoided; otherwise not. I find in section 60 the definition given by this bill to "preference," upon which the gentleman from Texas laid such stress a while

ago. The language is this:

A person shall be deemed to have given a preference if, being insolvent or in contemplation of insolvency or bankruptcy, he has procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property with intent to (1) defeat the operation of this act; or (2) enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class.

In other words, in contemplation of insolvency, in contemplation of his failure, the debter suffers this thing to be done; and such

conduct the gentleman from Texas seems to consider that of an honestman

Mr. BAILEY. Does the gentleman deny it?
Mr. BOATNER. The gentleman will allow me to say that his ideas on that subject may be very different from mine, because I was bred under the civil law which declares that the property of the debtor is the common pledge of his creditors, and that any disposition made of it by him, when in a condition and that any disposition made of it by film, when in a condition of insolvency, to their prejudice, giving one creditor advantage over another (of course this does not refer to liens, mortgages, or preferences given at a time when the debtor was not in a state of insolvency, is a fraud and may be avoided by the mere fact of insolvency. The gentleman's ideas in view of the code of laws and a which he was raised may differ materially from his under which he was raised may differ materially from mine on a question of that kind, I having been brought up, as I have stated, under the civil law.

Mr. BAILEY. The gentleman's explanation is satisfactory to me, although I say to him, he having been "bred under the civil law," that I once saw a distinction drawn between the civil and the common law; the common law being defined as "the perfection of common sense," and the civil law as "the perfection of nonsense." I do not undertake, however, to say that that definition was an accurate one. But the gentleman from Louisians will not deny (because he is too good a lawyer in the civil law not to have a knowledge of the common law) that the the civil law not to have a knowledge of the common law) that the definition of a preference as given in this bill is precisely the common law definition, because any man in making an assignment to a creditor prefers that that creditor shall enjoy a divi-

dend from his estate greater than other creditors.

Mr. BOATNER. But the preference must be made in con-

templation of bankruptcy.

Mr. BAILEY. Well, people never make an assignment except in contemplation of insolvency.

Mr. BOATNER. The gentleman's views of what would be the duty of an honest man under those circumstances differ so radi-cally from mine that we can not reach an agreement. I consider that when an insolvent debtor, in view of his failure, in view of his bankruptcy, undertakes to convey his property to one debtor or one class of debtors to the prejudice of other debt-ors who have equal right to be paid, who have equal claims upon his property, he commits a dishonest act, an act which ought to be reprobated, an act which ought to be prevented by a law of the United States which proposes to regulate commercial transactions of this sort in the commerce between States.

Mr. BAILEY. If the gentleman from Louisiana will permit me to put an instance, I am perfectly sure his sense of justice will respond to my view of the case. He says that all debtors ought to be equally paid. Now, suppose the gentleman is indebted to a widow who has placed in his hands every dollar that she possessed in the world; suppose at the same time he is indebted to a rich man who could afford to less the debt without the last a rich man who could afford to lose the debt without the least inconvenience. Now, suppose the gentleman could not pay both those creditors, would he not prefer to pay the widow and let

the rich man wait?

Mr. BOATNER. I might do so.

Mr. BAILEY. Yet, under this bill, in doing so you would commit an act of bankruptey.

Mr. BOATNER. I challenge the gentleman to show it. The

bill does not so declare.

Mr. BAILEY. Let me finish my statement.

Mr. BOATNER. I am replying to the gentleman. The bill says that if he does that in contemplation of bankruptcy he can

mr. BOATNER. But as to making the act a penal offense or visiting upon the debtor any other penalty than holding him still libble about the statement. liable for that debt, there is no provision in the bill tending to have that effect.

have that effect.

Mr. BAILEY. It is easy to answer a man by interrupting him when he is only halfway through—when he is in the middle of a statement. I contend that when a man does the act which I have described, you under this bill permit the rich man to drag him into court, to make him a bankrupt against his will, and, after having made him a bankrupt, you refuse him a discharge, and compel the widow to return her payment to the court and divide it with the rich man.

Mr. BOATNER. Now, if the gentleman from Texas will kindly permit an interruption. [Laughter.]

Mr. BAILEY. The gentleman knows that he invited this himself. I sat here and did not interrupt by a word until he himself invited it.

Mr. BOATNER. I believe the law of Texas, which is largely

Mr. BOATNER. I believe the law of Texas, which is largely borrowed from the civil law, although it is but the perfection of Mr. BAILEY (interpting). We have improved it very much

since we adopted it.

Mr. BOATNER (continuing). Probably. I believe under the law of Texas a man who owes debts may be sued. In other words, he may be dragged into court, and there he may be arraigned before a judge and jury, and, from the standpoint of some gentle-men, he may be harshly and mercilessly treated, and all of that in the interest of the creditor. If the debt is proved the complainant may obtain judgment, and when he gets his judgment he may take out a writ of fi. fa. and seize anything that the Texas debtor has that is not covered by the legal exemptions and sell it under the sheriff's hammer and apply the proceeds to his debt, as far as it will go, and if it does not cover the whole of it he can hold the balance of the debt not paid by the proceeds of the property over the head of the debtor. Now, that is the terrible condition of the Texas laws, and so,

also, that is the condition of the Texas laws, and so, also, that is the condition of several other States in the Union. Let us see how that compares and comports with this "outrageous piece of legislation" we have now under consideration. Why, the Texas debtor owes a rich man, my collection from Texas for instance, and at the same time he owes a debt to a poor widow, and makes a preference in behalf of the widow and pays her, and he does that knowing the result, but he takes the con-sequences. In the first place, let me say, he has got no business to be largely in debt to a poor widow; but whatever it is. he pays the debt and takes the chances. He has got a perfect right to pay her. He knows that and he does. What is the penalty? The rich man, the heartless creditor, instead of proceeding under the laws of Texas, prefers to take proceedings in the bankruptcy court, and has the debtor adjudged to be a bankrupt and takes all of hisprope ty except what he is entitled to under the legal exemptions. sells the property, applies the proceeds to the debt, and holds the balance on his Texas debtor who has an exemption, which, as I understand the law of the State, covers everything that can be put on a 200-acre lot. Where is the penalty? He is placed in precisely the same position that law places him.

Mr. BAILEY. But the amount paid to the widow may be taken into consideration. Proceedings may be had to recover

Mr. BOATNER. The widow is not in it, so to speak. No; she has got her money and gone, and your Texas debtor is in exactly the same condition that he would be in if his debt had been

collected through the ordinary machinery of the county court. Now, to proceed, Mr. Chairman. I will call the attention of the committee particularly to the argument made by my distinguished friend from Texas [Mr. Kilgore] on yesterday, upon the provision of this bill that authorizes the revocation of a discharge that has been procured by perjury or fraud. That seems to be a startling innovation to the gentleman from Texas, that a judicial decree obtained by fraud or perjury should be subject to revision or to be revoked. I believe this is a new feature in bankruptcy legislation, but I take it to be a wise and a beneficial feature. It takes away the incentive to fraud and the inducement to perjury, because the bankrupt who goes into the court and obtains his discharge by such means as that, feels all the time that it is subject to review and that he may be deprived of the fruits of his crime. But the gentleman from Texas was so unreasonably opposed to the law that he overlooked the provision which restricts the right to sue for the revocation of a discharge to those who have an interest in the question, and who have not been guilty of undue laches.

Mr. KILGORE. The gentleman must know that that is not

a fair statement.

Mr. BOATNER (continuing). He contended that it was not necessary for a man to be a creditor to have interest in the proceedings in order to enable him to go into the court and allege that the decree granting the discharge of the bankrupt was obtained through perjury or fraud and obtain its revocation. And, Mr. Chairman, the section of the bill immediately below the one the gentleman commented upon plainly and in express terms restricted the right to a creditor, a party having a lawful interest to protect.

Mr. KILGORE. I submit to my friend from Louisiana that that is a very unfair statement. I made the statement the gen-tleman says I made, but corrected it immediately. I recurred to the paragraph and corrected it instantly, and read the section to which he refers making the correction in the presence of the committee: Now, for him to say I insisted that that was the ground of my opposition is unfair and unreasonable. Mr. BOATNER. I certainly do not undertake to say that that

was the sole ground of the gentleman's opposition.

Mr. KILGORE. The question I wish to put to the gentleman is this: I did not suppose that any gentleman would reiterate a

me for a moment. When we had the debate on the bill on yesterday I inquired, while the gentleman was discussing it, and

when he made the assertion I have referred to, whether there was any provision in the bill which required that the application

Mr. KILGORE. And I responded at once—
Mr. BOATNER. Let me go on. The gentleman said "No."
"Well,"said I, "is not the gentleman aware of the universal rule of law, which restricts the bringing of suits to those who have some interest in their prosecution?" and the gentleman replied, "Well that may be the general rule of law, but this bill seems to supersede all the rules of law upon this question.

It was after that that the gentleman ascertained that the pro-vision was in the bill to which I have called his attention; but if the gentleman thinks that the reference to it is unfair, I am perfeetly willing to withdraw it: because I certainly have no dispo-

sition to do any injustice to the gentleman from Texas.

Mr. KILGORE. The gentleman himself disclosed his own ignorance of his own bill by not being able to call my attention to the fact that it was provided that somebody in interest should make this motion; and as soon as my attention was called to it, that some party in interest must make this motion, I read the section and made the correction, and took back all the misstatements that I have made about it, in the presence of this House.

Now, the question I propose to submit to my friend this morning, in connection with this discussion, is this: I say that on a motion by any man who may feel that he is justified in making the motion, the man who has been discharged from bankruptcy can be put back into bankruptcy after he has been out twenty-three months and twenty-five days; and if there is no ground for it, and if he is acquitted on that trial, yet he is put back into the bankruptcy court and broken up again, though he may be acquitted.

But that is not the main proposition. The most obnoxious feature in it is that he can be convicted of having secured his discharge by fraud, if the proof shows that he committed perjury, or that anybody in his behalf committed perjury in the original proceedings. That is the most obnoxious feature in the whole transaction, and the gentleman seems inclined to dodge that

Mr. BOATNER. Well, Mr. Chairman, the gentleman from Texas [Mr. KILGORE], I observe, has withheld his remarks of yesterday from the RECORD, and he will therefore have an opportunity to modify his views upon this obnexious paragraph; but the point which he now makes was fully answered yesterday in the questions propounded to him while he occupied the floor.

The gentleman admitted that he did not think a discharge which was procured by fraud or perjury ought to stand. I asked the gentleman that question. I said: "Do you think that a dis-charge that confessedly has been obtained by fraud or perjury charge that confessedly has been obtained by truck. So that ought to stand?" He said he did not think it ought. So that ought to settle the question, so far as he is concerned.

does not propose to revoke a discharge on any other ground. Now, a quibble was attempted to be made on the fact that the law says where a discharge has been obtained by fraud or perjury of a party, or any witness in his behalf; that if any witness had sworn falsely without the connivance, or consent, or knowl-edge of the bankrupt, yet that that would be a ground for set-

ting aside his discharge.

Not so at all. This law is to be construed and enforced by enlightened judges, acquainted with the rules of law. The gentleman knows that if he makes a motion for a new trial on the ground that perjury has been committed on the former trial, he must not only allege the commission of the perjury, but he must also allege and show that the perjury related to a material matter at issue, and that without that perjury the verdict or judgment would not have been given, and that with that perjury eliminated from the record the judgment ought to be

So in this case, if a witness is put upon the stand by the bankrupt, who swears falsely to an immaterial matter, to a matter which would not affect a discharge, which would not affect the judgment and decree of the court, why, the discharge would stand; but, if it was with respect to a matter visceral to the issue, if it was with respect to a matter without which the judge would not have granted the discharge and the creditors would not have consented to it, does the gentleman, from his seat in this body, say that that discharge ought to stand? I believe that as a man and a Representative he certainly will not say so.

But what is the effect of it? It merely puts the man back into bankruptcy. The referee or trustee, or whatever he is called, takes possession of the property. The bankrupt is required to take out a schedule of the property he has, which is subject first to the payment of the debts which he has bona fide contracted since the discharge, and the balance, whatever it may be, is ap-plied to the payment of his other debts. Is there any wrong in that? Is there any reason why a man should reap the fruits of his own perjury or his own fraud? Shall we frame laws here which will hold out an inducement to men to commit fraud, and say to them, "If you can successfully perpetrate a fraud upon the courts, you shall go scot free, and you shall have the fruit of your fraud, and it will not be in the power of the court to take that away from you?"

I think, Mr. Speaker, that the gentleman from Texas in his

I think, Mr. Speaker, that the gentleman from Texas in his calmer moments would not maintain such a proposition before this House.

The CHAIRMAN. The time of the gentleman has expired. Mr. BAILEY. I ask that the gentleman be permitted to conclude his remarks.

There was no objection.
Mr. BOATNER. Now, Mr. Chairman, in conclusion I want to say that to the best of my judgment, and according to the judgment of my constituents—and I believe I am as careful of the interests of my constituents as the average member; I believe I am as regardful of my duty as a member as the average member—according to the best of my light I think this bill, with certain amendments, which will be suggested hereafter, and which I think and believe the committee will accept, it is a wise and beneficent measure.

I wish to say of the much-maligned bankruptcy law of 1867, that it came to the country where I live as a white-winged messenger of peace; that it prevented many a family from being thrown into the road and into the street. It released many a man, aye, thousands of them, from a burden of debt which they never could have paid. It took away from the country an incubus of antebellum indebtedness which was crushing it into the earth, and enabled the people to go forward to a period of

omparative prosperity.

It may have been unfairly administered, and I think, perhaps, it was; and it did not sufficiently guard the interests of the creditor in the property which was surrendered by bankrupt debtors; that it allowed too much discretion to the judge and the officers; but so far as debtor was concerned, who went into the court and said, "Take what I have and turn me loose," it was a great blessing. I say it was the greatest boon that has befallen the State which I have the honor to represent in part since the war; and at this time, when the people are staggering under a load of debts which have accumulated in the last three or four years of depression, brought about by the low price of their products, to authorize all of those who are more heavily loaded than they can bear, whether merchants or farmers, to go into court and make an honest and fair surrender of the property and take a fresh start, would be beneficent to them and conductve to the public welfare. I do not think the gentleman from Texas, or any other gentleman, can have any reasonable objection to such a law.

It is impossible that the law can operate any hardship upon the farming class, because they are not subject to the involuntary features of it. This property, in most instances, consists of restate and things of permanent value. They are easily accessible by the ordinary processes of law. Their creditors are local creditors who will wait and extend time to them, and there is no necessity that they should be subject to the involuntary class of the act. It will be a boon to many a man who has for years been struggling under a load of debt, more than he could carry, and will enable him to avail himself of its beneficent provisions and to say to his creditors, "Take what I have and give me a release."

Then with respect to the merchant, whom gentlemen have been so vigorously championing. So far as I have heard, either by the public press, by petition or memorial, no opposition has been shown as coming from them against this bill, except the great traders who are in the habit of colluding with fraudulent debtors and defrauding other creditors. Here I want to touch upon a question which has, to some extent, come under my personal observation. It frequently occurs that when a wealthy house finds that one of its customers is getting into financial

rouble it arranges to attach his stock of goods.

It is all understood beforehand. The attachment is to run, the big house buys the property, and the other creditors get nothing. The big house is paid, and all the balance of the debtor's creditors get nothing except experience and the pleasure of paying the cost and expense of their vain effort to recover a modicum of what is due. It is from that class of houses, which, by their ability and willingness to assist the fradulent debtor with the means to consummate his plans and resume business in another name that opposition to this bill arises—I do not mean in this House, but from the outside—because I say, sir, that they are the only class of the mercantile community against which this bill will operate injuriously.

The ordinary merchant, the fair dealer, will be benefited by it. Because the merchants all over the country know if it becomes a law that the benefit of a collusion in attachment can not be obtained. If a writ of attachment should be sued out it would

be easy to avoid the effects of any collusion or fraud between the parties, by instituting proceedings in bankruptcy. If it appeared that the debtor had committed an act which would justify an attachment, the same evidence would sustain the proceeding in bankruptcy and the property of the debtor, administered for the benefit of all creditors.

the benefit of all creditors.

Then, sir, it not only takes away the incentive from the creditor who would "run" a collusive attachment by depriving him of the advantage which would follow from it, but it also prevents any creditor from taking an attachment unnecessarily or without due consideration and deliberation, because the immediate effect would be to put his debtor into bankruptcy. So that in neither case would the creditor derive benefit from an unnecessary proceeding.

sary proceeding.

Again, it offers the means to every debtor who has got into insolvent circumstances and is unable to meet his paper, to go into court with a proposition for a composition. He may file his application to be adjudged a bankrupt, and, at a meeting of his creditors he may offer a composition which, if the majority of the creditors in number and amount accept, the court must or ought to accept, and the business is closed. It takes away the power and ability of one recalcitrant creditor to take from the debtor the benefit of the law by demanding more than his share, because it puts all the creditors on an equality, brings them together and affords the means of affecting a fair, equitable, lawful settlement of the affairs of the bankrupt.

Taking it all around, therefore, considering it in every possible

Taking it all around, therefore, considering it in every possible aspect, I do not see how it can be held to be an engine of oppression, because it proposes nothing except the most ordinary proceedure of law under proper safeguards. It can hurt no one, because it guards every one's rights. It proposes to strike at no man unless he has been doing business in a way that is not recognized by law and is at least quasi criminal. The commercial people of this country want it, and the agricultural people, so far as I know, at least are not opposed to it. I have never heard a word of opposition to it except on the floor of this House. Why, sir, there is a book almost as thick as the one I hold in why hand filled with commendations of this law in its mean recommendations of this law in the mean recommendations of this law in its mean recommendations of this law in the mean recommendations of this law in the mean recommendations of the l

Why, sir, there is a book almost as thick as the one I hold in my hand filled with commendations of this law in its main provisions and with demands by the press of this country, from Maine to California, for the passage of a bankrupt law. There seems to be a universal demand all over the country, in all circles, for the enactment of a fair, just, and uniform bankrupt law, and, yielding to that universal demand, and my judgment being that this bill, with some amendments, may be made to meet substantially the demands of the country, I consider it my duty as a Representative to give it my support.

this bill, with some amendments, may be made to meet substantially the demands of the country, I consider it my duty as a Representative to give it my support. [Applause.]

Mr. BAILEY. The gentleman said sometime ago, in relation to a certain case which I put to him of a widow woman and a rich creditor, that under the law of Texas everything could be done that this bill proposes, and he declared that the only effect of giving a preference to the widow would be to leave him still subject to the demands of the rich man. I beg him to inspect on page 51 of this bill the paragraph beginning with line 10 and ending with line 16, which provides that if I give any preference that preference is voidable by the trustee, and he may recover the property from the person to whom it is given. Therefore if I were to give a preference to the widow under this bill not only could the rich creditor put me into the bankrupt court, but my trustee could then sue the widow and compel her to bring that property into court to be divided with the rich man.

but my trustee could then sue the widow and compel her to bring that property into court to be divided with the rich man.

Mr. BOATNER. Just reverse the case. Suppose you had given the preference to the rich man and had "stood off" the widow flaughter!, how would you want the law to be then?

widow [laughter], how would you want the law to be then?
Mr. BAILEY. We always prefer the widows. [Laughter.]
Mr. BOATNER. I did not think the gentleman from Texas
would argue that we ought to make legislation here with reference to widows and rich people and poor people. In the eye of
the law they stand on the same level. I have no doubt that the
gallantry of the gentleman from Texas would in all cases induce
him to settle with the widow and probably to pay her more than
he owed her [laughter]; but all debtors are not so gallant as the
gentleman from Texas, and a case might arise in which a debtor
would prefer the rich and powerful creditor. The debtor might
be more likely to "stand off" the widow (to use a slang expression of the day) and to "stand in" with the rich creditor, and I
think that from the gentleman's point of view this is a very wise
provision which would compel the rich creditor to disgorge what
he had improperly received and divide it with the poor widow.
[Laughter.]

Mr. KYLE. Mr. Chairman, I am opposed to this bill, and I propose to proceed in my way to give some of the reasons why I oppose it. I do not think, however, that is made necessary by the arguments which have been made in favor of the bill, to make a speech against it. And by this remark, sir, I do not mean to intimate that the gentlemen who have spoken in support of it are not able, ordinarily, to bring to bear upon any sub-

ject they discuss as much ability and as much force as any other gentlemen in this House. I mean to convey this idea, that the bill itself is so entirely indefensible that it is impossible for those gentlemen, with all their capacity to present any reasonable excuse for its passage. [Laughter.]

What is proposed by this measure, sir? What is the purpose of it? What is the controlling idea of this bill which is proposed by the interval of the controlling idea of this bill which is proposed.

to be enacted into law? Who is demanding the passage of such a law as this? All of these are questions that properly enter into the consideration of a measure of this kind. If there was a necessity for the passage of such a law as this we would certainly hear an expression to that effect from some section of this great

In whose interest, I ask, Mr. Chairman, is this measure proposed? It is necessarily a commercial measure. The idea of a bankrupt law never originated among any other class of people than persons engaged in trade. The first bankrupt laws of which we have any account had no application to any other class of people than persons engaged in trade. ple than traders. They grew up among trade people exclusively and were enacted for their benefit.

In the days when the idea of a law of this kind originated there

appears to have been as little consideration as in some sections appears to have been as little consideration as in some sections of the country there appears to be to-day for the plain people at large. The object of a law of this kind was to benefit the commercial classes, and if there is any class of people to-day who are to be benefited by the enactment of the bill now before us it is the commercial classes, the wholesale merchants. Mr. Chairman, I represent on this floor an intelligent constituency; and I never heard the subject of an involuntary bankruptcy law discussed among them. But when I came here to Congress one of the first heard the subject of an involuntary bankruptcy law discussed among them. But when I came here to Congress one of the first things brought to my attention was that this country was demanding the passage of a bankrupt law. When gentlemen came to talk to me on the subject I said to them, "I never heard this subject of involuntary bankruptcy mentioned in my district." Now, why is it that a law of this kind is wanted? If it is wanted at all it is desired by the wholesale or city merchants. Why is it that the wholesale merchants of the country ask for it? Mr. Chairman, we might as well be candid and frank about

Mr. Chairman, we might as well be candid and frank about this matter. My answer to that question is, they want it to help them to secure the collection of their debts against the country merchants. If this is not true, it is incumbent upon gentlemen advocating this bill on this floor to stand up here and deny that If this is not true, it is incumbent upon gentlemen proposition, and demonstrate that it is not true. I say it is true. Now, I want to put this question to members of the House: Is the Congress of the United States going to lend itself to this measure because this class of people come and demand it after it has been demonstrated by three failures of a law of this kind that the people of the country at large do not want such an en-

actment?
I submit that if there is anything to be drawn from the history of this country upon the subject of bankruptcy legislation, it is that the people of the country as a mass do not want a law of this character. What reason have I for making this declaration? The best reason in the world. The people have tried a measure of this kind three times, and each time they have repudiated it. In my judgment when they set the seal of condemnation upon the last harkwart law that evisted in this country, they struck the last bankrupt law that existed in this country, they struck down a better measure than the one now proposed. One more humane, more generous, and more just. And I ask you, if the people of the country would not have a measure of that kind, are you going to put this upon them?

Mr. Chairman, I have not time to review all the provisions of this bill; but I wish to call attention to some of them to show

this bill; but I wish to call attention to some of them to show their harshness, their injustice to the class of people whom I represent. The gentleman from Louisiana [Mr. BOATNER] argued that the agricultural people of this country can not be affected by this bill.

Mr. BOATNER. Can not be injuriously affected.

Mr. KYLE. "Injuriously affected." Let us accept the gentleman's proposition. The presumption is that he made his argument most favorable to his side of the question. Now, let us take his proposition, that this bill can not be used to the injury of the agricultural people of this country. That is the way he puts it now. puts it now.

Let us see whether that position can be maintained. I say that this bill is in the interests of the wholesale merchants of the country, if in the interest of any class; and I know there is no man who is going to deny that proposition. The gentleman from Louisiana will not deny it, because if he does, he gives his case away. And I apprehend that if we were to strike from this bill the provisions for involuntary bankruptcy it would have no acceptability to the class of people who are now asking its passage. It would be like the play of Hamlet with the Prince of Denmark

Mr. HOPKINS of Illinois. If the gentleman will allow me a single suggestion, I would like to say that the wholesale houses

of this country are not-at least all of them are not-in favor of this bill. The firm of Marshall Field & Co., of Chicago-

largest dry goods house in America—has always opposed this bill.
Mr. KYLE. Mr. Chairman, I will conclude what I was stating, and then I will notice what has just been said by the gening, and then I will notice what has just been said by the gentleman from Illinois. The gentleman from Louisiana [Mr. Boat-Ner] says that the agriculturists can not be injured by this measure. Let us see whether they can or not. Suppose that the merchants who supply some of the country dealers in my part of the country should conclude to invoke the machinery of this bill and put it in operation upon some of the country merchants down in my part of the country, among the men carrying on business in agricultural districts. Gentlemen here know how their business is carried on from year to year. how their business is carried on from year to year. the gentleman from Louisiana [Mr. BOATNER] is a country mer-chant dealing with merchants in the city of New Orleans, Mem-phis, or St. Louis. He obtains credit from them; he supplies the rest of his customers who are farmers engaged in growing cotton, sugar, or other agricultural products, with their supplies through the year. He holds mortgages upon their lands, their homesteads.

In order to create confidence in his mind and make him willing to take the risk of furnishing supplies with which to carry on farming operations, his debtors have mortgaged their estates to him. Suppose a gentleman in this situation has got into such a condition that his property at a cash valuation is not sufficient to pay his debts, and suppose his creditors go and make decla-ration of that fact before a court of bankruptcy and bring him in and administer his estate under a bankruptcy proceeding. What is the result of it? Can not a man's mind run forward and see how disastrously, how seriously, how ruinously the farmers of this country could be affected by it?

Mr. BOATNER. Will you please state how they can be hurt?

Mr. KYLE. I am going to do so. I will give an illustration. My colleague here is carried into court and his estate is there administered. It may be against his will, as I stated awhile ago, that he is sent there. These claims and these accounts, which that he is sent there. These claims and these accounts, which he holds or mortgages, whatever they are, goes into the hands of the assignee, or trustee, as he is called in this bill, and beyond his control, into the hands of the man who has no interest in the agricultural community whatever. What is the consequence of that proceeding? The trustee can not grant any indulgence, as the bankrupt could have done if he had been permitted to go on with his business. The creditor is the only man that he has to consider. He has got the debtor to the bankrupt at a disadvantage. There is nothing for him to do but to foreclose he has to consider. He has got the debtor to the bankrupt at a disadvantage. There is nothing for him to do but to foreclose the mortgage, sell the property to the highest bidder, whatever may be the condition of affairs at the time, and, may be, practically confiscate the estate. While, on the other hand, if this man had been permitted to own and control the mortgages and apply the proceeds to the payment of his own debts, there would have been relief to all parties, and the estate might have more than paid its obligations. That is the way it will hurt the farmer. What is there in this bill that is for the benefit in anyway of the farming community? If there is anything let some gentleman who favors it and who has the ingenuity to demonstrate the fact that it exists, in his speech show it. It can not be done. Mr. BOATNER. If the gentleman will permit me—Mr. KYLE. Please wait until 1 get through—Mr. BOATNER. I do not wish to interrupt the gentleman without his consent, but I understood him to ask a question.

without his consent, but I understood him to ask a question

without his consent, but I understood him to ask a question.

Mr. KYLE. I will give you some time if you want to reply to it afterwards. I do not want to be interrupted now.

Now, sir, I wish to call attention to this second ground as fixed by this bill for establishing an act of bankruptey against an individual—the second ground for this summary proceeding. It is not like an ordinary proceeding in court where the party comes in and files his declaration, and the defendant comes in and has his day. This is a summary proceeding like an attachment, only worse than an attachment. But I want to call your attention to the second ground fixed in the bill for issuing proceedings in bankruptey: ceedings in bankruptcy:

Falls ifor thirty days while insolvent to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold under such process then until three days before the time fixed for such sale and until a petition is filed.

Now, let us see how that operates. Suppose the debtor, my colleague here, should conclude that I was insolvent, that he had taken a sort of mental inventory of my estate as things exist, and concluded that I was insolvent, and as a matter of fact, owing to the depressed condition of the country just now, my property may not sell for enough to pay all of my debts, he go:s into court on that statement and says "this gentleman owes me this money and can not pay it. His property is insufficient in value to pay his debts," and institutes proceedings in bankruptcy against me.

Why, if you put the property of the people of my district on the block to-day to be sold out, I doubt whether you could sell it for money at all or not, because we have not got the money there. And yet under this bill, if he permits his debts to go unpaid while insolvent—and the definition of insolvency in this bill is being in a condition when his property would not bring enough if sold to pay the debt—if he can not pay, or rather if the property will not pay his debts, under such circumstances he is to be forced into bankruptcy.

Mr. STOCKDALE. And this may be done in the summer

Mr. KYLE. Yes, in the summer season, or at any other time during the last few years, because at one season would have brought about as much distress as at another. I ask if Congress is to pass such a measure as this in the condition we are now in, being confronted with the present situation? And mind you, there is no other legal provision given in the bill, except that which would necessarily be provided by the decree, a cash sale. That is the only way the property is to be sold, according to the terms of the bill. When the court enters a decree and makes an order for the sale of the property it must be for cash. No other kind of an order could be made.

But that is not all, sir. I can not pay my respects to all of this remarkable bill; but I call attention as I pass to these provisions that naturally strike me as being the most flagrant and uncalled for and as the most oppressive and onerous. Another

ground of bankruptcy is that debtor has

Made an assignment for the benefit of his creditors or filed in court a wristen statement admitting his inability to pay his debts.

Suppose he made an assignment. Suppose he has turned and distributed his property fairly and equitably and justly under the insolvent laws of the State; has given every man his prorata share of his effects; that he has dealt them out fairly and hon-estly; yet under this bill he can be put into bankruptcy. That is the meaning of it, and there can be no other. Suppose he has filed a written statement admitting his inability to pay; he is brought into the bankruptcy court, although this transaction occurred six months prior to the time when the proceedings were instituted, and at the time of the proceedings he may be perfectly solvent.

I know gentlemen puta different interpretation on it; but when you come to consider this act you must take the act itself, and not the opinions of gentiemen who are discussing it.

ade while insolvent a transfer of any of his property.

Suppose at any time within six months prior to instituting proceedings for bankruptcy, my friend here being a merchant, he should sell any of his property, and it could be proven that at any moment within the six months his property could not have been sold at a cash sale for enough to pay his debts—no matter how advantageous the trade might have been to him or his business, he is liable to be put into bankruptcy under this

Mind you the words "while insolvent," according to the dictionary attached to this bill, and which fixes the legal meaning of the word "insolvent," mean that whenever his property—no matter from what causes-sinks in value below a point at which it would bring enough at a cash sale to pay his debts, then he is liable to be put into bankruptcy.

Made while insolvent a transfer of any of his property, or suffered any of it to be taken or levied upon by process of law or otherwise, for the purpose of giving a preference.

Now, Mr. Chairman, here is another idea connected with this bill that I want to speak of briefly. In the State of Mississippi it is admissible for a man to make an assignment and give a preference to some creditor whose claim is regarded of a higher character. I have not examined the statutes of other States, but I

There is a recognized difference in the moral obligation for the payment of debts. Illustrations have been given here; and I submit to you, gentlemen, that there are cases in which, so far as my judgment, my ideas of right and justice and fairness and humanity are concerned, an honest, insolvent debtor may be justified in making a preference to some of his creditors. If that was not true statutes of that sort would not be found upon the statute books of nearly all the States of the Union.

Mr. OATES. Will the gentleman allow me a question right

Mr. KYLE.

Mr. OATES. If preferences are allowed by law, while there are some cases as you say where sentiment would dictate the making of a preference, does it not open the door very wide to fraud, and are not very many more preferences made from other motives than those of mere humanity?

Mr. KYLE. It is possible that the gentleman is right in his conclusions, but it is unreasonable to condemn a custom which

seems so universally acceptable among the people of the States cause some one now and then must act rascally.

Now, will the gentleman from Alabama let me put this question to him: Does not the State of Alabama permit preferences?

Mr. OATES. It does not, I am glad to say.

Mr. KYLE. I did not know whether it did or not. My State

does, and I submit that in the passage of this bill you strike down from Mississippi, and I think most of the States in the Union. the right to regulate these matters in their own way. I thought the State of Alabama permitted preferences, too.

Mr. COBB of Alabama. Let me ask my colleague [Mr. OATES] if he is correct in that statement.
Mr. OATES. Yes; I think I am.

Mr. OATES. 1es, I think I am.
Mr. COBB of Alabama. Preferences are upheld in the courts.
It is true that under certain circumstances the giving of a preference might warrant the beginning of proceedings—
Mr. OATES. If you give one creditor a preference over another for the payment of an existing debt, it may be declared a

general assignment.

Mr. COBB of Alabama. But for that purpose only. That is the only point to which I wish to call the attention of my friend.

Mr. OATES. It may be held to be a general assignment, and

therefore it is not sustained by the law.

Mr. COBB of Alabama. It is sustained except where other creditors take advantage of it for the purpose of certain legal

proceedings under the statute.

Mr. OATES. The statute declares it to be a general assign-

ment if anybody asks it to be made so.

Mr. KYLE. I think the discussion between the gentlemen from Alabama [Mr. OATES and Mr. COBB] has substantially established the fact that there is some sort of a preference recognized there.

Mr. OATES. There is no penal statute against making a preference, but the statute declares that if a preference is made. other creditors may ask that it be considered a general assign-

ment, and the court can so declare it.

Mr. COBB of Alabama. That is all. That is the only purpose to which I wish to call attention. The preference of a creditor in Alabama will be upheld by the court; but if the preference is given to one creditor over another, it may be made the foundation of proceedings in the court to declare a general assignment.

Mr. OATES. It is made a general assignment.
Mr. COBB of Alabama. Not unless a creditor proceeds to
have it made so. If no creditor proceeds, it is legal.
Mr. KYLE. It does not make much difference, so far as this
discussion is concerned, whether preferences are allowed in Ala-

Mr. OATES. If a man makes a fraudulent conveyance of his property, and no creditor attacks it, it is likely to stand.

Mr. KYLE. I want to call attention to credit

this bill, the ninth ground for instituting proceedings in bank-

(9) Suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

Now, Mr. Chairman, there is no particular or special objection that occurs to me to this section, except that it is fruitful of no result, and I can not see how it could be. This bill goes on to provide that when a party is put into bankruptcy that his exemption under the laws of the State are set aside to him. The exemptions which he is entitled to under the laws of the State from sale under execution are set aside. They are his. They can not be touched by his creditor. Why? Because the statute exempts them from the payment of his debts.

Well, what good are you going to get by putting a man into bankruptcy when an execution nulla bona has been returned into court, when the officer has said that this man has no property

court, when the officer has said that this man has no property over and above his exemptions that are subject to his debts? What good can there be of dragging that man away from his home to a court that may be a hundred miles away and put him into bankruptcy? The only thing that can be gotten out of it is an opportunity to intimidate and oppress the debtor in the hope of squeezing something out of him under the law, which he submits to, if he can possibly raise the means, rather than be put into

bankruptcy.

Mr. OATES. In reference to the exempt property that you have alluded to, you might further remark, and I will with your permission state, that the title of the owner is not divested by the adjudication of the property which the State law exempts to him. The title remains with him. The only process is to as-certain the value, and whether he has conformed with the State law or not.

Mr. KYLE. That is true; and if the bill provided otherwise

it would be nugatory, I think.

Now, Mr. Chairman, I want to call attention to another matter here that strikes me.

Mr. OATES. It is not a very important matter to this description of men; but he has the advantage of the exercise of the

bankruptcy power.

Mr. KYLE. Do you think the Federal court could take away from a man the exemptions that are allowed him under the State

I would not vote for such a law; but it has been Mr. OATES. held in bankrupt cases that the bankruptcy law might provide the exemption. Under this bill it is provided that the State law shall prevail: that the exemptions granted by the State law shall be recognized. While I am up, if my friend will allow me, I do not see but what his argument is a perfectly legitimate one on this question in a general discussion; but it seems to me that he must be aware of the fact that when we come to consider the bill under the five minute rule he will have an opportunity and every other member will, and so far as I can go it shall certainly be a very full one, to offer amendments to each and every one of these provisions which they think are objectionable, and test the sense of the House as to whether it is a proper thing or not.

Mr. KYLE. Certainly; I understand that, and I suppose the House understands it. I expect to avail myself of the privilege, when we come to consider the bill under the five-minute rule, of offering some amendments.

Now, I want to call attention to this matter here. It was re-fered to by the gentleman from Texas [Mr. Kilgore] yester-day. That is, section 14 of this bill. After you have put this machinery to work, and you have ground the poor debtor through the mill, you have made him a bankrupt, when his estate has been destroyed or squandered, when his credit has been ruined, and he has been broken down, left moneyless and friendless, as is generally the case with a man without money; after you have accomplished that sort of result with him, and after he has been at work with what little hope, energy, and ambition left him in the effort to repair his broken fortune, and he may have been successful for only two years, in that two years he may have gained something with which to support his wife and children and sustain them, and sustain hope, what does this bill provide?

Now, Mr. Chairman, in case some creditor who is not satisfied with the result shall happen to learn something which affords some excuse upon which he can predicate his proceedings, he can set aside that discharge from bankruptcy. That is, a creditor who is constantly vigitant in his pursuit of this bankrupt, at last concludes that somebody swore falsely in the proceedings under which the bankruptcy discharge was obtained, and that man can go into court and establish, not that the bankrupt him-self swore falsely, but that somebody in connection with the

proceedings swore to some facts which were false, and he is thrown into bankruptcy again.

The effect of this bill is to bring the man back to court, to marshal his assets again, and have another distribution among his creditors. I ask you, gentlemen, if you are prepared to vote for that sort of a proposition, and if it is possible that a bill for that sort of a proposition, and if it is possible that a bill which contains a provision so cruel, so tyrannical, so unjust, can pass this House? Why, sir, the very idea growing out of this provision of the bill destroys all the apparent sympathy that gentlemen have exhibited here when they said that the measure was in the interest of the poor insolvent debtor. You bring him back into court, you marshal his assets, you have a redistribution among his creditors, who are seeking to get his estate into court and to administer upon it before he dies.

I know it was said here yesterday that that view of the case was not correct, but we find here on page 60 this provision, Subdivision "C:"

Whenever a composition shall be set aside or a discharge revoked the trustee shall, upon his appointment and qualification, be vested as herein provided with the title to all of the property of the bankrupt as of the date of the filing of the application for the setting aside of the composition or the revoking of the discharge.

It seems, Mr. Chairman, that those who drafted this bill were afraid that there might not be put upon this extraordinary provision a construction which would bring the estate back into court, so over here on page 60, thirty or forty pages away from where this extraordinary provision first occurs, they put this in to make it doubly sure that the man has got to come back to court and have his estate readministered.

court, and have his estate readministered.

Suppose, now, that upon that reinvestigation his creditors get him back upon a side issue, upon the question as to whe her some witness may not have sworn falsely, and readminister his estate, and then turn him loose again and let him go for twenty-three months more, and then discover that in that proceeding some other witness has sworn falsely, and bring him back again, and readminister his estate again, if he has any left by that time,

and so keep him going until, if he ever had any hope or am-bition or any of the elements that secure success among men they will be completely destroyed.

they will be completely destroyed.

The gentleman from Illinois [Mr. HOPKINS] said that the merchants were not demanding this measure. If it is admitted that the wholesale merchants of this country do not want this bill, then we had better go out of court, because there is no one here to represent the plaintiff in these proceedings, and the case should be dismissed for want of prosecution.

Mr. COBB of Alabama. Mr. Chairman, if I may interrupt the gentleman for a moment; here is the statute of Alabama:

Every general assignment made by a debtor by which a preference or priority of payment is given to one or more creditors over the remaining creditors of the grantor shall be and inure to the benefit of the creditors of the grantor equally.

So, it will be seen that in Alabama a man may prefer a cred-

So, it will be seen that in Alabama a man may prefer a creditor at will, but if he attempts to make a general assignment and by that to prefer a creditor then the preference inures to the benefit of all the creditors. So far, then, the broad statement of my colleague [Mr. OATES] is not correct.

Mr. KYLE. Mr. Chairman, when the gentleman from Alabama interrupted me I was saying that if the statement of the gentleman from Illinois is correct, that the merchants do not want this law, then there is nobody here pressing for its passage, and if nobody wants it we certainly ought not to pass it.

Now, sir, there are some conditions upon which I would be willing to vote for a bankrupt bill, and to that consideration want to devote a few moments before I take my seat. I think that possibly a bankrupt law which provided for voluntary bank-

that possibly a bankrupt law which provided for voluntary bankthat possibly a bankrupt law which provided for voluntary bankruptcy alone might be acceptable. I do not know that there is any necessity for it; I do not know that there is any great demand for it, but I think that sort of a law would be acceptable. Certainly if we are to retain the involuntary provisions of this bill they ought to be guarded more circuitly than they are now. This is a summary sort of a proceeding, an extraordinary proceeding in comparison with the ordinary methods in use in the States for the collection of debts, because, as I said awhile ago, a creditor may go into court, file his petition and bring a man in there and administer his estate for the benefit of his creditors, no matter how unwilling the debtor may be no matter how unwilling the debtor may be.

Now, if this extraordinary remedy is granted to the creditor. certainly some protection ought to be given to the debtor. The creditor ought to be required to execute a bond, and when the proper time comes, I propose to offer an amendment providing that before these proceedings shall be instituted, or contempo raneously with the institution of the proceedings, there shall filed a bond to indemnify the bankrupt for any injury that he may sustain by reason of the wrongful sueing out of these proceedings. It may be said that he gets rid of his indebtedness, and that that is compensation to him. In reply to that suggestion I would say that when you march a man into court under these extraordinary proceedings, you strike down his credit, you strike down his business, you paralyze his interests all along the

Mr. STOCKDALE. He does not want to get rid of his debts

Mr. KYLE. No, he does not want to get rid of his debts in that way. I believe, Mr. Chairman, that most men desire to pay their debts. I look at that proposition in a different way from some of the gentlemen who have discussed this bill. I believe that men generally entertain a desire to discharge their obligations in a fair and manly way.

Again, Mr. Chairman, I believe that this bill, in addition to

requiring a bond, ought to provide that the party against whose the proceedings are instituted should be permitted to prove, on the traverse of the allegations set up by the petition, the damages that he has sustained to his business and all necessary exages that he has sustained to his business and all necessary exages. If that is not right, why is it not right? The

penses incurred. If that is not right, why is it not right? The man who starts out in this bankruptcy business, who invokes this extraordinary proceeding, why ought not he to be willing to come in and say to the debtor: "I will put up my bond and thus put you upon an equality with me."

Remember, Mr. Chairman, there is a time in the history of the creation of the indebtedness when the creditor has the matter all his own way; at the time the debt is created the creditor has the right to say, "No, sir, I will not extend you credit." He has the advantage then. He can keep himself out of the transaction. And certainly when we come to establish rules by which the creditor is to invoke the strong arm of the law, the same rethe creditor is to invoke the strong arm of the law, the same relations ought to be kept up, if possible, between debtor and creditor that they originally started with. The bond being filed in court, the defendant should be put upon an equality with the creditor, should be permitted to traverse the allegation and prove his damages. If that were done there would not be so much objection to this involuntary portion of the bill.

I say, Mr. Chairman, if we are to have a bankrupt law at all with an involuntary feature in it, it ought to be hedged about in that way; and when this House comes to act upon this measure, endeavoring to establish rules and regulations which will keep men upon an equality in their business transactions and work out fair and honest results, I believe such provisions as I have suggested will be incorporated in this bill.

Mr. Chairman, there is another reason why I am opposed to an involuntary bankrupt law. It not only, as I have tried to demonstrate, affords to the creditor an opportunity to oppress the debtor who is unable to pay, it enables the creditor to oppress a debtor who in all probability would be able to pay every debt he owner it allowed propagations. debt he owes if allowed proper opportunity. I dare say there is not a man listening to me who somewhere along in his experience during life has not seen a time when if his property had been put up and sold it would not have paid his debts at a cash valuation. I appeal to the experience of gentlemen on this floor. Without undertaking to know their condition or history I venture to say that there is not a man listening to me who at some time during his life has not been in such a condition that

not have brought enough to have paid his debts. Now, my friends, if any of you were in that sort of a situation, and if a bill of this kind were in force, you could be carried to a bankruptcy court and your estate taken away from you and administered without your having an opportunity to work out of your difficulties, pay your debts and get a discharge like an honest man without being embarrassed with the idea that you have been put through a bankruptcy court. And the result would be the same if at any time within six months the filing of proceedings against you should find yourself in such a condition.

I further oppose this bill, Mr. Chairman, because I do not

if his property had been put upon the block to be sold it would

think that any practical good can come to any one from having an involuntary bankruptcy law. The estates of insolvent debtors are usually, when administered by a bankrupt court, consumed in expenses. This has been the case so far as my knowledge extends; and I dare say other lawyers here agree with me that this is usually the result. I believe that when you take a man and against his will carry him to a court for the purpose of marshaling there his assets and applying them to the payment of his debts, you ought at least to carry him to a court where he could feel that his creditors, to whom he wants honestly and conscientiously to make payment, would obtain something from his estate.

Now, there are a great many lawyers on this floor; and I want to appeal to the experience they have had in the bankruptcy courts of this country under the administration of the act of 1867. Did you ever know any creditors to get anything out of a man's estate after he had been forced into bankruptcy not see the gentleman from Louisiana [Mr. BOATNER] in his seat; but I have been told that under the act of 1867 they had a court down in his part of the country which administered that law among the people of Louisiana, and in that court no creditor ever gota single cent out of the proceedings at any time. I have heard it stated that the court in the district in which I live made a better showing on that subject than any other court in the Union—distributed a larger dividend among creditors. Yet, speaking from my experience in that court, I can not say that creditors ever received much benefit from it.

submit, then, that when this bill is stripped of its objectionable and oppressive provisions it offers nothing practical in the way of securing to creditors their indebtedness. And I oppose this measure upon this ground among others. I will say, how-ever, in conclusion that in my opinion the only idea upon which a bankruptcy law can be sustained is that it may give to the a bankruptoy law can be sustained is that it may give to the honest insolvent debtor an opportunity to go into some court and get rid of his liabilities so as to enable him to enter the race of life again with the possibility of better success in the future. I will therefore vote for a properly guarded law which provides for voluntary bankruptoy. [Applause.]

Mr. WARNER. Mr. Chairman, in regard to the matters affected by this bill, the situation appears to be about this: Our

country embraces in extent thousands of miles. Our citizens are living under the jurisdiction of forty-four different States. By reason of the development of our systems of transportation and communication, every year the business of each member of our commercial community has become more and more a matter of interstate rather than local commerce or business

And yet, sir, with that situation before us, we have so inadequately provided legislation with which to meet it that to-day a creditor in any part of the Union has practically no means of insuring to himself a fair distribution of the assets of his debtor, unless in most cases he shall go to extraordinary expense and trouble. And, on the other hand—and this is a much more serious consideration—an honest debtor, an unfortunate business man in any State of our Union, has no way under heaven by

which he can be rid of the incubus of his business misfortune, and must go down to his grave laden by it, except he obtains the mercy of every creditor in all of the States outside of his own. Now, this is an anomalous situation. It is one which, to the extent that it is suffered here, exists, I believe, in no other of vilized country of this world. How did it come about?

ized country of this world. How did it come about?

One hundred years ago our forefathers in adopting the Constitution of these United States absolutely prohibited the States from dealing with this question; and by the same act they took upon themselves, not by inference, but by express provision of the Federal Constitution, the duty of providing laws for the settlement of bankrupt estates. Such is the situation and such is the duty that the Federal Government has promised to perform. It remains unperformed. There are a few great firms whose wealth is an impress, and whose husiness is so extensive that wealth is so immense and whose business is so extensive that they can afford to engage, under a permanent retainer, counsel in every part of the country; and it has become notorious that whenever a business man fails in any part of the country, one of these firms is generally found to be a preferred creditor. On the other hand, the great mass of business men, whose prosper-ity consists in being able to trade in all parts of the country, are forced to adopt the alternative either of closely watching the rumors from every direction, and of rushing in and breaking down any man as to whom they may hear a rumor of insolvency, or, in case they give him the benefit of the doubt, of being subjected to a practical loss of whatever is owing to them from the estate of anybody who is driven into insolvency

Now, sir, as I have suggested, that is a situation that is absolutely intolerable. It is the result of our neglect of the duty which was assumed by the Federal Government one hundred years ago. It is the performance of that long-neglected duty which is now suggested from the Committee on the Judiciary, which in such respects is, as it ought to be, the leader of this

I know, sir, that there are objections to the bill. I have heard it urged as a serious objection that it provides for involuntary as well as voluntary bankruptcy. Mr. Chairman, the duty which our forefathers assumed and which we must perform, unless we wish to violate by omission the Constitution which we have sworn to support, is not a one-sided duty. It did have as one of its aims the discharge of honest debtors who had given up their relations for the heavy their constitutions from the arms of their constitutions. estates for the benefit of their creditors from the onus of obliga-tions of which they had no hope of being rid of otherwise. But on the other hand it involved the duty of securing a fair

distribution of the estate of a man whose misfortunes in business had left him no interest whatever in the property over which he still held control, and which should be administered for the benefit of those who have beneficial interests in it. In other words, sir, creditors have rights as well as debtors; and it is to the advantage of debtors as well as of creditors that the rights of both should be subserved by any legislation which we are to

It has been objected, sir—and I mention this more to show the character of the objections to the bill than because I believe it character of the objections to the bill than to discussed at length be-is of any need that the question should be discussed at length be-fore this House—that the mere making of an assignment in insolvency is made by this bill an act of bankruptcy. We are asked to consider how unfair it is to brand as an act of bankruptcy the distributing by a debtor of his property equitably under the laws

Now, so far as concerns property rights, it is not a matter of importance to the debtor who has already put all of his property at the disposal of his creditors. It is not a matter of importance to the creditors if the insolvency proceedings are fair; for they would get just what they would get under the bankruptcy proceedings. But it is a matter of importance to the honest debtor that the proceedings should be carried on under the Federal bankruptcy laws instead of under the local insolvency laws, and this in order that the citizen of States other than his own may have their claims against him forever afterward barred; and so the very point which is seized upon as a basis of criticising the bill is in fact one the object of which is beneficial to the honest debtor.

We are told that former laws proved faulty. So they did. it has not been suggested but that the reasons for their failure are perfectly well known and can be perfectly well provided

gainst.

For example, take our last bankrupt law. There is no question but that it was beneficent, in securing to thousands upon thousands of distressed but honest men a chance to start anew in life. There is no question but that in hundreds, aye, in thous nds of cases, the fact that there was a bankrupt act standing upon the books, with the provisions which it contained, did fore-stall the whole question of fraud, and prevented attempts to de-fraud creditors that would otherwise have been made.

It is a fact, however, that the proceedings under that act were so complex that there was some ground for the criticism that it too often used up the whole estate of the bankrupt in the attempt to see that nobody got more than his fair share of it.

But, sir, this bill has not been criticised from that standpoint. I do not believe it is subject to such criticism. I believe that every one who has read it will agree that, as compared with the last law upon the statute book, in that regard it effects a muchneeded reform.

The question, moreover, is not whether we shall pass this law, letter for letter and line for line, as it comes from the committee, but whether it is not our duty here to consider this matter and deal with it in the light of the experience which has been had-in the light of the discussion which we shall be allowed to give to it—and so to frame a bankrupt act that it shall stand as the best expression of this House of the way in which should be performed the duty which has devolved upon us.

I know there have been numerous criticisms made of the details of this act. I will not weary the committee by discussing many of them, most of which have been so ably treated by my colleagues upon this floor in this discussion. I will refer to but one or two of them, one especially as to which I do have some special knowledge.

My colleague from New York [Mr. RAY] called attention to the fact that in clause 5 of section 2, the purchase or sale by a man, when insolvent, of commodities, with intent not to deliver or to receive them, but rather to settle by paying or receiving differences in money, should be an act of insolvency.

Now, I agree with my colleague in his cuittelium of the coll

differences in money, should be an act of insolvency.

Now, I agree with my colleague in his criticism of that clause. Of course, I do not believe that it is good business policy for a man, when he has already lost so much money that the little he yet controls does not belong to him, but to somebody else, to speculate upon it; but the law might just as well provide against that man's betting on horse races. If you are going to work on this principle you might just as well provide against his hiring an expensive box at the opera, or against his playing poker at a big limit, or without any limit at all, as to insert that provise in the bill.

But, sir, I can not agree that the clause might be improved by striking out the words "when insolvent." If there is one thing that is more undemocratic and more nonsensical than to attempt to stop gambling by law, in the case of a man who has no money of his own, and who is gambling upon somebody's else money, it is to prohibit gambling by law, when a man is using his own money to do it with.

But, Mr. Chairman, whichever way the section stands, or whether it stands or not, it is immaterial to this bill; for I tell you, sir, after somewhat of experience in litigation concerning such matters, that there never will be a case found where the "intent" named in the bill can be so proved that it will subject any man to bankruptcy. Honest men engaged in "future" dealings, which they expect to carry out, are not subject to this provision, and there never was a speculator or a man who tried to dodge the law from whose heart you could wring proof of the "intent" which will make him subject to a bankruptcy act. So, although I believe, as my friend from New York [Mr. RAY] suggests, that this provision should be stricken out, although I believe it to be absurd to amend it, as certain others have suggested. lieve it to be absurd to amend it, as certain others have suggested; yet, whether it is stricken out or amended, it is comparatively of no importance whatever.

As to other criticisms that have been made upon matters of detail, in a great many cases the good faith of those criticisms has been shown by the presentation of amendments calculated to meet them. In other cases the lack of any suggestion tend-ing to perfect the bill shows, or at least suggests, the animus with which the criticisms are made.

with which the criticisms are made.

For myself, sir, I have gone carefully over the bill, and I am free to own that in a number of cases, had I drawn it, I should have drawn it differently, and I believe I might have suggested some improvements in certain cases. I have conferred, however, with the author of the bill and the distinguished gentlemen, members of the Committee on the Judiciary, in charge of it; and while not convinced in every case, yet I must confess they have convinced me, as to the majority of the cases, that they know what they are doing better than I do, and that they have framed a bill better than I would be able to do, with my present knowledge. I therefore ask this House to stay by this matter until we shall have performed the duty put upon us by the Constitution, until we have remedied the omission in that regard which has become a source of so much embarrassment to our which has become a source of so much embarrassment to our citizens. If the bill needs perfection by amendment, amend it until it is in the shape that most accords with the common sense and the patriotism of this House.

The pledge that there should be a bankruptcy act, and that the Federal Government would provide for this matter, was made more than one hundred years ago, at a time when our country was a narrow strip along its present eastern border, when the States were thinly populated, and so isolated that interstate commerce

was not a hundredth part of what it is now, at a time when the lack of such a provision, and the need of such legislation in re-

gard to bankruptcy was not one tithe of what it is at present. Every advancing year has made its performance more urgent; and we ask you now to carry out that pledge.

We ask you to pass a bankruptcy act that shall enable honest debtors to be discharged from obligations which they are no longer able to meet; that shall enable considerate creditors to rest in peace without having to take the alternative either of pressing good men into business ruin or allowing their own in-terests to be sacrificed by the fraud of others. We ask that a bankruptcy act be passed in order that, on the one hand, the hasty greed of the creditor, the overwatchfulness of the man who has trusted another, and on the other the attempt on the part of him who has been trusted to shirk any part of his just obligations shall be alike forestalled by a measure which shall insure equal justice to all.

Mr. BROSIUS. Mr. Chairman, the very forceful address just made to the House by the honorable member from Mississippi [Mr. KYLE] on one side and the equally forceful utterances of my honorable friend from New York [Mr. WARNER] on the other side of this measure, fairly raise the question whether there ought in fact to be any national bankrupt law enacted; whether the principle of such a law is a sound one, and whether the commercial situation of this country requires such a law.

In the observations I shall be able to make I shall neither

commend nor condemn the specific provisions of the measure. The examination I have been able to give the bill has been so cursory that I do not feel justified in detaining the House upon a discussion of its details. I desire to make some general ob-

a discussion of its details. I desire to make some general observations, and to present as briefly as I can the broad grounds upon which I think the necessity and propriety of a uniform system of bankruptcy in the United States can be supported.

The constituency which I have the honor to represent is, perhaps, in as little need of the benefits of such a law as any equal number of people in the United States; but the most far and the benefits of such a law as any equal number of people in the United States; but the most far have described as a part to be berned by the operation of a law of vored sections can not be harmed by the operation of a law of this character, while many sections, perhaps the larger portion of the Union, may derive very material benefits from the operation of the law.

PENNSYLVANIA'S ATTITUDE.

If there is any doubt in relation to the attitude of Pennsylvania upon this subject—and it seems there is, unless some of my colleagues from that State have unwittingly misconceived the views of their constituents—I am certain that there is no doubt of the attitude of the body of the people whom i have the honor to represent upon this floor; and I desire briefly to voice those views in favor of a uniform system of bankruptcy in this country. Realizing, as every one does, that a proposition, however sound and entitled to public acceptance, wins its way much more easily into public favor when it enjoys the support and the authority of some great and venerated name, I want to secure that advantage to my propositions by reading a very brief paragraph or two from a very distinguished and eminent judge.

Judge Story some years ago wrote:

One of the most pressing grievances bearing upon commercial, manufacturing, and agricultural interests at the present moment is the total want of a general system of bankruptcy. It is well known that the power has lain dormant, except for a short period, ever since the Constitution was adopted; and the excellent system then put into operation was repealed before it had any fair trial upon grounds generally believed to be wholly beside its merits and from causes more easily understood than deliberately vindicated.

In another paragraph he says:

It can not but be a matter of regret that a power so salutary should have hitherto remained a mere dead letter. It is extraordinary that a commercial nation, spreading its enterprise through the whole world, and possessing such an ininitely varied internal trade, reaching almost to every cottage in the most distant States, should voluntarily surrender up a system which has elsewhere enjoyed such general favor as the best security of reditors against fraud and the best protection of debtors against oppression.

It seems to me, Mr. Chairman, that the contention in favor of a national system of bankruptcy enjoys the unusual felicity of having the supportalike of principle, reason, authority, and experience, not even lacking sentiment. The gentleman who describes this bill as a scheme for the extinguishment of the last ray of hope in the breast of despairing debtors, sheds tears that are not due. He misconceives the operation of a bankrupt law and mistakes a blessing for a curse.

A BANKRUPT LAW NECESSARY.

A bankrupt law presents three factors with which we are compelled to deal; the debtor, the creditor, and the commercial publie in their large and broad interests. The law deals with the situation of a debtor unable to pay his debts, having property inadequate, on division, to liquidate his liabilities. Now, the solution of the problem will be found in the answer to the inquiry: In such a situation what is best, alike for debtor, creditor, and the commercial interests of the community?

I doubt if there will be any dissent from the proposition that the very best thing for an honest debtor who has been for years carrying a load of debt from which he has no hope of extricating himself, and who is borne down, discouraged, and disheartened, is to relieve him of his burden and enable him to stand erect once more and feel that he is regenerated, emancipated from everlasting captivity to his debts. He can take a fresh start in business, he can acquire property, light breaks upon his path-way, hope springs again in his breast, and he sees a future before him. Is there a doubt in any mind that that is the best thing to do for an honest debtor thus situated? But, Mr. Chair-man, that blessing can only come from a national bankrupt law. No State can discharge the bankrupt from all his debts. On that point I desire to read a passage from a very eminent statesman of former years. Daniel Webster, in a celebrated speech on the subject of a national bankrupt law in 1840, among other things

I am free to confess my leading object to be to relieve those who are at present bankrupts—hopeless bankrupts, and who can not be discharged or set free but by a bankrupt act passed by Congress. I confess that their case forms the great motive of my conduct. It is their case which has created the general cry for the measure. Not that their interest is opposed to the interest of the oreditors, still less that it is opposed to the general good of the country. On the contrary, I believe that the interest of the creditor would be greatly benefited even by a system of voluntary bankrupty, and I am quite confident that the public good would be eminently promoted. In my judgment all interests concur, and it is the duty to provide for these unfortunate insolvents in a manner thus favorable to all interests which I feel urging me forward on this occasion.

Upon the same subject an eminent jurist, writing in the American Law Register of June, 1865, said:

Should the bankrupt act under consideration become a law it will open to he honest bankrupt freedom from his debts and a new lease of mercantile

the honest bankrupt freedom from his debts and a new lease of mercantile life.

The points aimed to be secured by the present bill are the discharge of the honest debtor upon the surrender of his property, protection of the creditor against the frandulent practices and reckless conduct of his debtor. Without such a law creditors may be defrauded of their just debts and debtors become castaways upon the broad ocean of commercial life. To vouchsafe such relief in the community is assuredly the paramount duty of legislation. Under this act the debtor and creditor meet upon the common ground of obligation and duty.

Mr. Chairman, how apropos these observations to this meas-

Mr. RAY. I hope my friend does not intend to lay it down as a legal proposition that no State can pass laws to discharge debtors from their debts?

Mr. BROSIUS. I intend to lay down as a legal proposition, which my learned friend, or any other learned lawyer upon this floor will not think it worth while to dispute at the peril of their reputation, that a State can not discharge a debter from the obligation of his contract, except such contracts as were entered

into subsequently to the passage of the law.

Mr. RAY. The State law?

Mr. BROSIUS. Yes, sir; and in no instance can any State discharge any debtor from the obligation of his contract entered into with citizens of another State; thus demonstrating the impossibility of any State enacting an effective bankrupt law. Mr. RAY. That is all true, but—

Mr. BROSIUS. Well, if that is true let it rest there, because I desire to proceed.
Mr. RAY. That is true, but that is not the statement you

first made.

Mr. BROSIUS. I did not intend to make any statement. I simply alluded, in passing, to the inability of a State to pass a bankrupt law. The interruption was hardly justified, if my friend will allow me to say so.

Now, Mr. Chairman, in the second place, what is best for the creditors? I do not hositate to affirm that the best thing for the creditors is to have an equitable division of the property of the debtor applied to the payment, ratably, of the unsecured in-debtodness, under such restrictions as will prevent a race among creditors for judgment and execution. We must not forget that debtors sustain equal relations with creditors and are under

debtors sustain equal relations with creditors and are under equal obligations to them in a large and general way, and the claims of justice are satisfied when whatever property the debtor possesses is divided and apportioned ratably among them according to their respective claims.

I submit, furthermore, that such an apportionment of the debtor's property exerts a very salutary influence upon the commercial community. It promotes credit and confidence everywhere by promoting an increased feeling of security. Mr. Chairman, I was very much impressed by the remarks of my honorable friend from New York [Mr. Coombs] on yesterday in speaking upon this bill. It was interesting indeed to look into the face of a merchant who had dealt with every people upon the face of the earth and had found them trustworthy. What a fine compliment to the human race! And while the gentleman was

dwelling upon the importance and the necessity of this confidence and credit there came to my mind an incident in the history of Charles James Fox that most strikingly illustrates the point

upon which he was speaking.

Mr. Fox had laid down before a creditor a sum of money.

The creditor, a merchant, produced his note and said, "Mr. Fox, I want you to pay me my indebtedness out of that money." The English statesman said, "I can not do that, sir; that money must contain the creditor holds no never it is not a pay a dath of honor for which the creditor holds no never it. English statesman said, "I can not do that, sir; that money must go to pay a debt of honor for which the creditor holds no paper." The merchant was profoundly impressed by that exhibition of honor. He looked at his note for a moment and then tore it to pieces, and flinging them at the feet of the statesman said, "Now, sir, mine is a debt of honor also." Mr. Fox was very sensible of the fine compliment; and he said to the merchant, "Here, sir, take the money, yours is the oldest debt; the other man can wait." But, Mr. Chajiman it seems to me that a more way.

But, Mr. Chairman, it seems to me that a measure of this kind will also promote facilities for sales by supplying facilities for collection. And let me direct attention to another thing it will do: It will dispense in a large measure with the necessity of creditors becoming sleuthhounds, constantly pursuing their harassed debtor lest some one quicker of scent and swifter of foot may get in anead at the finish. Why, sir, the knowledge that no one or two creditors can get in ahead and sweep away the entire estate, has a very composing and tranquillizing influence upon all. Thus the debtor secures greater indulgence, enjoys better opportunities if he desires them, than when his estate is but the spoil of victory in a race, a stake for which hungry creditors play with the processes of the law for execution.

THE ACTS OF BANKRUPTCY ARE VOLUNTARY.

Objections have been made to that portion of the bill which defines acts of bankruptcy. While that part of the bill may be subject to amendment, as I think it is, it is pertinent to say that every act of bankruptcy named in the bill is a voluntary act on the part of the debtor, an act which he commits of his own voltage. tion, without compulsion; and if he chooses to refrain from the commission of the specified act he is not amenable to the involuntary provisions of the bill. His liability to be brought into court by a petitioning creditor is a matter entirely under his unrestrained control. So long as he obeys the law he enjoys absolute immunity from the compulsory features of the act. It can be nothing more than a voluntary bankrupt law to any debtor who refrains from committing the forbidden acts.

DISHONEST DEBTORS.

Of course if a debtor is dishonest he ought not to be discharged; no man should profit by his own wrong. undertaken to defraud his creditors or has violated any provisions of the law he ought not to enjoy any advantage therefrom. The law of every State or nation ought to encourage and teach honor and honesty-not put a premium upon rascality or permit immunity from the consequences of fraud or wrongdoing. Thus every man knows what are the rewards of honest dealing; and those who do not perceive that virtue is its own reward will at least appreciate the advantages which the law attaches to integrity in commercial dealing. Thus the reflex influence of such a law will be highly salutary upon the commercial community. It will premote commercial rectitude. It offers a premium for integrity and subjects wrongdoing to burdens and penalties. So that for all classes and from all points of view it is obviously the best way of treating debtors, honest or dishonest, each, however, in their own deserved way.

HONEST CREDITORS.

It is just, as well as merciful, to honest creditors to protect them against the practices of debtors who, forgetting their equal obligation to their creditors, seek to give all their property to a favored few. This is permitted, perhaps, by the laws of most of the States on the principle that as long as a man has dominion over his property he can use it to pay any debt he pleases.

THE TIME IS OPPORTUNE.

There is another matter which comes to my mind. It has been said that this particular period, when the country is suffering from business depression and hard times, is inopportune for the application of the principles of a bankrupt law. What a colossal misconception of the relation which a bankrupt law bears to debtor and creditor!

Gentlemen ought to remember, and they doubtless will remember, that the processes of the law are not suspended, relaxed, or intermitted pending a season of hard times. On the contrary, creditors are more vigilant, more alert, and ofttimes more merciless in such seasons than at any other time. Their distrust, their anxiety, their fear of loss, their apprehension lest some other creditor may get in ahead of them in the race, whets their appetite, accelerates their movements, greatly to the distress of

of all the times and conditions of the country the existing situation is most seasonable for this relief. We ought to yield to

the solicitations of the prevailing distress, when sheriffs are said to be reaping harvests and debtors are crushed beneath the heels of ricing and contending creditors, and temper the misfortunes of the time with the humane and helpful provisions of a bank rupt law. No circumstances could be more opportune, no situa-tion more inviting. Thousands of honest debtors who for years have been sweating under their burdens now under the added stress of the prevailing depression feel that they are without succor and save. What they need, what they pray for is a law that will lift their load and give them another chance to retrieve that will lift their rotal and give them another enance to retrieve their fortunes and achieve prosperity and happiness. In this connection I can not refrain from quoting the words of Daniel Webster, in the Senate of the United States in 1840, when plead-ing for the passage of a bankrupt law. The urgency was not as great then as now. These are his persuasive words:

great then as now. These are his persuasive words:

Mr. President, let us atone for the omissions of the past by a prompt and efficient discharge of present duty. The demand for this measure is not partial or local. It comes to us earnest and loud from all classes and all quarters. The time is come when we must answer it to our own consciences if we suffer longer delay or postponement. High hopes, high duties, and high responsibilities concentrate themselves on this measure and on this moment. With a power to pase a bankrupt law which no other Legislature in the country possesses, with a power of giving relief to many, doing injustice to none, I again ask every man who hears me if he can content himself without an honest attempt to exercise that power?

We may think it would be better to leave the power with the States; but it was not left with the States; they have it not, and we can not give it to them. It is in our hands, to be exercised by us, or to be forever useless and lifeless. Under these circumstances does not every man's heart tell him that he has aduty to discharge? If the final vote shall be given this day, and if that vote shall leave thousands of their fellow-citizens and their families in hopeless and helpiess distress, to everlasting subjection, to irredeemable debt, can we go to our beds with satisfied consciences? Can we lay our heads upon our pillows and, without self-reproach, supplicate the Almighty Mercy to forgive us our debts as we forgive our debtors?

Sir, let us meet the unanimous wishes of the country and proclaim relief to the unfortunate throughout the land. What should hinder? What should stay our hands from this good work? Creditors do not oppose it; they apply for it; debtors solicit it with an importunity, earnestness, and anxiety notto be described; the Constitution enjoins it, and all the considerations of justice, policy, and propriety which are wrapped up in the phrase 'public duty' demand it, as I think, and demand it loudly and imperatively at our hands.

duty' demand it, as I think; and demand it loudly she imperserves, as our hands.

Sir, let us grafify the whole country for once with the joyous clang of chains, joyous because heard failing from the limbs of men. The wisest among those whom I address can desire nothing more beneficial than this measure, or more universally desired; and he who is youngest may not expect to live long enough to see a better opportunity of causing new pleasures and a happiness long untasted to spring up in the hearts of the poor and the humble. How many husbands and fathers are living with hopes which they can not suppress, and yet hardly dare to cherish, for the result of this debate! How many wives and mothers will pass sleepless and feverish nights until they know whether they and their families shall be raised from poverty, despondency, and despair, and restored again to the circles of industrious, independent, and happy life!

Sir, let it be to the homor of Congress that, in these days of political strife and controversy, we have laid aside for once the sin that most easily besets us and, with unanimity of counsel, and with singleness of heart and of purpose, have accomplished for our country one measure of unquestionable good.

A MORAL QUESTION.

Mr. Chairman, there is another matter worthy of consideration. I think that wrapped up in a measure of this character is a great question of commercial morality—a question whose importance to every community can not be overestimated. How many men all over this country are to-day engaged in an unequal struggle with misfortune and adverse circumstances, borne down withaweight of debt which they can never lift, and who ought long ago to have surrendered, not because they are not entirely sensible of their inability to relieve themselves from their burdens by discharging their debts, but because they can derive no advantage from surrendering their property to their creditors, for the unpaid residue remains, and they are then stripped of both property and the possibility of acquiring it in the future. Such a condition of things exerts in any community an influence detrimental to debtor, creditor, and to the commercial community at

large.
Mr. Chairman, there is no situation which subjects the truthfulness and the integrity of a man to so severe a test as this longcontinued struggle of a debtor to hold on to his property, to excontinued struggie of a debtor to hold on to his property, to exercise dominion over it, and to avoid the supposed reproach and disgrace of insolvency or bankruptcy. Every observing man, I dare say, has witnessed in his own community instances in which character has yielded by gentle but progressive stages to the solicitations of a false pride on the part of the debtor and the natural disinclination to surrender his property that cost him years of labor to acquire, because the residue of his indebtedness, unpaid, must still linger behind and pull him down. It is a slow process of moral disintegration and it works in this way. a slow process of moral disjutegration, and it works in this wayyou see it so often that it can not have escaped notice:

First, the truth is suppressed to maintain delusive appearances which disarm the vigilance of creditors who might otherwise precipitate a crisis; to preserve the appearance of solveney borrows money from A to pay B; and so he keeps on revolving around the circle, robbing Peter to pay Paul. As the situation increases in intensity, the necessity for deception grows in ur-

gency. It is a short step from truth suppressed to falsehood expressed, and so the process of moral degeneration goes on, the loss to the creditor going hand in hand with the loss of veracity and integrity on the part of the debtor, until the end comes in a twofold ruin. Let me read again from the cogent reasoning of Mr. Webster:

Webster:

But the result is bad every way. It is bad to the public and to the country, which loses the efforts and the industry of so many useful and capable citizens. It is bad to creditors, because there is no security against preferences, no principle of equality, and no encouragement for honest, fair, and seasonable assignments of effects. As to the debtor, however good his intentions or earnest his endeavors, it subdues his spirit and degrades him in his own esteem: and if he attempts anything for the purpose of obtaining food and clothing for his family, he is driven to unworthy shifts and disguises, to the use of other persons' names, to the adoption of the character of agent, and various other contrivances to keep the little earnings of the day from the reach of his creditors. Fathers act in the name of their sons; sons act in the name of their fathers; all constantly exposed to the greatest temptation to misrepresent facts and to evade the law, if creditors should strike All this is evil, unmixed evil. And what is it all for? Of what benefit to anybody? Who likes it? Who wishes it? What class of creditors desire it? What consideration of public good demands it?

PREFERENCES.

The false credit which enables men to continue business long after they are hopelessly and irretrievably insolvent is derived from indorsements of those who take the risk on the promise of being preferred if anything happens. On this appearance of solvency he sails on, catching wind wherever he can, taking on additional liabilities in proportion as he becomes unseaworthy, until the collapse comes, when one or two preferred creditors who supplied the wind that belied his delusive sails are saved and all the rest go down in irretrievable ruin. The tendency of a bankrupt law which stops preferences used as a means to still further inveigle the innocent to their loss will be to halt business careers when overtaken by insolvency, and curtail their opportunities and temptations to prey upon the community. There will be less fictitious credit, less overtrading, and the business of traders and others will be kept in closer relations with their own capital, and commercial piracy will sensibly diminish.

THE EXTENT OF OUR COUNTRY REQUIRES IT.

I would like to suggest another consideration from which I think the contention in favor of this bill derives no inconsiderable support. This is a great country. Its greatness can not well be exaggerated. Our commerce extends all over it, constituting a mighty network of exchanges. From its commercial centers the shuttles of exchange are flying to and fro from points near and remote, weaving mighty webs of internal commerce. There ought to be some national law to regulate the relations of debtor and creditor in that vast scheme of exchanges. They constitute, Mr. Chairman, the interstate commerce of the country; and it seems to me that there is about the same necessity for a law reg-ulating in some degree and preserving to some extent uniformity in the mode of adjusting the relations of debtor and creditor as there is for an interstate-commerce law to regulate and control the transportation of the commodities involved in this extensive system of exchanges.

Now, Mr. Chairman, by way of recapitulation-for it is too late

Mr. CULBERSON. Would the gentleman from Pennsylvania like to yield now and conclude his remarks to-morrow?

Mr. BROSIUS. Well, I am very sensible of the kindness of my honorable friend from Texas, but I have to go away early in the manning and I am just about to conclude my represent the morning, and I am just about to conclude my remarks. It ought not to say I am just about concluding, for there are several other observations that I would like to make, but I will not detain the House at this time. Members have always been extremely generous to me in the past; I feel like reciprocrating that kindness, and if I can have the consent of the House to add fow contents which I have not taken the time to read I will a few quotations which I have not taken the time to read, I will conclude in a few moments.

Mr. HAINER of Nebraska. I move that the gentleman have unanimous consent to extend his remarks in the RECORD.

The CHAIRMAN. The Chair will submit that request at the

conclusion of the gentleman's remarks.

MERCY PLEADS FOR IT.

I am greatly indebted to my friends. Mr. BROSIUS. was about to say a closing word. I was saying, Mr. Chairman, by way of recapitulation, that under the law of nine-tenths of the States of this Union a bankrupt or insolvent debtor is forever in chains. He can never release himself excepting in a case where the State possesses a bankrupt law and discharges the debtor from the obligation of the contract executed after the passage of

I am not aware that there is a State in the Union having such a law on the statute books; I do not know whether there is or not. But if there is any situation in the world which could suggest the inscription that the poet found over the gates of hell, "Who enters here abandons hope," it is that of the despairing debtor who has been sweating under the burden of his debt for years. He is absolutely without hope. If there is such a thing as commercial death in this world it is hopeless insolvency.

Now, I submit in conclusion that it is humane, it is merciful to Now, I submit in conclusion that it is humane, it is merciful to relieve honest debtors from the body of this death upon the surrender of their property to their creditors. For these reasons, stated, I know, in a feeble and desultory way, I am for a uniform system of bankvuptcy in this country. And I shall regret more than I can express if we fail, before we are through with it, to so amend the bill that it will command the approval of the House and become a law. [Applause.]

The CHAIRMAN. If there be no objection, the gentleman from Pennsylvania will be permitted to extend his remarks in the RECORD.

the RECORD.

There was no objection.
Mr. TAYLOR of Indiana. Mr. Chairman, I do not see the entleman from Alabama in his seat, and in his absence I move

that the committee now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bankruptcy bill, had come to no resolution thereon.

REPRINT OF BILLS.

Mr. BOATNER. Mr. Speaker, I am informed that the pending bill and the report have been exhausted, and I ask that a reprint be ordered. In the absence of objection a reprint of the

The SPEAKER. bill and report will be ordered.

There was no objection.

And then, on motion of Mr. BOATNER (at 4 o'clock and 45 minutes p. m.), the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4239) for the relief of M. J. Gilstrap, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were

onter duced, and severally referred as follows:

By Mr. HEARD (by request): A bill (H. R. 4278) fixing the salary of the warden of the United States jail in the District of Columbia, and the number of the employes, and compensation for

each—to the Committee on Appropriations.

By Mr. COOPER of Indiana: A bill (H. R. 4279) relating to the sale of gas in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 4280) providing for heat in street railroad transit companies of the District of Columbia—to the Committee on the District of Columbia. on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following

titles were presented and referred as follows:

By Mr. ROBERTSON of Louisiana: A bill (H. R. 4268) for the relief of the estate of Turner Merritt, late of Louisiana—to the Committee on War Claims.

Committee on War Claims.

Also, a bill (H. R. 4269) for the relief of the legal representatives of Margaret E. Woodard—to the Committee on War Claims.

By Mr. TERRY (by request): A bill (H. R. 4270) for the relief of the widow of Patrick P. Burton—to the Committee on Claims.

Also (by request), a bill (H. R. 4271) for the relief of the estate of August Heberlein—to the Committee on War Claims.

Also (by request), a bill (H. R. 4272) for the relief of the estate of Thomas J. Brown—to the Committee on War Claims.

Also (by request), a bill (H. R. 4273) for the relief of A. V.

Haigh-to the Committee on War Claims.

Also, a bill (H. R. 4274) for the relief of the estate of Henry W. Long—to the Committee on War Claims.

By Mr. TATE (by request): A bill (H. R. 4275) for the relief of John M. Johnson—to the Committee on War Claims.

By Mr. COOPER of Indiana: A bill (H. R. 4276) to increase the pension of Joseph Craig—to the Committee on Invalid Pen-

Also, a bill (H. R. 4277) for the relief of Francis M. Leach—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOEN: Petition of citizens of Sherburne County,

Minn., for free coinage of silver and the establishment of postal savings banks—to the Committee on Coinage, Weights, and

By Mr. FUNSTON: Petition of David C. Allen, praying that his claim for services as a spy and scout during the late war be referred to the Court of Claims—to the Committee on War

By Mr. HILBORN: Petition of the California Woman's Christian Temperance Union, favoring the passage of the bill known as Blair's Sunday rest bill—to the Committee on Labor.

Also, petition of the Board of Trade of Oakland, Cal., asking for an appropriation of money sufficient to construct a public building in said city requisite for post-office purposes—to the Committee on Public Buildings and Grounds.

By Mr. HUNTER: Statement in case of Jane Lister, to accompany House bill 941-to the Committee on Invalid Pensions.

company House oill 941—to the Committee on Invalid Pensions.
Also, statement in case of Louisa F. Gameron, to accompany
House bill 942—to the Committee on Invalid Pensions.
Also, statement in case of Robert B. Deem, to accompany
House bill 944—to the Committee on Invalid Pensions.
Also, statement in case of heirs of Alpha A. Leach, to accompany House bill 945—to the Committee on Invalid Pensions.
Also, statement in case of heirs of James F. Cassatt to accompany House bill 945—to the Committee on Invalid Pensions.

company House bill 946—to the Committee on Invalid Pensions.

Also, statement in case of Thomas Warder Jones, to accompany House bill 865—to the Committee on Invalid Pensions.

By Mr. McNAGNY: Papers to accompany House bill 4257—

to the Committee on Invalid Pensions.

SENATE.

FRIDAY, October 27, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.]

The Senate met at 11 o'clock a. m., at the expiration of the re-

The VICE-PRESIDENT. The Senate resumes its session. The Chair lays before the Senate the unfinished business, which will be read by title.

The SECRETARY. A bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for

other purposes."

Mr. CULLOM. I ask leave to interrupt the regular order mr. culton. I ask leave to interrupt the regular order.

Mr. CULLOM. I ask leave to interrupt the regular order long enough to introduce some morning business.

Mr. WOLCOTT. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,
Berry,
Blackburn,
Caffery,
Carey,
Cullom,
Davis,
Dixon,
Dolph. Gallinger. Stockbridge. Palmer, Peffer, Perkins, Power, Proctor, Ransom, Roach, Sherman, Shoup, Smith, Stewart, Hale, Harris, Teller, Turple, Vance, Vest, Voorhees, Walthall, White, La. Wolcott. Harris, Hill, Hoar, Kyle, McMillan, McPherson, Manderson, Mitchell, Wis. Morrill, Dolph, Dubois Faulkner.

Mr. DIXON. The Senator from Connecticut [Mr. PLATT] is detained from his place here by sickness in his family.

The VICE-PRESIDENT. Forty-two Senators have answered to their names. There is no quorum present. What is the to their names. There is no quorum present. What is the pleasure of the Senate?

Mr. JONES of Nevada and Mr. BATE entered the Chamber and

answered to their names

The VICE-PRESIDENT (at 11 o'clock and 9 minutes a. m.). Forty-four Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS. Mr. DAVIS presented a petition of the Board of Trade of Mankato, Minn., praying for the repeal of the silver-purchasing clause of the so-called Sherman law; which was ordered to lie on the table

Mr. CAREY presented memorials of representative Republicans of Wyoming; of Local Assembly, Knights of Labor, No. 2487, of Cheyenne, Wyo.; of Advance Assembly, Knights of Labor, No. 3261, of Rawlins, Wyo.; and of Wasatch Assembly, Knights of Labor, No. 3274, of Evanston, Wyo., remonstrating against the repeal of the so-called Sherman silver law; which were ordered to like on the table.

dered to lie on the table.

Mr. BLACKBURN presented a petition of the Kentucky Annual Conference of the Methodist Episcopal Church, of Hardinsburg, Ky., composed of 85 ministers and representing 22,000 church members, praying for the repeal of the so-called Geary

Chinese law; which was referred to the Committee on Foreign

He also presented a petition of citizens of Wingo, Ky., praying for the enactment of legislation referring to all voters the question whether they are in favor of or opposed to the coinage of silver at the present ratio and upon the same condition and

of silver at the present ratio and upon the same condition and terms that gold is coined; which was ordered to lie on the table. He also presented petitions of citizens of Lawrenceburg, Midway, and Frankfort, in the State of Kentucky, praying for the repeal on the so-called Sherman silver law; which were ordered to lie on the table.

He also presented a memorial of citizens of Paducah, Ky., remonstrating against the repeal of the so-called Sherman silver law, which was ordered to lie on the table.

Mr. GALLINGER. I present resolutions adopted at a mass Mr. GALLINGER. I present resolutions adopted at a mass-meeting of citizens and residents of Cheshire County, N. H., held Wednesday, September 21, 1893, regardless of political party or religious sect, in which these good people assert that there ex-ists to-day a great evil in our country, to wit, the manufacture and exportation of alcoholic liquors, whereby the self-indulgent and benighted inhabitants of many other lands are corrupted in body, mind, and soul, and they ask that the National Congress enact legislation which shall forever put a stop to the business of sending alcoholic poison to heathen people, under the severest of sending alcoholic poison to heathen people, under the severest penalties which are visited on slave catchers by land or pirates by sea. I move that the resolutions be referred to the Commitby sea. tee on Foreign Relations. The motion was agreed to.

BILLS INTRODUCED.

Mr. STOCKBRIDGE introduced a bill (S. 1132) for the relief of Sarah A. Moore; which was read twice by its title, and re-ferred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 1133) for the relief of the estate of Pearce Noland, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE introduced a bill (S. 1134) to create the southern judicial district of the State of Texas, and to fix the times and places of holding courts in said district and in the eastern and western judicial districts of said State; which was read twice by

its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a joint resolution (S. R. 35) transferring the exhibit of the Navy Department, known as the model battleship Illinois, to the State of Illinois, as a naval armory for the use of the naval militia of the State of Illinois, on the termi-nation of the World's Columbian Exposition; which was read twice by its title, and referred to the Committee on Naval Af-

REPORT ON CLIMATIC FEATURES, ETC., OF OREGON.

Mr. DOLPH submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring therein), That 5,000 copies, comprising the necessary text, tables, and charts, be printed of the paper entitled "Certain climatic features and the soil of Oregon," being a presentation of special information collected by the Weather Bureau for a long series of years as to temperature, rainfall, character of the weather, irrigation, and atmospheric discurbances, which are believed to have marked influence upon agricultural interests in the said State.

SEC. 2. That 1,000 copies be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies to be distributed by the Weather Bureau.

SETTLERS ON PUBLIC LANDS.

Mr. MANDERSON. A few days ago the Senator from Arkansas [Mr. Berry], who is chairman of the Committee on Public Lands, reported favorably the bill (H. R. 1986) to amend section six of the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes." A similar bill was unanimously passed by the Senate at the last Congress. It is important for local purposes that the bill should be passed at the present session, and immediately if possible. I ask unanimous consent that it be now considered. There can be no possimous consent that it be now considered. There can be no possimous consent that it be now considered. mous consent that it be now considered. There can be no possible objection to the bill. It will lead to no debate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. FAULKNER. If it will lead to discussion I shall have to

object?
Mr. MANDERSON. It will not. It can not possibly lead to debate If it does, I will withdraw the request.

Mr. HOAR. Let the bill be read for information.

Mr. HOAR. Let the bill be read for information.

The Secretary read the bill, as follows:

Be it enacted, stc., That section 6 of an act approved March 3, 1891, entitled
"An act to repeal timber-culture laws, and for other purposes," is hereby
amended by adding in line il, section 2301, after the words South Dakots,
"and in the State of Nebraska;" so as to read as follows:
"And the provisions of this section shall apply to lands on the ceded portion of the Sioux Reservation, by act approved March 2, 1889, in South Dakota and in the State of Nebraska, but shall not relieve said settlers from
any payments now required by law."

SEC. 3. That all acts and parts of acts in conflict with this act are hereby
repealed.

Mr. MANDERSON. I will simply state that the bill is to give to settlers who are south of the north line of Nebraska the same privilege of settlement that has been given to those who are north of that line. By an omission at the last session of Congress those words were not inserted.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

SCHOOL OF MINES.

Mr. DUBOIS. Yesterday I called up Senate bill 1040, but owing to objection it went over until to-day. I ask unanimous consent for the immediate consideration of the bill at this time. The VICE-PRESIDENT. The bill will be read for informa-

The Secretary read the bill (S. 1040) to aid the States of California, Oregon, Washington, Montana, Idaho, Nevada, Wyoming, Colorado, and South Dakota to support schools of mines, as fol-

Be it enacted, etc., That each of the States of California, Oregon, Washington, Montana, Idaho, Nevada, Wyoming, Colorado, and South Dakota shall annually receive 25 per cent of all moneys paid to the United States for the maintenance of a school of mines in each of the said States for the maintenance of a school of mines in each of the said States: Practiced, That said sum so to be paid shall not exceed the sum of \$12,000 per annum to each State, nor shall it exceed the amount annually expended by each of the said States for said school of mines.

SEC. 2. That before any money shall be paid to each of the said States under the provisions of this act the Secretary of the Interior shall certify to the Secretary of the Treasury that each of the said States is maintaining a school of mines within its borders in which students in attendance are given instruction in chemistry, metallurgy, mineralogy, geology, mining, mining engineering, mathematics, mechanics, and drawing, and that the students in attendance from other States are received into said school of mines on the same terms and conditions that the students from the said State are received.

SEC. 3. That the board of trustees of each of the said school of mines shall make a report each year to the Secretary of the Interior of the number of students in attendance at such school of mines, the State of which they are inhabitants, and the general course of studies pursued in said school, and the amount expended in the support of said school.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. FAULKNER. I reserve the right, if there is any discussion of the bill, to object to its further consideration at that

The VICE-PRESIDENT. There is objection.

Mr. FAULKNER. No; if there is to be no discussion I shall not object to the consideration of the bill. I understand it is a unanimous report from the Committee on Public Lands.

The VICE-PRESIDENT. The Chair misunderstood the Sen-

ator from West Virginia. Is there objection to the present consideration of the bill?

Mr. PEFFER. I do not wish to object to its consideration,

but I should like to have a brief explanation of the bill from the Senator who has charge of it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DUBOIS. I will state to the Senator from Kansas that a bill similar to this has passed the Senate two or three times for particular States. The Committee on Public Lands appointed a subcommittee, of which I was chairman, to condense all those bills and include the various States in one bill. The subcommittee did so, and the committee reported the bill in form precisely similar to the separate bills which have passed the Senate two or three times heretofore. It is designed to aid those States in which there are mineral lands in supporting schools of mines. The bill is so guarded that unless the State establishes the school and pays out as much money as is to be paid by the Government from the sale of lands, the Government will not give any money for the support of the school. In some States the schools are

already established. In my own State we have a State university with a separate branch devoted to this particular purpose.

Mr. HARRIS. I should like to ask the Senator from Idaho if the bill does not give a much larger percentage of the proceeds of the sales of the lands referred to than has heretofore been given to other States for such purposes of the proceeds of the sales of lands within their boundaries?

Mr. DUBOIS. I will state to the Senator from Tennessee that

the amount is limited in the bill to \$12,000 a year.

Mr. HARRIS. So I see; but is not a larger percentage provided for than there is any precedent for in similar grants to othes States heretofore?

Mr. TELLER. If the Senator from Idaho will allow me to reply, I will state that it is a larger percentage, and it is larger than it is now needed, but it is supposed that gradually the amount will be reduced that the Government will get for the mineral lands, and as the sum is limited to \$12,000 it is quite immaterial whether it is 50 per cent or more of the proceeds of the land, because no school of mines can get more than \$12,000.

Mr. HARRIS. I shall not object to the consideration of the bill, but shall content myself by voting against the bill, because I think it is not a good piece of legislation.

Mr. BERRY. A bill similar to this came from the Commit-

Mr. BERRY. A bill similar to this came from the Committee on Public Lands during the last Congress. I think the Senator from Colorado introduced a bill applying only to Colorado, containing the same provisions which are contained in the pending bill. There were several similar bills introduced in the We considered them there and united them in one bill, which is the bill now before the Senate, and we unanimously reported this bill. There was no effort made in the committee to increase the amount. It was believed that the amount would be sufficient as contained in the bill, and I never knew until yesterday morning, I think, when the Senator from Idaho informed me that the Senator from Colorado desired to increase the per cent. I told him that he could introduce such an amendment in the Senate and it could be considered then. I do not think the Senator from Colorado ought to insist on an increase without further consideration. I have no objection whatever to the bill assing as it came from the Committee on Public Lands, but if it is insisted that the amount shall be increased, then I would desire further consideration of the matter before the Senate ses on it.

Mr. TELLER. Then I will not make the motion that I said

yesterday I would submit.

Mr. President, I wish to say a few words on the pending bill. A bill giving a donation to Colorado for this purpose has passed the Senate at least three times. The State of Colorado has maintained for fifteen or twenty years a school of mines that has been open to all the people of the United States. We have had students from all the Western States and Territories. We maintain a school of mines that I say here, as I have said before, has no superior on this continent, if it has in the world. I do not believe that there is a place in Europe, and certainly there is not another place in America, where better advantages are offered to young men who desire to study mining engineering, metallurgy, and general mining.

The most American students who have been distinguished in these matters have received their education in Freiburg, Germany, but Colorado opened its school some years ago and erected buildings. It is independent of our other State institutions; it is a separate institution. We provided in the constitution for its maintenance to a limited degree, and the Legislature makes appropriations every year. We have built up a school that is a pride of the State, which, I repeat has no superior anywhere, and I think it is entitled to the favorable consideration of the

American people.

Mining is an industry that must occur in this country as applied to iron, coal, silver, gold, and copper. It certainly is proper that we should have a place in this country where Amerproper that we should have a place in this country where American youths can go without great expense being entailed upon them, as would be the case if they should go to Europe, or even to Columbia College in New York, which is a fine school of mines. For that re son some years ago I introduced a bill and it passed the Senate, as I said, practically unanimously three times. I hope the pending bill will pass.

Mr. HOAR. I should like to inquire of the Senator from Colored how much is noid by the State.

Colorado how much is paid by the State.

Mr. TELLER. I suppose it costs us \$50,000 a year, if not more, to support that school of mines, to say nothing about the large amount put in the buildings.

Mr. HOAR. In addition to this donation?
Mr. TELLER. In addition to this donation.
Mr. HOAR. Does the Senator know the tuition, or is the tuition free

Mr. TELLER. The tuition, I understand, is free

Mr. HOAR. My puestion is not put with any hostility to the proposition, but with reference to whether there is an adequate

proposition, but with reference to whether there is an adequate endowment for such a school separately. Suppose we make this donation, will the school have sufficient endowment besides?

Mr. TELLER. I can speak only for Colorado. So far as Colorado is concerned the school will be supported without any reference to this donation. It will be a little more efficient if it has this amount of money, but it will still be maintained, because we have a very large plant, with everything that is necessary to teach this branch of science.

Mr. HOAR. Is the school located at Denver?

Mr. HOAR. Is the school located at Denver?
Mr. TELLER. At Golden City, 12 miles from Denver. It is in the vicinity of the mines. It is a practical school and has done great good. It has a large number of students from other States, including New Mexico and States adjoining, and even

some from Mexico. Mr. PETTIGREW. Mr. President, I wish to say that the State of South Dakota has maintained a school of mines since 1884. We have erected a building that cost about \$50,000, and sustain a full corps of teachers devoted exclusively to this subject. It is in-

dependent of our other universities and State institutions. It is dependent of our other universities and State insulutions. It is located at Rapid City, in the Black Hills, and it has students from other States, the tuition being free. The school will be maintained, of course, whether the bill passes or not; but if this bill passes it will add to its efficiency and add to the advantage which it confers upon that mining region, and through its stu-

dents to the surrounding States.

Further than that, a very large sum of money has been received by the Government for mining claims in the Black Hills, the region where the institution is located. It seems no more than fair that a portion of the money received from the safe of these mineral lands should go to the support of this institution. In the Black Hills in South Dakota there are minerals which are

already successfully mining and shipping large quantities of mica, both for electrical and for domestic purposes.

We are also producing considerable quantities of tin. I believe it is demonstrated that the quantity of tin is sufficient to supply the United States in the near future. Difficulties have supply the United States in the near future. Difficulties have arisen in regard to one of the largest companies there that is producing tin, so that the output is small at present, but it is bound to increase enormously. We have vast quantities of asbestus, and lately, within the last two years, we have discovered a process by which gold can be separated from refractory ores, and an enormous increase in the output of gold has resulted. This year the product will be \$5,000,000. There are also other very large bodies of refractory gold ores which assay well. But no process has been discovered by which they can be reduced. The solution of this question will furnish work for the student and scientific investigator, and is an additional reason why this school should be encouraged. school should be encouraged.

A bill similar to this one for South Dakota alone has passed the Senate twice, and I think now the prospect is that such a bill will go through the other House.

Mr. HÖAR. The only doubt in my mind, which led to the question which I put to the Senator from Colorado, is whether it is desirable that these institutions shall be entirely separate or if they should not be united with the agricultural colleges under the policy inaugurated by the Senator from Vermont[Mr. MORRILL]. Of course they are of great value; but, in the first place, you would get a better scientific library where you have one large institution than where there are separate institutions. In the next place, you would get famous men of special genius or learning and skill who could perhaps give their services to both and not be entirely taken up by one, where the teaching and investigation may be conducted by men of less distinction. But if there are in fact separate institutions already established and amply endowed, as I understand the two Senators who have spoken, of course in those States that question is settled and no one will propose to interfere with the policy which they have established. I put the question merely with a view of ascertaining the fact.

Mr. TELLER. In Colorado the school of mines is not en-

dowed in the usual sense of an endowment.

Mr. HOAR. I mean provided for.
Mr. TELLER. But it is provided for by a provision in the constitution, and at every session the Legislature makes an appropriation of a greater or less amount for its support.

Now, I want to say a word further. I do not agree with the Senator from Massachusetts that a practical school of mines like ours would be better attached to an agricultural college. That

ours would be better attached to an agricultural college. That is a business entirely independent, and we thought, and we think still, that they should be entirely separate.

Mr. HOAR. If the Senator will pardon me, I said there were some advantages, but if they were already established separately of course they would remain so. My question was simply to see whether this gift of the Government was going to a good and a sufficiently equipped and provided-for school. The Senator will agree with me that it would be better to attach it to an agricultural college if it were a little insignificant thing that would not take care of itself; but if it be, as the Senator says, an institution receiving a grant of \$50,000 as an institution already established I should not think of making any point on it.

Mr. TELLER. I spoke of the amount received. I do not know how much the Legislature appropriated, but I think at the last session there was an appropriation of \$35,000 for addi-

know how much the Legislature appropriated, but I think at the last session there was an appropriation of \$35,000 for additional buildings, and those appropriations have been made year in and year out, more or leas, for the last fifteen years.

We are very proud of our school of mines in Colorado. We think it is one of the best in the world; and we should not like to connect it with any other institution. We have our State agricultural college, which has been a great success. The school of mines is entirely independent of any other institution. It is located at the foot of the mountains, in the immediate vicinity of where the practical work of the mines is done, where students can study practical mining as well as theoretical mining.

In the vicinity of the school are the United States courts,

where students can go and listen to the testimony in cases of great importance, for the students there study mining law as well as mining, as they should. In every way the institution has been a great success. We are not here asking this donation upon any theory that we do not intend to maintain that instituupon any theory that we do not intend to maintain that institution. We intend to maintain it independently of the General Government; but we think, inasmuch as we are paying a great price for mineral land, and have paid large sums into the Treasury of the United States, the small sum of \$12,000 proposed to be given is insignificant, and it certainly ought to be given as

be given is insignificant, and it certainly ought to be given as an encouragement to such institutions.

Mr. WASHBURN. I understand from the Senator from Idaho [Mr. Dubois] that he is willing to accept the amendment which I suggested yesterday; which is to add Minnesota to the States named in the bill, and, therefore, I move to insert "Minnesota" after "South Dakota," in line 5.

We have mines of copper and we have deposits of iron in

Minnesota larger and more phenomenal than can be found in any other State in the Union; we have also gold and silver to a greater or less extent on the north shore of Lake Superior; and I think there is every reason why Minnesota should be added to the list of States named in the bill. Therefore I move the amend-

ment which I have indicated.

Mr. McPHERSON. I hope that this bill will become a law.

It seems to me to be a movement in the right direction, and

It seems to me to be a movement in the right direction, and that this aid ought to be extended by the General Government. The Western States named in the bill comprise the great mining districts of the country. The hills and the mountains are full of mine all wealth, not only of gold and silver, but iron, copper. mica, quicksilver, and many other minerals. It seems to me that a school of mines located in that region of country, immediately among the people most directly interested, where they have already a practical knowledge of mining and where it is desirable to reduce the cost of mining as well as the cost of reducing the ores and that an education, such as these cost of reducing the ores, and that an education, such as these institutions will provide, is of vast moment to the people of that section of the country and to the whole people of the United

It is very difficult to draft a young man from the extreme West to attend, for instance, the School of Mines in New York City, where he could secure that class of scientific and technical knowledge which could enable him to work with some degree of profit and progress in the mining and reduction of these ores. Therefore, I think the Government should spend its money to assist these schools right in the very heart of the district where the different kinds of ores are found, and many of them are refractory, which require some special practical knowledge and

some special application of scientific knowledge.

Mr. FAULKNER. If there is to be no further discussion of the bill, I shall not interpose an objection to its consideration; but if there is to be further discussion I shall feel under obliga-

tion to do so.

Mr. HIGGINS. I should like to say a word. I want to say that I am in favor of this bill; I think it is right; I think it is well to reinforce the cause of education in the West in this well to reinforce the cause of education in the west in this well. specialty; but I call the attention of the Senate and, if need be, of the country to the fact that the same measure was not meted out to the South, when it came up with its great call for relief. out to the south, when it came up with its great call for relief. If the same policy had been pursued by the enactment of the Blair educational bill, it would have strengthened the ground for this measure, beneficent as I grant you it is.

Mr. TELLER. I voted for the Blair bill.

Mr. HIGGINS. I know the Senator did.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Minnesota [Mr. WASHBURN]; which will be

The SECRETARY. In line 4, after the word "Colorado," it is proposed to strike out "and;" and in line 5, after the word "South Dakota," to insert "and Minnesota," so as to read:

Thateach of the States of California, Oregon, Washington, Montana, Idaho, Nevada, Wyoming. Colorado, South Dakota, and Minnesota shall annually receive 25 per cent of all moneys paid to the United States by each of the said States for mineral lands within the said States, for the maintenance of a school of mines in each of the said States, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read:

A bill to aid the States of California, Oregon, Washington, Montana, Idaho, Nevada, Wyoming, Colorado, South Dakota, and Minnesota to support schools of mines.

ENGROSSMENT AND ENROLLMENT OF BILLS.

Mr. MANDERSON. There came yesterday from the other House a concurrent resolution providing that, commencing with

the first day of the next session of Congress, engrossed and enrolled bills should be printed, instead of being written, as has been the custom heretofore. I notice that no disposition has been made of that concurrent resolution, except to order it printed. I ask that it be referred to the Committee on Printing

for their consideration.

The VICE-PRESIDENT. Without objection, the concurrent resolution will be so referred.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed a bill (H. R. 2689) authorizing the Secretary of the Treasury of the United States to refund certain duties paid by James J. Haynes; in which it requested the concurrence of the Senate. The message also announced that the House had passed a con-

current resolution authorizing the Pub ic Printer to furnish to each Representative and Delegate additional copies of the Con-

GRESSIONAL RECORD.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 66) that the acknowledgments of the Government and people of the United States be tendered to various foreign governments of the world who have participated in the Exposition in commemoration of the discovery of America by Christopher Columbus; and it was thereupon signed by the Vice-President.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H.R.1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the amendment pro-posed by Mr. PEFFER to the substitute reported by the Committee on Finance.

[Mr. STEWART resumed and concluded the speech begun by

him yesterday. See Appendix.]

Mr. STEWART. As my colleague [Mr. JONES of Nevada] has not concluded his speech, I beg that he may be allowed to take the

floor for a while.

Mr. ALDRICH. I ask the Senator from Nevada to yield to me for a moment that I may call up a resolution reported favorably from the Committee to Audit and Control the Contingent nenses of the Senate.

Mr. JONES of Nevada. Very well.

DISTRICT CORPORATIONS.

Mr. ALDRICH. I ask the Senate to proceed to the consideration of order of business 65, it being a resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER (Mr. FAULKNER in the chair).

The resolution will be read.

The Secretary read the resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate by Mr. White of Louisiana, on the 13th instant, as follows:

Resolved, That the Committee on Corporations in the District of Columbia is hereby authorized and directed to continue the investigation provided for in a resolution of the Senate a topted July 27, 1892, with all the powers and authority conferred by said resolution.

Mr. ALDRICH. Iask for the present consideration of the res-

olution.

Mr. COCKRELL. What is the resolution?

Mr. ALDRICH. It is a resolution reported from the Committee on Contingent Expenses to continue the investigation which was commenced by the Senator from Maryland [Mr. GORMAN]. It has the assent of all the committees.

Mr. QUAY. What is the subject of the investigation?

Mr. ALDRICH. Corporations in the District of Columbia.

Mr. PEFFER. Mr. President, I suggest the absence of a quo-

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll. The Secretary called the roll, and the following Senators an-

Aldrich. Allen. Bate.	Dolph, Faulkner, Frye,
Herry.	Gallinger,
Caffery.	George, Gibson,
Camden.	Hale.
Carey.	Harris.
Cockrell,	Hoar,
Coke,	Jones, Nev.
Cullom,	Lindsay,
Davis,	Lodge, McMillan

swered to their names:

McPherson,
Manderson,
Martin,
Mills.
Morrill,
Palmer,
Pasco,
Peffer,
Perkins.
Pugh,
Quay.

Sherman, Shoup, Stewart, Teller, Vest, Vilas, Voorhees, Walthall, Washburn. White, La. Wolcott. The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum of the Senate is present. The Senator from Rhode Island asks unanimous consent to consider

Are solution, which will be read.

Mr. ALDRICH. The resolution has been read.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island?

Mr. HARRIS. Let the resolution be read, so that we may understand what it is.

The Secretary again read the resolution; and it was considered by unanimous consent and agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 2689) authorizing the Secretary of the Treasury of the United States to refund certain duties paid by James J. Haynes, was read twice by its title, and referred to the Committee on Finance.

DISTRIBUTION OF CONGRESSIONAL RECORD.

The following concurrent resolution of the House of Representatives was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That the Public Printer be directed to furnish to each Representative and Delegate 22 additional copies of the Congressional Record, of which number 8 copies shall be sent, I each to such public or school libraries as shall be designated by each Representative and Delegate.

That the remainder of this number, 14 copies, he shall furnish to each Representative and Delegate during the extraordinary session of the Fifty-third Congress.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entiled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other

Mr. JONES of Nevada addressed the Senate in continuation of the speech begun by him on the 14th instant. After having

spoken for over two hours, he said:

Mr. President, I have but a little more to offer. I feel that it is due to me to apologize to the Senate for the time I have taken. I scarcely know whether to denominate what I have presented an argument or an obituary. I take it for granted that the cause I have attempted in a feeble way to defend when the vote comes will practically be lost. With the indulgence of the Senate, feeling quite tired now, I will yield. It will take me but a short time to-morrow, if I can get the floor, to conclude the senate of the senat

all that I shall have to say for some time on this question.

Mr. McPHERSON. May I ask the Senator a question before
he takes his seat? As I understand the Senator now, he is in favor not of international money, but of a purely national money. He is in favor of exactly such money as India has had in her circulation since 1870. He proposes that this country shall have a money dislocation with all the rest of the world, so that if we owe a debt abroad we must translate our money into the money of the foreign nation to whom we owe the money before the debt could be paid, and if they owe us they must translate their money into our money before their debts could be paid. The Senator, I understand, prefers a silver basis, and silver is continually fluctuating in value, compelling the farmer, the producer, to sell his wheat and cotton and pork and beef for silver. That product is taken abroad and is sold for gold.

The American farmer must stand all the fluctuations in the

The American farmer must stand all the nucluations in the money between the time of the sale of his product and the time the product reaches the other side. I wish to know under that condition how it is possible for the United States of America to keep up profitable trade relations with any country that to-day purchases our products. If the Senator will bear with me still further, before answering this question, I will say in respect of the contention that arose between us a few minutes ago with respect to India.

respect to India-

Mr. JONES of Nevada. There is so much; I should like the

Senator to ask but one question at a time.

Mr. McPHERSON. Very well, it is all on the one line. The Senator instructed me when I interrupted him a few moments ago that it was more proper to measure the value of money by the value of commodities than it was by other kinds and character of money; and I stated the case of an India merchant shipping wheat and cotton to Liverpool or to London for sale. I will now put the question in another form and ask the Senator to be so kind as to answer it.

The Indian merchant ships, say, one quarter of wheat to London. He is the producer of the wheat. It is sold in London for gold. It is worth, say, to-day 30 shillings a quarter. That would buy 30 shillings sterling in gold, or it would buy 15 rupees, if rupees were at par with gold. The rupees have fallen, they are worth to-day 1 and 2 pence. That quarter of wheat buys in London just 25 rupees, either in council bills or in silver bullion. The

exchange, of course, or he may take the silver bullion back to India, and his mints are open. Now, how can the Senator say that silver has not fallen in India, when I show him that a bushel of wheat buys 10 rupees more to-day than with silver at

par with gold?

Mr. JONES of Nevada. I think I will not overstate the point when I say that I do not believe there is a Senator on this floor who clearly understood the question of the Senator from New

who clearly discrete.

Jersey.

Mr. McPHERSON. Very well; then—

Mr. VOORHEES. Mr. President—

Mr. McPHERSON. I will put it—

Mr. JONES of Nevada. I have tried, and I can not understand whether the Senator means it for a speech, or an answer, a question.

Mr. McPHERSON. Both.

Mr. JONES of Nevada. The Senator has made many postulates; he has assumed many things that I do not agree to at all; he has attempted to place me in positions that I have not placed myself in. He undertakes to state my position, which I prefer to state for myself; and after he has done this, he becomes so instant of the history and the present of the state for myself; and after he has done this, he becomes so instant of the state volved in his question that it is impossible to fully understand what he means

Mr. McPHERSON. Very well; I will put the question again. If the fall-

Mr. VOORHEES. I ask the Senator from New Jersey to yield to me for a moment? Mr. McPHERSON. In one moment. If the fall in the value

Mr. VOORHEES. I ask the Senator to yield to me for a moment?

he VICE-PRESIDENT. Does the Senator from New Jersey

yield to the Senator from Indiana?

Mr. VOORHEES. I understand the Senator from Nevada desires to complete his remarks to morrow. I regret that he is not able to complete them now. I shall not press the Senator from Nevada upon this point, but I suggest, for economy of time, that he and the Senator from New Jersey meet between now and to-morrow when the Senator is to resume the floor and come to an understanding about the question that is asked and the man-

an understanding about the question that is asked and the manner of answering it.

Mr. JONES of Nevada. I think it would take about that time.

Mr. VOORHEES. In the meantime, Mr. President, as there seems to be no one else ready to go on now, and not with a view of denying the right to anyone who desires to talk on pending amendments, I ask for a vote at this time on the amendment to the amendment of the committee, and let us get along in that the amendment of the committee, and let us get along in that

Mr. McPHERSON. I would prefer to have the Senator from

Nevada answer my question.

Mr. VOORHEES. He can do it to morrow if he can do it at all.

[Laughter]. I ask the Senate to indulge me with a vote on the

pending question at this time.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kansas [Mr. PEFFER] to the amendment in the nature of a substitute reported by the Committee on Finance.

Mr. ALLEN. I call for the reading of the amendment to the

amendment.
The VICE-PRESIDENT. The amendment to the amendment will be read.

The SECRETARY. After the word "repealed," at the end of line 13 of the amendment of the committee, insert the following additional sections:

SEC. 2. That any owner of gold bullion or silver bullion in condition fit for coinage, and of the coin value of \$50 or more, may deliver the same at any mint to the proper officers thereof, and it shall be formed into coins for the benefit of the depositor in the manner provided by the act of Congress approved January 18, 1837, and in all respects according to the provisions of said act, all of which provisions, so far as the same are or may be applicable hereto, are hereby revived and reenacted, except that the inscriptions and devices of coins of like denominations now current shall be placed on the coins authorized by this act, and double eagles may be coined as provided in the act of February 12, 1873.

SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 4. That this act shall take effect and be in force thirty days after its passage.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. VOORHEES. On that I ask for the yeas and nays

Mr. PEFFER. Mr. President, I am not quite ready yet to

wote upon the amendment to the amendment. I desire to submit some remarks in advocacy of it.

Mr. VOORHEES. Idonot desire to limit debate, but I thought the Senator from Kansas had had some time in which to complete his observations. He has discussed the pending amendment. producer of wheat in India may take the council bills, which is ment, and I think every other feature of the subject that is possible. I ask the Senator from Kansas how much time he would

Mr. PEFFER. Not very much.
Mr. VOORHEES. I will state my purpose. The way I deal with these questions is in perfect frankness. If the amendments are to lead to prolonged debate I shall ask the Senate to consider them under Rule VIII, confining debate to five minutes. and to one speech for each Senator upon an amendment. Other-

wise, I shall resort to another method to dispose of them.

Mr. PEFFER. I submit, Mr. President, if the Senator will allow me just a moment, that this is not a very good time to restore the old tactics we had ten days or two weeks ago. I merely want to occupy a short time. I do not propose to surrender; neither do my political friends. Mr. VOORHEES. I have every disposition to yield, but there

is so much misunderstanding as to what a short time is in this body that I should like to be reassured a little on that point. I have not the slightest disposition to press the Senator from Kan-Mr. PEFFER. If the Senator will permit me, I will try to

Mr. VOORHEES. I yield to the Senator from Kansas for that unpose. He says for a short time.
Mr. PEFFER. I understood that I had the floor.
Mr. VOORHEES. I knew I had it; whether the Senator so

purpose. He sa Mr. PEFFER

Mr. PEFFER. I have not yielded.
Mr. VOORHEES. I was on the floor long before the Senator from Kansas. I had the floor and asked for a vote on the pending amendment. I suppose the Senator misunderstood it.
Mr. PEFFER. When the amendment was read I addressed

the Chair and was recognized.

Mr. VOORHEES. Yes; I was on the floor.

The VICE-PRESIDENT. The Chair will hear the Senator

from Kansas

Mr. PEFFER. Mr. President, I do not desire to occupy very much time, but some things have occurred within the last few days which make it appropriate upon my part to address the Senate at least for a short time on the pending amendment. It will be remembered that I offered an amendment somewhat

similar to this early in the history of this discussion, and that when the Senator from Indiana moved to lay that amendment on the table I asked the poor privilege of explaining it and it was denied me. It was tabled unceremoniously. I now discover in the public prints of the day a statement to the effect that I have surrendered and that I have advised my political associates to surrender.

Mr. President, we have not surrendered, nor do we intend to do so. We intend to fight this proposition until the end; and when we are captured, if we are, it shall be with our arms in our

hands and our faces to the foe.

All the free-coinage people have asked from the beginning is wrong which was perpetrated in 1873. This the pending amendment proposes to effect. When the act of 1873 was proposed and passed, the demonetization of silver money had not been subpassed, the demonstration of silver money had not been submitted to the people; it was not discussed in any political campaign; and while it was treated in this body and in the other branch of Congress from time to time during a period of two or three years, there was no opportunity whatever for any public judgment to be passed upon it. The evil work was done without the knowledge or consent of the voters.

Mr. President, we have reached a time which was some days

ago announced by other Senators as well as myself when this ago announced by other Senators as well as myself when this discussion would probably end. We were asked repeatedly when we would be ready to vote on the passage of this bill. Our answer was uniformly (the same dropping from all lips which were called upon to utter the expression) that after we had time enough to discuss the bill and the amendments thereto in a reaching the deliberate cool capital and many many than the readsonable, deliberate, cool, candid, and manly way, then we would

be ready to vote.

Now, Mr. President, in concluding what I have to say, I wish It to be distinctly understood here and elsewhere that my opposition to the bill is one of conscience, and based upon a principle. The passage of this bill, as I believe, will entail a wrong that can not be measured. It will start this country downward, or rather it will add to the momentum of our downward course towards a gold standard. It will depreciate the values of the towards a gold standard. It will depreciate the values of the products of all our labor. It will reduce farmers to tenants. It will reduce the wage-worker to virtual peonage. It will eventually put not only the money of the country, but all the great material interests, and all our intellectual forces—our politics, our legislation, and our judicial determinations, in the hands of one great overruling and overmastering power flowing from concentrated wealth. One-half of the farm lands which are now

occupied in the civilized world are under mortgage for more than they would bring in cash if advertised to-morrow to be sold at thirty days' notice. Our farm renters have increased in this country in ten years from 25 per cent to about 35 per cent. The renters in cities have increased at even a much greater ratio

Those of us who are opposing the passage of this bill believe that the effect of the policy it foreshadows will be to continue this downward course, and that there will be no possible escape from it. We believe that the defeat of this bill would to that extent weaken the influences of the money-power; that it would take away one great support which is now maintaining its hold upon the people. We regard the bringing of this bill before Congress as an effortupon the part of what we call the money power to still more firmly and permanently fasten its clutches on the indus-

tries of the people.

We shall oppose it to the bitter end, Mr. President. We have no notion of surrendering, and expect to add still further opposition as the debate proceeds. However, as I said to the Senator from Indiana in the beginning, we do not intend to interpose any factious or revolutionary opposition, but we want at every stage of the proceeding, until the end comes, to interpose our determined resistance and our implacable opposition. That is all I

care to say now.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kansas [Mr. Peffer] to the

mr. PEFFER. The yeas and nays have been demanded.
Mr. TELLER. Let us have the yeas and nays.
The yeas and nays were ordered, and the Secretary proceeded to call the roll

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from Arkansas [Mr. Jones]. I do not see him in the Chamber, and I withhold my vote for the present.

Mr. BERRY (when the name of Mr. Jones of Arkansas was called). My colleague [Mr. Jones of Arkansas] is necessarily absent. He is paired with the Senator from Delaware [Mr. HIG-

GINS]. If my colleague were present he would vote "yea."
Mr. PETTIGREW (when his name was called). Upon this question I am paired with the Senator from Georgia [Mr. Gor-

DON]. If he were present I should vote "yea."
Mr. QUAY (when his name was called). I am paired with the
Senator from Alabama [Mr. Morgan]. Were he present, I

Senator from Managama (Mr. McMaray).

Mr. SHERMAN (when his name was called). I am paired on this vote with the Senator from Pennsylvania [Mr. CAMERON]. He would vote "yea," and I should vote "nay."

Mr. VILAS (when his name was called). I have a general

pair with the Senator from Oregon [Mr. MITCHELL]. If he were present I would vote "nay."

Mr. GRAY (when the name of Mr. WHITE of California was lled). When the Senator from California [Mr. WHITE] left for the West I agreed to pair with him on this and all cognate questions. My pair has been transferred to the Senator from New Hampshire [Mr. CHANLDER], and I have voted "nay," and I should have made this announcement when my own name was

The roll call was concluded.

Mr. PALMER. I am paired generally with the Senator from North Dakota [Mr. HANSBROUGH], and therefore withhold my If he were present he would vote "yea" and I should vote

"nay."

Mr. HUNTON. I am paired with the Senator from Connecticut [Mr. PLATT]. He is detained from the Senator by reason of the illness of his wife. If he were here he would vote "nay," and I should vote "yea."

Mr. HIGGINS. I transfer my pair with the Senator from Arkansas [Mr. Jones] to the Senator from Connecticut [Mr. HAWLEY]. and will vote "nay."

Mr. SHERMAN. I will transfer my pair with the Senator from Penasylvania [Mr. CAMERON] to my colleague [Mr. BRICE]. My colleague would vote "nay" and I understand the Senator from Pennsylvania would vote "yea." I vote "nay."

Mr. PUGH. I was requested to state that the senior Senator from Georgia [Mr. COLQUITT] is paired with the Senator from Iowa [Mr. WILSON]. If the Senator from Georgia were present he would vote "yea." I do not know how the Senator from Iowa would vote. would vote

Mr. DANIEL (after having voted in the affirmative). I voted, but I have since ascertained that the Senator from Washington [Mr. SQUIRE] is absent. I have a general pair with him and I shall ask leave to withdraw my vote. I understand that the Senator from Washington would vote "nay" if present.

Mr. STEWART. I do not know whether he would or not. Has he so announced?

I do not think he has so announced.

Mr. STEWART. He voted for free coinage the last time.
Mr. DANIEL. I am informed that he would vote "nay" if

mr. DANCELS I am informed that he would vote hay in present, and therefore I ask leave to withdraw my vote.

Mr. PASCO. The Senator from Georgia [Mr. GORDON] was called away by most urgent business, and desired me to state in his absence that he is paired with the Senator from South Dahota [Mr. Pettigrew]. If the Senator from Georgia were present he would vote "nay."

Mr. COCKRELL. I am paired with the senior Senator from lowa [Mr. ALLISON], who, if present, would vote "nay," and I should vote "ray."

should vo'e "yea."

Mr. SHERMAN. I suggest that the pairs be now called over to see whether they are correct, that there may be no misunderstanding

Mr. DANIEL. It has been suggested to me that the Senator from Oregon [Mr. MITCHELL] and the Senator from Washington [Mr. Squirke] stand paired, and that the Senator from Wisconsin [Mr. VILAS] and myself may then vote. I beg that the pairs may be arranged in that manner.

pairs may be arranged in that manner.

Mr. DUBOIS. The Senator from Oregon [Mr. MITCHELL]
would vote "yea."

Mr. DANIEL. The Senator from Oregon [Mr. MITCHELL]
would vote "yea," and I am informed the Senator from Washington [Mr. SQUIRE] would vote "nay." I vote "yea."

Mr. VHAS. Under the arrangement suggested by the Senator from Virginia I vote "nay."

Mr. PALMER. I understand that my pair with the Senator from North Dakota [Mr. HANSBROUGH] has been transferred to the Senator from Texas [Mr. MILLS]. If that is permissible, I vote "nay."

the Senator from Arkansas. I vote "yea."

Mr. JONES of Arkansas. I vote "yea."

Mr. HIGGINS (after having voted in the negative). The presence of the Senator from Arkansas [Mr. JONES], who has just voted, makes it necessary, I presume, for me to revoke the transfer of my pair to the Senator from Connecticut [Mr. HAW-Yaw]

Mr. QUAY. With the permission of the Senate, I will transfer my pair with the Senator from Alabama [Mr. MORGAN] to the Senator from Connecticut [Mr. HAWLEY], and I vote "nay."

Mr. HARRIS. Has there not been a transfer of a pair already announced to the Senator from Connecticut [Mr. HAWLEY]? There has cartainly been, but I do not remember with whom.

Mr. ALDRICH. There was a pair announced between the

Senator from Arkansas [Mr. Jones] and the Senator from Connecticut [Mr. HAWLEY], but the Senator from Arkansas has voted, so that the Senator from Connecticut stands without a

Mr. HARRIS. I do not remember with whom the Senator from Connecticut was said to be paired, but I remember dis-

tinetly that there was a pair announced.

Mr. BUTLER. Did I understand the Senator from Ohio [Mr. SHERMAN] to announce the pair of the Senator from Pennsyl-

SHERMAN, Wania [Mr. CAMERON]?

Mr. SHERMAN. Yes, he is paired with my colleague [Mr.

Mr. CULLOM. Let the pairs be announced.
The VICE-PRESIDENT. The pairs will be announced by the Secretary.

The Secretary read as follows: Mr. Pettigrew with Mr. Gordon.

Mr. MITCHELL of Oregon with Mr. SQUIRE.

Mr. CAMERON with Mr. BRICE.
Mr. HANSBROUGH with Mr. MILLS.
Mr. WHITE of California with Mr. CHANDLER.
Mr. COLQUITT with Mr. WILSON.

Mr. COCKRELL with Mr. ALLISON.

Mr. Morgan with Mr. Hawley. Mr. Hunton with Mr. Platt.

The result was announced—yeas 28, nays 39, as follows:

	Z Z	EILS-40.	
Allen, Bate, Berry, Blackburn, Butler, Call, Colte,	Daniel, Dubois, George, Harris, Irby, Jones, Ark. Jones, Nev.	Kyle. Martin, Pasco, Peffer. Power, Pugh, Roach,	Shoup, Stewart, Toller, Vance, Vest. Walthall, Wolcott.
	1	NAYS-39.	
Aldrich, Caffery, Canden, Carey, Cullom, Davis, Dixon, Dolph, Faulkner, Frye,	Gallinger, Gibson, Gorman, Gray, Hale, Higgins, Hill, Hoar, Lindsay, Lodge,	McMilan, McPherson, Manderson, Mitchell, Wis. Morrill, Murphy, Palmor, Perkins, Proctor, Quay,	Ransom, Sherman, Smith, Stockbridge, Turple, Vilas, Voorhees, Washburn, White, La.

NOT	TTOM	EXPRICT	10
74 C T	V.O.	LLEV CT	- 10.

Allison, Brice, Cameron, Chandler,	Colquitt, Gordon, Hansbrough, Hawley,	Morgan, Pettigrew,	Squire, White, Cal. Wilson.
Cockrell	Hunton:	Platt.	

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs upon agreeing to the amendment reported by the Committee on Finance.

Mr. VOORHEES. I desire to say that the amendment of the Committee on Finance when adopted will stand as the original bill and be open to amendment as the original bill would have been, and every amendment offered will have its fair considera-

Mr. HARRIS. Allow me to suggest to the Senator from Indiana that the substitute reported by the Committee on Finance and the House bill are both, under the rules, original propositions and subject to amendment, but if the substitute shall be agreed

and subject to amendment, but it the substitute shall be agreed to by the Senate as in Committee of the Whole, it is not then amendable as in Committee of the Whole.

Mr. VOORHEES. I intended to convey the idea that so far as I am concerned, and so far as the friends of the bill are concerned, it will be treated as the original would have been treated and be subject to amendment. The ground has been discussed all over. I am not at all afraid of amendments that may come in. I am perfectly willing that they shall be treated fairly. Some of them may be laid on the table; some of them may be subject to explanation under the eighth rule with five-millute speeches; but there are a great number of amendments, notice of which has been given. There are twenty-five or thirty amendments intended to be proposed, but none of them have been of ments intended to be proposed, but none of them have been offered as yet. I have agreed, for instance, with the Senator from California [Mr. Perkins] that he shall have a chance to offer his amendment; but I desire first to perfect the measure before the Senate by adopting the substitute, as the Senator from Tennessee denominates it, with the understanding that it shall be treated as the original bill would have been treated.

Mr. HARRIS. I beg to suggest to the Senator that we had better follow the parliamentary rule. Both of the propositions are open to amendment as they now stand, as substantive and original propositions, so that an amendment to either is amendable, but if agreed to, then under the parliamentary rule the

able, but if agreed to, then under the parliamentary rule the proposition of the committee can not be amended as in Commit-

tee of the Whole.

Mr. VOORHEES. I ask the unanimous consent of the Senate that after its adoption the amendment of the committee may be

treated as open to amendment, as the original bill would be.
The VICE-PRESIDENT. Is there objection to the request
of the Senator from Indiana? The Chair hears none, and it is so

Mr. VOORHEES. Now, I ask for a vote on the substitute of the committee.

Mr. STEWART. Mr. President— Mr. VOORHEES. I hope the Senator from Nevada will oblige me by letting the amendment be adopted, with the assurance to him that it will not prejudice his right to the floor. I am not aiming to cut off what remains of debate, but I should like to place the me sure in a little different form, so that we can go on and amendments will be in order.

Mr. STEWART. I have no objection to that course.

Mr. VOORHEES. Very well.

Mr. VOORHEES. Very well.

The VICE-PRESIDENT. The Chair will state that the question recurs upon the amendment reported by the Committee on Finance

Mr. HARRIS. With the distinct understanding, as I understand it, that when the Senate shall agree, if it shall agree to that amendment, that the amendment shall stand as the original amendment, that the amendment shall stand as the original proposition, and is as amendable as the bill as passed by the House of Representatives would be.

The VICE-PRESIDENT. That has been agreed to.
Mr. VOORHEES. I have stated that to the Senate, and the Senate has given its unanimous consent.

The VICE-PRESIDENT. Unanimous consent has been given to the proposition of the Senator from Indiana.

Mr. HARRIS. I stated it simply so that there could be no misunderstanding.

misunderstanding. Mr. VOORHEES.

Mr. VOORHEES. There could not be any.
The VICE-PRESIDENT. The question is on agreeing to the
amendment reported by the Committee on Finance.
Mr. STEWART. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHERMAN. I hope whoever called for the yeas and nays will withdraw the demand. This is merely a formal matter. The text of the bill is still open to amendment.

Mr. COCKRELL. Let the roll call go on.

Mr. SHERMAN. I hope the demand will be withdrawn.

The VICE-PRESIDENT. There is objection, the Chair will state to the Senator from Ohio. The Secretary will proceed.
The Secretary resumed the calling of the roll.

Mr. QUAY (when Mr. CAMERON'S name was called). My colleague [Mr. CAMERON] is paired upon this question with the Senator from Ohio [Mr. Brice].

Senator from Onto [Mr. BRICE],
Mr. COCKRELL (when his name was called). I am informed
that the senior Senator from Iowa [Mr. Allison], with whom I
am paired, favors this amendment, and I shall therefore vote.

I vote "van."

I vote "yea."

Mr. HUNTON (when his name was called). I have a general pair with the Senator from Connecticut [Mr. PLATT]. I understand that if he were here he would vote "yea," and I vote

Mr. QUAY (when his name wascalled). I have a general pair with the Senator from Alabama [Mr. MORGAN]. My pair hav-

ing been transferred to the Senator from Convecticut [Mr. HAWLEY], I vote "yea."

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], but that pair has been transferred to the Senator from Washington [Mr. SQUIRE]. I

The roll call was concluded.

The Senator from Connecticut [Mr. PLATT] is Mr. DIXON. detained from his place here by reason of sickness in his family. He is paired generally with the Senator from Virginia Mr. HUNTON]. If the Senator from Connecticut were present he would vote "yea."

The result	was announced-	-yeas 58, nays 9; 1	ns follows:
	Y	EAS-58.	
Aldrich, Berry. Black burn, Butter, Caffery, Camden, Cockrell, Cullom, Daniel, Davis, Dixou, Dolph, Faulkner, Frye,	Gallinger, George, Gibson, Gorman, Gray, Hale, Harris, Higgins, Hill, Hoar, Hunton, Jones, Ark. Jones, Nev. Lindsay, Lodge,	McMillan, McPherson, Manderson, Martin. Mitchell, Wis. Morrill, Murphy, Palmer, Pasco, Perkins, Power, Proctor, Pugh, Quay, Ransom,	Sherman, Smith. Stewart. Stockbridge, Teller, Turgio, Vest. Vilas, Voorhees, Walthall, Washburn, White, Ls. Wolcott.
	N	IAYS-0.	
Allen, Bate, Call,	Colse, Irby,	Kyle, Peffer,	Roach, Vance.
Const	NOT	VOTING-18.	
Allison, Brice, Cameron, Chandler, Colquitt,	Dubois, Gordon, Hansbrough, Hawley, Mills,	Mitchell, Oregon Morgan, Pettigrew, Platt, Shoup,	Squire, White, Cal. Wilson.

So the amendment was agreed to.

Mr. PERKINS. Mr. President, I desire to offer an amendment to the pending bill, which I ask may be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from California will be read.

The SECRETARY. It is proposed to strike out all after the word "repealed," in line 13, of the substitute of the Committee on Finance and insert:

on Finance and insert:

SEC.— That the mints of the United States shall be open to the coinage of silver of proved American production at the same parity now existing between gold and silver, with a minting or seigniorage charge of 29 per cent, which shall be paid into the Treasury of the United States.

SEC.— That hereafter no gold pieces for circulation of aleas denomination than \$40 be coined, and no more legal tender, national currency, or Treasury notes of a less denomination than \$5 be issued.

SEC.— That the holder of any standard silver dollars which have been or may hereafter be coined may deposit the same with the Treasurer or any assistant treasurer of the United States in any sum, and receive therefor notes of denominations less than \$10 only, which notes shall have the same legal-tender quality as the coin for which they are exchanged. The coin deposited for or representing the said notes shall be retained in the Treasury for the payment of the same on demand.

SEC.— That in order to protect the mints against imposition no silver shall be coined under this act except such as is produced by smelters stunct officers or agents and fix their compensation and prescribe such rules and regulations as may be necessary to carry this act into effect.

Sec.— That there shall be appointed a commission of five monetary experts, the members whereof shall not be otherwise connected with the Government, whose duty it shall be to keep Congress and the Executive advised on all necessary matters relating to the currency.

The VICE-PRESIDENT. The question is on the amendment

proposed by the Senator from California [Mr. PERKINS].

Mr. PERKINS. Mr. President, it is a physical fact, well
known to all who live upon the shores of the ocean, that the tide ebbs and flows regularly twice in twenty-four hours. It is also known to those who live upon the bays and harbors contiguous to the ocean that there is a period of time after the fleed tide has been running when it has reached its meridian

height, or high-water mark, when it for a time apparently becomes stationary. This, in nautical parlance, is called "slack water." This debate has prevailed here for nearly three months. We have had the high flood tide of debate, and it seems to me we have now reached the slack water of that debate, when we can calmly and dispassionately consider the amendments to the pending bill; and if those which are presented commend themselves to the favorable consideration of the Senators upon this floor, if they believe that their result will be of benefit to the people of this nation, this is the time, at this period of slack water, when we can calmly consider such amendments, and adopt them if we believe them to be for the best interests of the country. This is a period of time when the careful mariner takes his vessel from stream to wharf, and from dock to anchorage, for he may then safely move his vessel without danger from the incoming tide. With that object in view I have offered the amendment.

I believed at the time when the bill was first introduced that it was necessary to vote either for or against it; that there was no was necessary to vote either for or against it; that there was no time to amend it; but after listening to and reading the speech of the able Senator from Alabama [Mr. PugH] and his argument, which has not been controverted, it seems to me that this is a time for the Senate to amend the bill, and for the Senate to give expression upon the subject, if they are, as each Senator has said, friendflip disposed towards silver and believe in bimetallism. If they believe that the people of this country want to use both gold and silver in the monetary system of our country—gold may be the right hand, but silver is the left hand of our monetary system—and as every Senator has averyesed his friendship. tary system-and as every Senator has expressed his friendship towards the use of silver, here is an opportunity when silence is not golden, for now is the time to speak, for by our action we are to decide this question. It is useless for us to make declarations, if we do not by our action carry out those declarations.

I desire, with your permission, Mr. President, to read the words of the Senator from Alabama. He said:

words of the Senator from Alabama. He said:

I undertake to state as a lawyer with more than forty years' practice and experience in my profession, including eighteen years' work in lawmaking, that when a statute law passed to supply a remedy or to correct or prevent existing evils is repealed for the reason that the law has failed to accomplish the object of its passage or has proved inadequate as a remedy, or corrective, or cure of existing evils, such repeal has never been proposed in a bill that did not contain other and better remedial legislation to accomplish the objects and remedy the evils which the repealed law failed to reach and accomplish. The new remedy or substitute always accompanies and precedes the repealing section in the same bill.

I challenge a denial by any reasonably informed man of the correctness of that statement. There never was a law repealed on account of its failure as a remedy that was not in the repealing act substituted by a better remedial law; and this is without precedent, and what nobody but these conspirators are capable of conceiving and enforcing.

An unconditional repeal of any law without substituting other remedial legislation is an unqualified admission that no such legislation is necessary, and the chances of securing the new remedy in a separate bill are diminished.

If this be true, Mr. President—and I believe it, for no Sena-tor on this floor has gainsaid it—if we are friendly to silver, surely we ought now to adopt amendments giving evidence of

our good faith. our good faith.

Here I desire to say, in answer to my friend from Kansas [Mr. Peffer] and my friend from Novada [Mr. Jones], who spoke only a few minutes since, that I do not believe in the charge of conspiracy which has been made in relation to the act of demonetization in 1873. After listening to the speeches of the distinguished Senator from Ohio [Mr. Sherman] and the distinguished Senator from Iowa [Mr. Allison] no impartial man can otherwise believe than that that law was drafted and enacted into our statutes they believe that the time that it was for the last our statutes, they believing at the time that it was for the best interest of this great nation. Therefore I think it is unjust and unfair to refer to it constantly as a conspiracy.

I wish to say at this point that I do not believe in or approve Therefore I think it is unjust and

of the method of assailing men who are in high places. us who have occupied positions of trust, at times have felt ourselves prick d to the core because our actions have been unjustly construed or misconstrued and our motives impugned. believe that everyone who favors the unconditional repeal of the Sherman law from the President to the humblest man in Congress is equally as honest, equally as sincere, and that his motives are as pure as the motives of those who do not favor it.

But, Mr. President. we are all creatures, in a measure, of our environment. Unwittingly our characters and our habits are formed by our associations. Those of us who come here from the Far West may look at these things somewhat differently. These questions may present to us a different phase from what they do to our Eastern friends. While we claim honesty of purpos, we should be equally as generous, equally as liberal, and equally as considerate as those who differ with us.

Mr. President, even the sun, the great center of life in this universe, giving uslight and life and health and strength, shines only upon half of this great globe at one time. So let us be charitable to each other in our views.

Senators will see that the amendment which I have offered to the bill provides for the coinage of silver of proved American production, and anyone who has silver produced from a mine in the United States can take it to the mint and have it coined into silver denominations of such a class as he may designate; and it will all be returned to him less 20 per cent, less one-fifth

of it, at the same ratio as now exists between gold and silver.

Those who believe that gold is not the only standard of value, those who believe that silver should have its place here, surely

ought to favor this measure.

The product of our American mines will not average more than \$40,000,000 per annum. One-fifth of this amount, or 20 per cent less, leaves but \$32,000,000 for distribution among the people. We are increasing in population at the rate of nearly two millions per annum; and we shall require this much more money in the currency of our Government for the needs and requirements of

In doing this, too, we are legislating for American industries. Let us work for our own people and their interests. The silver we are producing from our mines is the product of American industry; it is mined by American citizens, or those capable of becoming such, and the supplies to carry on those mines are furnished from our factories and our farms, and that money is distributed among our own people. Let us do this, let us legislate for Americans first, and for our sister republics and other coun-

I should, if I believed it would receive the sanction of Congress, most cheerfully give free coinage to silver the same as to gold; but I do not deem it expedient at this time to offer such

an amendment.

My amendment allowing 20 per cent for seigniorage is based on the production for the last forty or fifty years. An underwriting company, a life-insurance company, does not govern its rates of risk by the losses incurred in the city of Chicago or in the city of Boston, where great conflagrations swept over and destroyed those cities, but they rather take the average in all the States and the cities and towns in these States and then judiciously write their risks upon that, and in the end they may prove profitable investments to the underwriters; so those who write life-insurance policies take the average span of man's life and write accordingly. So with this product of our silver mines, it is the average production that we are speaking of; and, judging the future by the past, there surely will be no overplus of silver for our people.

The other sections of the amendment are self-explanatory. have proposed that no gold pieces for circulation of a less de-nomination than \$10 shall be coined, and that there shall be no more legal-tender, national, or Treasury notes of a less denomi-

We have to day, Mr. President, \$71,057,608 of one and two dollar bills in circulation, and \$253,387,809 of five-dollar bills. We have of half eagles, \$202,000,000; of quarter eagles, \$28,000,000. We are coining half eagles at the rate of \$11,000,000 per annum.

By withdrawing the greenbacks, the Treasury notes, and the national-bank notes from circulation a demand will be created for silver, which will go out among our people and become popular with them. In the West we have but a very limited amount of one and two dollar bills. The people prefer silver; and so would almost any man who had an eye to the sanitary condition of his family and himself. He knows that the greenbacks, after having been used a few months, stowed away in saloons and other places, may bear with them perhaps the germs of some fatal disease, which may enter the household and take away from it its brightest flower. Surely the people will welcome to their homes this bright white metal, with its honest motto, "In God we trust." Some of our Senators have spoken in derision of the motto. If there is any country which has reason to be grateful and to trust in God, it is the American people; and I say that God's blessings have been dealt out to them from the beginning of the century, from the birth of the nation, with a most bountiful and generous hand. The white metal is emblematic of the purity of our advocacy of this measure.

Mr. President, I do not see how any one, if he will carry out by his acts that which he has declared, can do otherwise than to favor not only the first section of my amendment, but the second,

the third, and the fourth sections.

I shall not, however, weary the Senate longer. My five minutes have long since expired, but by your indulgence I have been permitted to continue beyond that limit. 'Therefore, I shall not trespass further on the Senate at this time; but if there is any disposition to favorably consider any of the propositions em-bodied in my amendment I shall ask for a division of them, so that the Senate may vote understandingly and intelligently upon

Mr. PEFFER. I desire to ask the Senator a question before he takes his seat, if he will allow me.

Mr. PERKINS. Certainly.
Mr. PEFFER. I understood the Senator to assert, in making a simile, that gold is our right hand and that silver is our left hand. What I wish to ask the Senator is, why, if that be true, he is disposed to out off one finger from the left hand?

Mr. PERKINS. It affords me great pleasure to answer my friend from Kansas. I have been greatly instructed in listening to his many able addresses before this body. I stated, in substance, that in our monetary system gold was the right hand and silver the left hand. I am not disposed to cripple either hand; but, on the contrary, I would care for it and foster it. I should also go and do unto my neighbor as I wish him to do unto me.

Mr. PEFFER. Then why does the Senator wish to leave 20

per cent of the silver by way of seigniorage in the Treasury, in-

stead of giving it to the owner of the bullion.

Mr. PERKINS. I prefer to give to my friend from Kansas and other friends throughout the country this 20 per cent. It is not given. Our Government is one of the people, and every individual in this land, humble though he be, is a sovereign of this great Republic.

Mr. PEFFER. Then, why not take off 20 per cent from the

gold bullion?

Mr. PERKINS. If my friend from Kansas will get his friends on the other side of the Chamber to agree to it, I shall accept the amendment.

Mr. STEWART. Before there is a vote on the pending amendment I wish to make a few remarks about my vote on the other amendment, not to make a speech, but just to call atten-

tion to it.

I voted for the substitute reported by the Senator from Indianas from the Finance Committee. Of course such a vote requires an explanation. The amendment of the committee which was substituted contains for the bill as passed by the House a very muddy and involved promise, to make efforts to obtain free coinage in the future. That promise is, of course, like all other promises on this subject, liable to be broken.

If the bill is passed as amended, I wish to make the predic-

tion that the promise will be disagreed to and be stricken out in conference between the two Houses, or, if it remains, the bill will never be signed by the President. It may become a law by nonaction of the President. It may involve a continuance of the session ten days in order that it may become a law in that way; but the President dare not make such a promise, and will not make it. He will not sign the bill. I voted for the substitute to give the President an opportunity to sign the promise or let the bill lie ten days and become a law without his signature. Of course, I have no respect for this promise, because such promises are made to be broken.

There is one other thing to which I wish to call attention in connection with the changes which have occurred since the last free-coinage measure was pending. I shall not refer to the attempt made last February to take up the bill, which proposed to repeal the purchasing clause of the Sherman act. This would probably not be fair, as there was 19 majority against taking it up, and some very violent remarks made against such a violent remarks made ag proceeding as the repeal of the purchasing clause of the Sher-

I call attention to the vote which was taken on the 1st day of July, 1892, after both of the candidates for the Presidency were nominated and after both the party platforms were promulgated. I find that there were eight changes in the vote to-day. I have been comparing that vote with the vote in July, 1892. I call attention to the changes which have been made, and state what would have been the result if eight changes had not occurred when the vote was taken to-day. The vote taken on the freewhen the vote was taken to-day. The vote taken on the free-coinage measure was a vote of the full Senate, the whole Senate on that occasion as on this being either present and voting or paired. So it was a big vote then, and the vote to-day is a big vote of the entire Senate.

On the vote taken to-day there were 28 for free coinage, the amendment of the Senator from Kansas being a simple free-coinage amendment. It revives the free-coinage act of 1837, and, if adopted, would place our finances exactly in the position, so far as coinage is concerned, where they stood before the passage of the act of 1873. It was a revival of the law as it stood since 1834; a pure and simple free-coinage amendment. The proposition voted upon on the 1st of July was also a pure and simple free-coinage bill. A change of 8 votes would have made 36 for the amendment to-day and 31 against, a majority of 5. If there had been no changes since the last vote on the question of freecoinage, the amendment would have been adopted, and a free-coinage bill passed by 5 majority. That is the way it would have

Those who have changed their views by the arguments which since then have been offered, are the Senator from West Virginia [Mr. FAULKNER], the Senator from New York [Mr. HILL], the Senator from Texas [Mr. MILLS], the Senator from North Carolina [Mr. RANSOM], the junior Senator from Indiana [Mr. Turpes], the senior Senator from Indiana [Mr. VOORHEES], the Senator Mr. Sovypal and the Senator from Indiana [Mr. VOORHEES], the Senator from Mr. Sovypal and the Senator from Indiana [Mr. VOORHEES], the Senator from Mr. Sovypal and the Senator from Indiana [Mr. VOORHEES], the Senator from North Carolina [Mr. VOORHEES], the Senator from Indiana [Mr. VOORHE ator from Washington [Mr. SQUIRE], and the Senator from Georgia [Mr. GORDON]. All those Senators either voted or were paired in favor of the free-coinage bill. If each of these Senators had voted or had been paired as they were on the former vote, the amendment of the Senator from Kansas would have been

That is the only remark I wish to make in this connection. Of course, this is no part of my speech on the merits of the case; but I thought the last vote ought to be explained.

Mr. PERKINS. Mr. President, I was cut short in my remarks, because I feared I was trespassing upon the time of the Senate, or I should have explained then that which I now de-Senate, or I should have explained their that which I have sire to do. By permission of the Senator from Kentucky [Mr. BLACKBURN] I took from his amendment the section for the identification of the silver produced in the mines of the United States, believing it to be superior to my own plan. The section States, believing it to be superior to my own plan. relating to the exchange of silver dollars for paper money was taken by permission of the Senator from Tennessee [Mr. HARRIS] from the amendment proposed by him. I only desire to give them credit for those sections embodied in my amendment, and should have done so in my remarks had I not been cut short

Mr. ALLEN. Mr. President, before voting upon this amend-

ment I desire to submit a few remarks.

I came into this Chamber on the 4th day of March of this year.
On the 7th day of August I began my first legislative experience. I was elected to this body by the Legislature of the State once. I was elected to this body by the Legislature of the Satte of Nebraska because I was known to entertain pronounced views upon the subject of money reform, as well as other important reforms. I was fully determined when I took my seat in this Chamber on the 7th of August to fight this battle upon the question of free silver until grass shall grow next summer if I could get anyone to stay with me. I am not at all tired of this contest; in fact, I have hardly respectably gotten into it.

I stand here to-day, Mr. President, thoroughly and absolutely convinced of the correctness of the cause I represent; and although I have been accustomed all my life to listening to arguments and making and weighing them somewhat, within the logic, I have failed to hear an utterance delivered in this Senate Chamber during this discussion which has at all shaken me in my judgment upon this question; but everything which has been said has served to confirm me more completely in the cor-

rectness of the position I have taken.

I am sorry to see what may be called a backdown to some extent on the part of some of the advocates of free silver. If I had the experience in legislative work of some of the Senators who entertain the views I entertain, I should not only stay here until next summer, but I would stay until next year, and I would continue to stay until the Administration changed before this law should be unconditionally repealed, and before the great wrong which will be inflicted upon the American people by this unconditional repeal should be done to them and their interests.

I say now, Mr. President, if there are any Senators in this Chamber who have the true interests of the American people at heart, if there are enough of them who will raise the banner of the free and unlimited coinage of silver and carry it to victory here, I believe victory can be accomplished; and for one I will

here, I believe victory can be accomplished; and for one I will stay with that banner as long as my strength lasts, entirely regardless of the time it may take to fight this battle.

I desire to say another thing. For a quarter of a century it has been my business to be something of a student and practitioner of the law. I supposed that I was reasonably familiar with the form, substance, and workings of this Government when I came here. I supposed that the only connection the executive department of this Government had with the legislative department was the connecting link provided by the Constitution of partment was the connecting link provided by the Constitution of the nation. Before that I had read, as I read now, section 3, Article II, of the Constitution, regarding the powers of the executive department so far as the legislative department is concerned, and it is as follows:

He shall from time to time

Speaking of the President-

speaking of the rfesident—
give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

That section is the only provision of the Constitution which gives the President any power to communicate with either branch of Congress. The Constitution distinctly points out that such communication must be by message, or in some official way, but that manner has been abandoned; and I am well convinced

that a majority of this Senate, being in favor of free silver on the 7th day of August, has been by some mysterious process, unknown to me, converted into a majority for unconditional re-peal. It is strange, indeed, that in these last days of the nine-teenth century the Chief Executive of this nation can reach out and change the complexion and opinions of a great body like

So far as I am concerned, Mr. President, I entertain for the Chief Executive of my nation nothing but high personal consideration; but if he were a representative of my own party, and undertook to formulate legislation outside of proper constitutional channels, I would stand up here in my place in this Chamber and denounce such action as I denounce such conduct here to-day.

Another singular thing is that there has not been a legislative day since ten days ago. One week ago last Tuesday we started upon a legislative day and we are continuing that day

It has been a time-honored custom-whether it is a rule or not I do not know—that the proceedings of this body should be opened by prayer. There has not been a prayer offered in this Chamber in ten days. I desire to say, Mr. President, that in my judgment it was fitting that this Senate should cease listening to prayers at the time it did and when it started into the accomplishment of this ment injudgment and the proceeding to prayers at the senate should cease listening to prayers at the started into the accomplishment of this ment injudgment and prayers at the senate should be a supplied to the suppli complishment of this most iniquitous of all legislation in our national history; and I suppose, after a time, when this uncondi-tional repealing act takes place and gold is set up as the single standard and the sole god of some, the men of Wall street and Lombard street, whose sympathizers are here and elsewhere outside of this Chamber, will come together and sing that good old song-

Nearer my God to Thee, Nearer to Thee.

For gold is their god. Not only so, sir, but in consequence of not having another legislative day, this Government is put at the absolute mercy of one man. It is a complete revolution of our Government. It takes here, for instance, unanimous consent, and has taken unanimous consent for the last ten days, to get a measure, however important it may be, before this body. pose something should occur requiring our instant attention, it would require the unanimous consent of Senators here to enable us to consider it. There is a complete change in the organization. The right of petition, held sacred under our Constitution, regarded as sacred by every citizen of this land, is cut off here in consequence of this continuous session. Every safeguard guaranteed to the people of this country by the Constitution must be abandoned or imperiled for the instant accomplishment of this infamous scheme. This is something that in my judgment ought not to exist in a legislative body of the dignity and responsibility of this.

Mr. President, I have heard for the last ninety days, repeated

over and over again in this Senate Chamber, that all these gentlemen who want unconditional repeal are bimetallists. We have been told that the reason we can not have free and unlimited coinage of silver is because other countries will bring their silver here and dump it upon us. While I do not approve of the measure of the Senator from California now pending, while it does not meet my views of a proper coinage law. I propose to put to the test the sincerity of these gentlemen claiming to be bi-

metallists and see if they will vote for it.

Here is an amendment that provides for the coinage simply of
American silver and gives the Government 20 per cent seigniorage in its purchase and coinage. While I do not believe that the Congress of the United States should rob the silver miner, I propose by my vote to give them an opportunity to do so if they fit to do it and see what these professed bimetallists will do.

I desire to say, again, before I vote, that if the Senators who are leading the fight on this silver question will once more raise aloft the banner of the people and sound the tocsin of war, they will find the Populist representation in this Chamber marching

with them to a triumphant victory. Let us continue the fight.
Mr. TELLER Mr. President, the proposed amendment of the
Senator from California is a proposition for free coinage of the American product with a seigniorage of 20 per cent. For myself, I have never favored the coinage of the American product. I have never believed that that is good policy, or will be sound monetary law if it should ever be enacted into law. I have never put my advocacy in this Chamber of the free coinage of silver upon the ground that it would benefit especially the producer of silver. While, of course, I have not been insensible to the fact that it would benefit the State which I in part represent on this floor, I have never felt that I could ask the friends of silver to do what my judgment was against, and that is to limit the coinage to the American product.

I have not believed, and do not believe now, that the coinage of the world's product of silver that would come to our mints would in any manner threaten the finances of this country. I do not intend to-night to enter into any general discussion of that question. We have disposed of the free-coinage question to-day, at least so far as this session is concerned. Lamafraid, Mr. President, we have disposed of it for a much longer time than that. At all events, that has now ceased to be a live question before this Senate. The Senate, by a majority quite marked, has decided not to accept that amendment. While I do not favor this amendment in the first instance, yet it is so much better than the proposed law, and the condition of the American people would be so much better with this amendment incorporated into the law, that I shall cast my vote for it.

The amount of silver that would be received at the mintsunder this law could not be very great; certainly not more than we have been purchasing and storing away in the Treasury during the last three years. I will admit that there are serious objections to it; I will admit that it does not come up to the highest principle of monetary science; but, after all, it will furnish to the American people some additional currency; it will keep silver in the currency of this country; it will say to the world, if it shall be adopted, that the United States at least intends to utilize its own product, and we shall not present the wonderful spectacle to the world of a nation producing more silver than any other nation degrading, debasing, and destroying the value of our own product.

If somebody shall hereafter point his finger at me and say that I have had a selfish motive to induce me to vote for it because the people of Colorado are the producers of silver, I shall answer that on a former occasion, when there was no threat of this kind held before the American people—that is, the passage of a bill for the complete and entire demonetization of silver—I voted against a bill proposing to coin the American product. I should vote against it now if there were the alightest hope, if there were the slightest expectation, that we could secure something better.

slightest expectation, that we could secure something better.

But, Mr. President, I know the point to which we have come.

I know that with the passage of this act, which it seems to be declared here on this floor and elsewhere is to pass in a short time, you will have completed, ratified, indorsed, and approved the act of 1873. For myself, I do not care hereafter to hear any man condemn that act who votes for the unconditional repeal of the Sherman act and who votes against every proposition that comes before the Senate to recognize silver in the currency of this country in the future.

I do not care to take the time of the Senate to discuss this question, but I do feel bound to say a word or two with reference to the local interest that I represent in the State of Colorado; and I believe I might as well speak now as at some other time in the course of this debate.

Mr. President, the State of Colorado has been, is now, and is capable of being in the future, the great silver-producing State in the Union. There is in the world only one other political or ganization, if we except the United States, that has produced as much silver as the State of Colorado, and that is the Republic of Mexico. Our population is comparatively small; it is as great probably as that of the State of Malne; but it is infinitely bigger than the population of many of the States which have representatives on this floor who are concerned in securing the passage of this act. It has a population of active, intelligent, and aggressive producing men. We had 412,000 people according to the last census. Everybody in the State knew, however, that it was a defective consus; that we had many more people in the State than that. We have had large accessions to our population since that census was taken. So I may say that undoubtedly our population is or was on the let day of July, 1893, nearly 200,000 greater than it was represented by the census.

than it was represented by the census.

Mr. President, we are to be greatly hurt by the legislation that strikes eliver out of the menetary system of the United States. But if I believed that the retention of the Sherman law in our statutes would be injurious to the great body of the people of the United States, I would not stand on this floor and advocate its retention. If I did not believe that all the people of the United States were to suffer with us, I would not have protested for days and weeks, as I have here, against the pissage of this bill. For myself, I believe that there are many sections of the country that will suffer worse because of this legislation than will the State of Colorado.

At first we shall be the great sufferers. You can not destroy the industries of a State producing twenty-five or more million dollars of the precious metals annually without bringing great disester and distress upon the people. But the people of Colorado are not the people to surrender to adversity or to adverse conditions. They went to those wild, inhospitable lands, then the American desert, and since that time they have conquered the most stupendous obstacles. They took possession of a country distant from etvilization. So far, Mr. President, was it from the civilized centers, that every pound of freight that we took into that country for years cost us a quarter of a dollar. We have built cities

and towns, and we have added nearly \$500,000,000 of the precious metals to the wealth of this country. We have established at the base of the Rocky Mountains and across them—for our State contains a portion of the continent both east and west of the continental range—a civilization that is equal to that of any Eastern State.

We have a school system that no State can exceed in efficiency. We have all the appliances of civilization. We are maintaining for our people the highest possible opportunities for culture and education. We have done this with less assistance from the General Government than have any of the older States that have come into the Union in fifty years.

We are neither cast down nor dejected. We know what nature has done for us, and we know that a State with more than 100,000 square miles of territory, with more natural wealth than any State east of the Missouri River, will be able to take care of herself and to maintain her financial integrity in every respect in the future as it has done in the past.

respect in the future as it has done in the past.

We do not disguise the fact that we are to go through the valley of the shadow of death. We know what it means to turn out our 20,000 silver-miners in the fall of the year. We know what it means when, every man in the State who has a little money saved must put his hand in his pocket and draw it forth to keep from starying the families of the laborers of our State.

money saved must put his hand in his pocket and draw it forth to keep from starving the families of the laborers of our State. While we are ready and willing to meet the occasion, yet if anybody on this floor thinks for a moment that we are to be destroyed, I want him to understand that the State of Colorado will be infinitely stronger and greater than many of the States whose representatives are attacking us now by this infamous fluancial policy. We have within our borders more fron than almost any State in the Union; we have five times the amount of coal that the State of Pennsylvania has; we have gold fields that are asystuntouched; and when, as we shall by degrees, turn these discarded silver-miners to mining gold, coal, building stone, and the more valuable stone, marbie, we shall still have an existence and a prosperity that few States will have.

But, Mr. President, the iron will enter into our souls. We shall

But, Mr. President, the iron will enter into our souls. We shall not forget that in this contest, which has lasted for ninety days, the men with whom we have stood shoulder to shoulder in the economic battles heretofore have almost to a man forsaken us. We in the States of Nevada and Colorado have held those States in the Republican column for many a year: We have maintained a Republican majority in this Chamber by our votes. We have stood by our Eastern brethren who believed in the protective system, as we did, even when it would have been to our local interest to yet a grainst cartain recovery.

local interest to vote against certain measures.

But how much aid, Mr. President, have we had from them? How much sympathy? How much support? Has there been hour when the optonents of silver, the friends of repeal, could have held a quorum in this Chamber had it not been for the Republicans in this Senate? We had supposed, Mr. President, that we were entitled to at least a little sympathy. As the Senator from Ohio [Mr. SHERMAN] sid, we are flesh of their flesh and bone of their bone. We are the children of New England and the East. We left our friends in the East, but we took with us New England and Eastern ideas and incorporated them into the autonomy and prosperity of growing States. We shall not abandon the faith that is in us. But when we shall be asked to yield our judgment to their judgment upon economic question in the future, if we do not respond as promptly as we have responded in the past, I trust they will not be surprised.

This great controversy ought to have been settled by reasonable concession. This great controversy, in which the American people are so greatly interested, ought to have been settled, as all such great controversies have been settled in this country, by compromise and concession. Why was it not done? Because the members of the Senute on this side of the Chamber resolutely declared from the beginning that though the other side might concede to us something that would save our industry and would keep silver in the currency of the country, they would not. Nobody that hears me to night but will agree with me, that if on this side of the Chamber, the men sitting in frontof me had been as ready to concede som thing to the friends of silver as men who believed in repeal on the Democratic side of the Chamber, there would have been a compromise, not disgraceful nor disastrous, but beneficial to us and beneficial to all allike.

Mr. President, I know that compromises are not always good, and they are said not to be favored. But in all the great controversies of the past, I repeat, that have gone on in this body, ultimately there has come some concession, some mutual yielding. In this case there has been none. I am told now there is to be none. The die is cast. Our industries are to be stricken down without symmethy, and I feer, without request.

none. The die is cast. Our industries are to be stricken down without sympathy, and, I fear, without regret.

But, Mr. President, let me say for Color do that we owe to the East large sums of money. We have taken their capital, and we have returned to them honestly the gain. We shall do it

We shall not repudiate a dellar of our obligations. The yet. We shall people of the East who have forced this condition upon us will not find us retaliating by refusing to pay our debts. We shall now the last far hing. They shall say that we owe them nothing pay the last farthing. pay the last larthing. They shall say that we owe them nothing after the time shall have come for payment. We have, I repeat, the natural resources with which to pay. We shall husband our resources: we will develop other industries as far as possible, and we shall be independent in the road that we have marked and we shall be independent in the roll that we have marked out for ourselves, in which we have marched with credit and success so far in our history. There will be no repudiation. If the great railroad companies in that country can not pay the interest on the bends you held, that is not our fault.

As for our personal obligations on account of money that we

have borrowed, and for which you hold our notes and bonds, we shall pay those. All this we know we can pay, and we intend to pay. The credit of the State of Colorado as a State and to pay. The credit of the State of Colorado as a State and of the individuals in the State has been, and is now, as good as that of any other portion of the United States. It will remain so. It will require a greater effort, greater serifices, and we shall be compelled at least for a time to go without profit, and, as I said before, the changed condition of affairs will bring disaster and distress. But the men who made their way over unknewn plains and through the mountain passes, who have built cities and towns and established a civilization of the character of that of Colo ado are not the people to sit down and surrender; and if we feel that we have been unfairly treated it will make no difference with us. It will but incite us to greater efforts in order that we may be in the future, as we have been in the past, independent of all men and all peoples, as we intend to be.

Mr. President, I shall vote for this amendment, because if it should pass it would be some relief to us. It would be greater relief to the people of the United States.

I do not intend to weary the Senate, but I can not allow this occasion to pass without saying that to me it is the most terrible moment of my legislative life. To me, Mr. President, it brings more anxiety, more fear, than any other moment since I cutered

What do I fear, Mr. President? I fear that we are entering upon a financial system from which there is absolutely no es-cape. I know that some Senttors on the other side of the Chamber will tell me that when this bill is out of the way they will introduce other bills looking to the rehabilitation of silver. Mr. President, I have no hope in that direction. I know, as I know that I stand here, there will be no favorable legislation for silver until the American people are heard from at the ballot box and heard from in a way that will compel attention to

Mr. President, when I speak of what the people may do, I do not underrate the great agencies with which the people have to contend. I know that it is the combined capital of the world. know that it is the money-lenders of Europe as well as the money-lenders and money-changers of this country. I know that they have the power to control the great agencies of thought. I know that they can and will control the great press of the country. Nay, more, Mr. President; they have the ability with country. Nay, more, Mr. President; they have the accuracy with their wealth to control more than the great press; they will control public and private thought and public and private influence.

Mr. President, the stake is too great to be lightly given up. they are contending. The men who own the money of the world, the bonds, the interest-bearing securities, know that if they can put this country upon a gold standard and keep it there five years, they have put the world upon that standard; and then we will return to the condition of things that existed prior to the discoveries of gold in California; prices will go as they have been going, gradually lower and lower; individual opportunities will be gradually lower and lower;

ties will be less and less.

Mr. President, all men ought to have equal opportunities. They will not have it under a system that makes one-half of the men the slaves of the other half. With the grasp that these men have upon the industries and the enterprises of the coun-

try there is but little hope.

Mr. President, I am not a pessimist. I never have been. I am an optimist. I have never seen disaster and distress growing out of policies simply because they did not meet my approval. I have had faith in the American people, and I have had faith in men generally. I amfull of hope and courage in all things corcerning my country. I can see the silver lining in every cloud. There never is a storm so dark that I can not see the coming light on the mountain top. But I can not contemplate the condition of the people now threatened without grave apprehension; nay more, without absolute terror. It strikes to

Mr. President, I want to warn the American people that if they do not now resist they will speedily enter upon a system of

industrial slavery which will be the worst known to the human

Mr. VOORHEES and Mr. WOLCOTT addressed the Chair.

Mr. WOLCOTT. If the Senator from Indian desires—
Mr. VOORHEES. I was going to suggest that if we could dispose of the amendment offered by the Senator from California I would then move a recess until to-morrow at 11. I will accommodate myself to the Senator from Colorado. I have understood that the Senator from Colorado desires to offer an amendment and to be heard upon it, and I suppose it would be

amendment and to be heard upon it, and I suppose it would be preferable to him to do that to-morrow.

Mr. WOLCOTT. I have no amendment to offer. I have a few words to say which will be applicable to the pending amendment. If the Senator does not desire a vote upon the amendment

now it can go over until to morrow.

Several SENATORS. Go on. Mr. WOLCOTT. I will do as the Senator from Indiana deres. Does the Senator desire me to yield? Mr. VOORHEES. It is just as the Senator from Colorado pre-

Mr. VOORHEES. It is just as the Senator from Colorado prefers. If he prefers to go on now, he can do so.

Mr. STEWART. Let us adjourn.

Mr. WOLCOTT. Shall I go on?

Mr. VOORHEES. If the Senator from Colorado will oblige me by expressing a preference, I will act accordingly.

Mr. WOLCOTT. It will be mere convenient to me if the Senate will adjourn until to-morrow.

Mr. VOORHEES. I move that the Senate take a recess—

Mr. STEWART. Before that is done I should like to make a suggestion to the Senator from California to divide his amendment, leaving off the latter purk and taking a voice simply on the ment, leaving off the latter part and taking a vote simply on the question of coining the American product.

Mr. VOORHEES. That can be fixed afterwards. I move that

the Senate take a recess until to-morrow at 11 o clock.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m., Friday, October 27) the Senate took a recess until to-morrow, Saturday, October 28, 1893, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, October 27, 1893.

The House met at 12 o'clock, noon, and was called to order by the Speaker.

Prayer by Rev. ISAAC W. CANTER, of Washington, D. C. The Journal of the proceedings of yesterday was read and approved.

PAY OF CERTAIN EMPLOYÉS, COURT OF APPEALS, WASHING-TON, D. C.

The SPEAKER laid before the House a letter from the Secretary of the Treusury, transmitting a copy of a communication from the chief justice of the court of appeals of the District of Columbia, requesting an appropriation to pay certain employes of the court: which was ordered to be printed, and referred to the Committee on Appropriations.

APPROPRIATION FOR DEPARTMENT OF JUSTICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting an additional estimate of ap-propriation for the use of the Department of Justice; ordered to be printed, and referred to the Committee on Appropriations.

SALARIES AND COMMISSIONS OF REGISTERS AND RECEIVERS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the S-cretary of the Interior, submitting estimates of delicien-cies in the appropriation for salaries and commissions of regis-ters and receivers; ordered to be printed, and referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Brosics, until Tuesday next, on account of important business. ENROLLHD JOINT RESOLUTION SIGNED.

Mr. PEARSON, from the Committee on Eurolled Bills, reported that the committee had examined and found truly en-rolled joint resolution (H. Res. 66) that the acknowledgments of the Government and people of the Un ted States be tendered to various foreign governments of the world who have partici-pated in commemoration of the discovery of America by Christopher Columbus; when the Speaker signed the same.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HUDSON. Mr. Speaker, I rise to a question of personal privilege, and I send to the Clerk's desk an article from the

Kansas City Daily Journal, of October 24, which Iask the Clerk to read.
The Clerk read as follows:

HUDSON'S FINE PLAN-SCHEME PROPOSED BY HIM TO THE LAND COMMISSIONER-LAMOREUX GIVES OUT THE STORY-INVESTIGATION WAS TO END WITH A FINE COAT OF WHITEWASH—STORY-INVESTIGATION WAS TO END HUDSON APPROACHED HIM, ASKING TO BE MADE A MEMBER OF THE IN-VESTIGATION COMMITTEE.

[Special.]

WASHINGTON, October 28.

Commissioner Lamoreux of the General Land Office tells a story without eserve concerning Representative Hudson, and in his own language it is

Commissioner Lamoreux of the General Land Office tells a story without reserve concerning Representative Hudson, and in his own language it is as follows:

"Soon after Hudson introduced his resolution to have an investigation of the department because of the charges coming from the opening of the Cherokee Strip, he came here to my office to see me. He introduced himself as the man who had introduced that resolution and he said that while he was down in the Congressional Directory as a Populist, he was not in fact. a Populist, except in name, and that he could be relied upon as a Pemocrat. "His position was such, however, that on the committee to be sent down to the Strip to make the investigation he could be sent with two members who were on the roll as Democrats and in this way the Republicans could be held off the board.

"Hudson said that we need not be afraid of anything from him. He would see everything just as the two known Democrats in the investigation committee, and in this way he urged the department to demand an investigation and get a committee that would smooth over everything and make it all right, provided they found anything that looked like official misconduct on the part of any of the clerks.

"He also became somewhat enthusiastic over the matter, and suggested later in the conversation that it might be a good scheme to make him chairman of the committee, and this would give it the appearance of placing the whole matter in the opposition.

"I told him, of course, that I would not agree to the scheme."

Aneffort was made to find Representative Hudson about the matter, but was unsuccessful. This statement is given from Lamoreux did not agree to lit. It may be that he recalled that Crisp is speaker of the House and has the matter in hand, and had the appointment of the committee, and the situation between Secretary Smith and Crisp is such that possibly Smith could not get the Speaker to agree to a scheme of this sort.

Possibly Chisp would like to see the facts brought out, as it would shelve Smi

Mr. HUDSON. Now, Mr. Speaker, I wish to have read to the House a letter from Judge Lamoreux, Commissioner of the General Land Office.

The Clerk read as follows:

GENERAL LAND OFFICE, Washington, October 26, 1893.

MR. HUDSON: My attention has just been called to an article in the Kansas City Journal purporting to be a conversation had with "you in reference to your resolution pertaining to the opening of the Cherokee Outlet. I beg to state that the reported interview is entirely false, and in my judgment originated in the fertile imagination of some newspaper correspondent. The only remark I ever made about you in regard to the matter was that I understood your affiliations prior to joining the Populist party were Demortatic. As you know we have had no discussion whatever about any committee except the few remarks made before the Committee on Public Lands of the Husso. of the House. Yours, very truly,

S. W. LAMOREUX, Commissioner.

Hon. T. J. Hudson, House of Representatives.

Mr. HUDSON. Now, Mr. Speaker, I desire to say just a few ords. I might very well let the matter rest here; and, perhaps, being a new member, not accustomed to deal with these newspaper articles, it would be better for me to doso; but I want to say that when I introduced this resolution I did so in good faith, and in order that a fair investigation might be had and the truth ascertained.

There have been a great many things said about the manner of conducting affairs in opening the Cherokee Strip to settlers, and it has been charged that fraud has been perpetrated upon

and it has been charged that fraud has been perpetrated upon
the part of some of the men appointed under the direction of the
Secretary of the Interior to take charge of that opening.
Whether the charges are true or not I do not know. All that
I have ever said about it I said to the Committee on Public
Lands. I desired a fair investigation, one that would show
exactly what the truth is. I have not sought to whitewash anyone or to blacken the character of anyone; nor do I sympathize with any attempts that may be made by anyone to make political capital out of that matter. I do not believe that while I am acting as the representative of the people of my district I have the right to engage in any transaction or in any arrangement

the right to engage in any transaction or in any arrangement that will do an injustice to anybody; and I want to say that my intentions, thoughts, and purposes have been in favor of the ascertainment of the truth and nothing else.

In addition to what Judge Lamoreux says, I wish to say that Judge Lamoreux and I never had any conversation about this committee. I went to see Judge Lamoreux in order to secure, if I could, the location of a land office at Arkansas City, believing that it would accommodate more settlers upon this Strip than any other location. That if the only time I ever went to

interview Judge Lamoreux that I recollect, except one time prior to that, when I called upon him for the purpose of getting information for those who wished to settle upon the Strip.

The enthusiasm of the reporter in this case, as Judge Lamoreux says, caused him to draw upon his imagination for the whole story.

I have never at any time sailed underfalse colors or pretended to be any thing while in Congress but a Populist.

I believe that is all I care to say.

Mr. ALLEN. You do not know anything about the Senatorial fight in Georgia? [Laughter.]
Mr. HUDSON. I do not know any thing about the Senatorial fight in Georgia, but I have very great respect for the Speaker, and if he wants to be Senator, I hope he will be elected. [Laughter and applause.]

J. J. HAYNES.

Mr. CRAIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2689) authorizing the Secretary of the Treasury of the United States to refund certain duties paid by J. J. Haynes.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States of America is hereby authorized and directed to ascertain the amount of dutles paid by James J. Haynes on the importation of istle from Mexico into the United States, at the port of Laredo, in the State of Texas, during the period from July 14, 1883, to February 26, 1884, both dates inclusive; and the said Secretary of the Treasury is hereby authorized and directed to refund to the said James J. Haynes any sum or sums so paid in duties not warranted by the law at the time of payment.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. DINGLEY. Let us have a statement of the case first.

The SPEAKER. Without objection, the gentleman from Texas may make an explanation of the bill.

Mr. CRAIN. Mr. Speaker, during the years specified in that bill the claimant paid duties on a certain fiber called sisil, a pulp produced by reduction, as the gentleman from Maine knows, of American elm. He failed to make his appeal in due time to the Secretary of the Treasury, as required by law and by the customs regulations, and of course was compelled to come to Congress for relief.

When the bill was originally introduced, several Congre ago, it was submitted to the then Secretary of the Treasury for his consideration. He replied that sisil was not dutiable, and recommended the repayment to the claimant of the amount which was exacted from him at the custom-house of Laredo, on the frontier. It has repeatedly been reported favorably, and the report of the present committee will show a letter that was received by Mr. Lanham, then chairman of the Committee on Claims, and which bears out the statement I now make for the benefit of the House.

Mr. DINGLEY. That is, the collector of the port imposed the duty on sisil on the supposition that the tariff provided

Mr. CRAIN. Yes, sir. Mr. DINGLEY. And the Department has decided against

Mr. CRAIN. Those are the facts.
Mr. DOCKERY. Will the gentleman state the amount involved in the passage of the bill?

Mr. CRAIN. I had the statement, which I presented to the Committee on Claims. I think it amounts to upwards of \$2,000. The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none. Mr. DOCKERY. I suggest that the report be printed in the

The SPEAKER. Without objection, the report will be printed in the RECORD.

There was no objection.

The report is as follows:

The report is as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2689) authorizing the Treasurer of the United States to refund certain duties paid by James J. Haynes, respectfully report:

This bill was referred to the House Committee on Claims in the Fiftieth, and Fifty-first Congresses, and by both committees reported favorably.

James J. Haynes, the claimant, imported into the United States from Mexico, at the port of Laredo, between July 14, 1883, and February 24, 1884, a commodity called istic, upon which he was charged and paid certain customs duties. It afterward appeared that said customs duties were erroneously exacted of him, and that the istle imported was a nonduitable article; all of which appears from the letter of the Secretary hereto attached.

Your committee recommend that the bill do pass.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY Washington, D. C., April 2,

SIR: The Department is in receipt of your letter of the 28th ultimo, in which you request to be informed as to whether there has been a ruling of the Secretary of the Treasury that istie was a nondutiable article, and in reply you are informed that under date of the 11th of April, 1884, it was held by Judge Folger, late Secretary of the Treasury, that the "dried ther of a

species of American aloe or century plant, which is procured by reducing the leaves to a pulp and then drawing out the fiber," and which was commercially known as istle, was entitled to free entry under the provision of the free list for "dried fibers * * * which are not edible * * and not advanced in value or condition by refining or grinding, or by other process of manufacture." A copy of such decision is herewith inclosed.

I would also state with reference to the bill inclosed with your letter, viz, H. R. 2966, entitled "A bill authorizing the Secretary of the Treasury of the United States to refund certain duties paid by James J. Haynes," on importations of istle from Mexico into the United States, in the port of Laredo, that the istle imported by the said Haynes was, at the time of its importation, decided by the collector of customs to be liable to duty, and that duty was duly assessed and collected thereon.

I would further state that the reason why duties so assessed on the said merchandise, and paid by Mr. Haynes, were not refunded, is that the importer failed to comply with the requirements of the statute (section 2931 of the Revised Statutes) as to protesting, appealing, and instituting sut, which, under the express requirements of said statute, rendered the decision of the collector of customs as to such assessment final and conclusive.

Respectfully yours,

I. H. MAYNARD, Assistant Secretary

I. H. MAYNARD.
Assistant Secret

Hon. S. W. T. LANHAM, United States House of Representatives.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

On motion of Mr. CRAIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

EIGHTH ELECTION DISTRICT OF MICHIGAN.

Mr. WEADOCK. Mr. Speaker, I rise to a question of high privilege, touching the validity of the election of a member now occupying a seat upon this floor. I have here the petition of Mr. Henry M. Youmans, of the Eighth district of Michigan, a member of the last House, and a candidate for election as a member of this House, alleging that for various reasons, which he specifies in his petition, the election of the sitting member is not legal and valid, and asking that it be inquired into by such means as the House shall determine to be proper.

In connection with this matter I might say that it will involve an investigation of the existence and animus of a society which has become very general throughout the United States—a society which the petitioners and others contend is un-American, illegal, and, under the constitution of the State of Michigan, a treasonable organization. This society has gone to the length of ordering arms-

Mr. HAUGEN. Mr. Speaker, I rise to a question of order. It is impossible on this side of the House to hear what the gen-

tleman is saying.
The SPEAKER. The House will please be in order. Mem-

bers will take their seats and cease conversation.

Mr. WEADOCK. This society, which exists in several States, has become particularly offensive in the Eighth district of Michigan. Some of its members have gone to the extent of ordering arms in large numbers from the manufacturers of firearms in this country, and it is alleged that a reign of terror exists there owing to the machinations of this organization. I do not deem it proper at this time to go into the allegations of the petition.

Mr. LUCAS. What society is the gentleman referring to?

Mr. WEADOCK. It is named in the petition.

Mr. MORSE. Tell us its name.

Mr. MCRSE. Tell us its hame.
Mr. WEADOCK. It is the American Protective Association.
Mr. DINGLEY. Mr. Speaker, is that a privileged matter?
The SPEAKER. The gentleman states that he rises to present a memorial relating to the title of a member to his seat, which is privileged.

Mr. HOPKINS of Illinois. Does that permit the gentleman to

arraign any society?

Mr. WEADOCK. I am not arraigning any society.

Mr. MORSE. We understand you are.

Mr. HOPKINS of Illinois. It seems to me to be arraigning a society when the gentleman says it is traitorous, and that it is procuring arms with a view of intimidating the public. All that does seem to me to be arraigning a society

The SPEAKER. The Chair understood the gentleman to be

stating some of the specifications contained in the memorial.

Mr. HOPKINS of Illinois. I make the point of order that the
statement of the gentleman is not privileged, under the rules of

The SPEAKER. Has the gentleman any resolution?
Mr. WEADOCK. I have a resolution. Let me state in reference to the point of order made by the gentleman—
The SPEAKER. The gentleman from Michigan will please

send up the resolution, and then he can be heard upon it.

Mr. WEADOCK. Very well.

The resolution sent to the desk by Mr. WEADOCK was read, as

Resolved, That the memorial of Henry M. Youmans, an elector residing in the Eighth Congressional district of the State of Michigan, touching the election of WILLIAM S. LINTON as a member of the House of Representatives to represent said district in this House be printed, and, with the accompany-

ing papers, be referred to a select committee of seven members, with power to send for persons and papers, administer oaths, and to employ a clerk and stenographer, and that said committee be authorized and directed to investigate the allegations of said memorial and report to this House; and the expenses necessarily incurred in the execution of this order shall be paid out of the contingent fund of the House.

Mr. HOPKINS of Illinois. Now, Mr. Speaker— The SPEAKER. The gentleman from Michigan is entitled to the floor. For what purpose does the gentleman from Illinois

Mr. HOPKINS of Illinois. There is nothing in this resolution that gives the gentleman the privilege, under the rules, to make any statements of the character that he has been indulging in. I move that this resolution be referred to the Committee on Elections.

The SPEAKER. The gentleman from Illinois has not the

floor. The gentleman from Michigan is entitled to the floor.
Mr. HOPKINS of Illinois. Well, I make a point of order.
The SPEAKER. What is the point of order?
Mr. HOPKINS of Illinois. My point of order is that this resolution is not a privileged resolution and that under the rules it should not be the Compilities on Floations. should go to the Committee on Elections.

The SPEAKER. Resolutions of this character have repeatedly been held to be privileged. The Chair understands that resolution is copied from one which was held to be privileged after long debate in the case of an election some years ago

in Cincinnati, when there was an investigation—
Mr. WEADOCK. In the Forty-sixth Congress.
The SPEAKER. In the Forty-sixth Congress, as the Chair

as about to remark.

Mr. HOPKINS of Illinois. Was not the resolution in that

case brought up by the sitting member himself?
The SPEAKER. Not at all. That was a memorial, as this is.
This is merely a memorial. It does not seek, as the Chair understands, to set up a title to this seat on the part of anybody,

but alleges that the sitting member is not entitled to the seat.

Mr. HOPKINS of Illinois. Well, then, I suggest, even if this proposition is in correct form under the rules-and, of course, I

submit to the ruling of the Chair upon that point—
The SPEAKER. The Chair understands that the point has

been repeatedly ruled upon.

Mr. HOPKINS of Illinois. The gentleman from Michigan had better wait, as I understand that the sitting member is not present-

Mr. WEADOCK. I insist the gentleman is not entitled to take

the floor away from me.

The SPEAKER. The gentleman from Illinois rose to a question of order, which he does not press. The gentleman from Michigan is entitled to the floor.

WEADOCK. Mr. Speaker, in the Forty-sixth Con-

Mr. HOPKINS of Illinois. I am informed by gentlemen around me that the sitting member, against whom this resolution is directed, is not present; and I submit that a matter of this kind ought not to be brought up in his absence, even in the most in-

Mr. WEADOCK. In reference to that I desire to say that the sitting member is so rarely in his seat, that it is his fault, not

ours, if a matter of this kind is brought up in his absence.

Mr. HOPKINS of Illinois. That is a cheap expression, Mr. Speaker; a remark of that kind might apply to a good many members.

The SPEAKER. The gentleman from Illinois is not entitled

to the floor. The gentleman from Michigan will proceed.
Mr. WEADOCK. Mr. Speaker, the resolution which I have
submitted in this case is in substantially the same form as that which was adopted by this House in the Forty-sixth Congress in the case of Young and Butterworth. In that case a petition was presented by the electors of the city of Cincinnati alleging that the election was illegal and asking that it be investigated.
The SPEAKER. The gentleman from Michigan will suspend

a moment till a message from the Senate can be received.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

Joint resolution (H. Res. 55) for the reporting, marking, and

removal of derelicts:

A bill (H. R. 1986) to amend section 6 of the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes;" and A bill (H. R. 3421) providing for the construction of a steam revenue cutter for the New England coast.

The message also announced that the Senate had passed the bill (S. 1040) to aid the States of California, Oregon, Washington, Montana, Idaho, Nevada, Wyoming, Colorado, South Dakota, and Minnesota to support schools of mines; in which the concurrence of the House was requested.

EIGHTH ELECTION DISTRICT OF MICHIGAN.

The SPEAKER. The gentleman from Michigan will now resume his remarks.

Mr. WEADOCK. In reference to the suggestion made by the gentleman on the other side (Mr. HOPKINS of Illinois), I will say that if the member from the Eighth district of Michigan is in town I would have no objection to allowing this matter to stand over until to-morrow morning—
Mr. DINGLEY. I think the gentleman had better do that

under all the circumstances.

Mr. HOPKINS of Illinois. The sitting member ought certainly to have notice of this proceeding.

Mr. WEADOCK. I have no objection to that.
Mr. HAUGEN. If this matter goes over till to-morrow morning can we not have the memorial as well as the resolution printed in the RECORD? We want to understand what this case is.
Several MEMBERS. Let the memorial be printed.
The SPEAKER. The Chair will state to the gentleman from

Wisconsin [Mr. HAUGEN] that in the case which has been referred to as a precedent there was some discussion as to the propriety of printing the memorial in the RECORD; and as the Chair understands the conclusion was reached that perhaps it was

Mr. HAUGEN. Well, I will not press the request, although I have been unable to hear all that the gentleman from Michi-

gan has said.

The SPEAKER.' In the case referred to it was merely a statement of the contents of the petition published in the RECORD.

It was not given in full, because it was suggested that its publication might do injustice to some parties.

Mr. WEADOCK. I have carefully avoided making any state-

ment reflecting on either party, because I do not desire to do so, nor do I deem it proper. I simply referred to the general questions which were involved, which could not concern him any more than anyone else and which affected the general question.

Mr. PAYNTER. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. PAYNTER. I desire to know whether or not this resolution would not go to the Committee on Elections in the ab-

lution would not go to the Committee on Elections in the absence of specific action by the House?

Mr. WEADOCK. It is withdrawn for the present.

Mr. PAYNTER. It proper, I now enter a motion that the question be referred to the Committee on Elections.

The SPEAKER. It is not now before the House.

Mr. WEADOCK. I will say, Mr. Speaker, to the House and to the gentleman from Kentucky, that the same question was presented in the Butterworth case, in the Forty-sixth Congress, and it was the judgment of Mr. Carlisle, Mr. Cox, Mr. Gartield, and others that an investigation should be made by a special committee rather than by the Committee on Elections, which is committee rather than by the Committee on Elections, which is supposed to be here at the capital all the time during the sesas of Congre

The SPEAKER. The matter is withdrawn for the present.

ADDITIONAL CONGRESSIONAL RECORDS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit a privileged report.
The SPEAKER.

The resolution of the committee will be

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the Public Printer be directed to furnish to each Representative and Delegate 22 additional copies of the Congressional Record, of which number 6 copies shall be sent, one each, to such public or school libraries as shall be designated by each Representative and Delegate. That the remainder of this number, 14 copies, he shall furnish to each Representative and Delegate during the extra session of the Fifty-third Congress.

The Clerk will read the report. The SPEAKER.

The report (by Mr. RICHARDSON of Tennessee) was read, as

The committee have considered the joint resolutions of the House, Nos. 35 and 47, to print additional copies of the Congressional Record, and direct me to report a substitute therefor. The substitute provides for the same number agreed upon and fixed by the provisions of the printing bill which recently passed the House. The committee recommend the adoption of the substitute herewith offered, and that the resolutions 35 and 47 is on the table.

substitute herewith offered, and that the resolutions 35 and 47 lie on the table.

Mr. RICHARDSON of Tennessee. The reason, Mr. Speaker, for presenting this now, and securing action upon it, is that we may get the copies during the extraordinary session. I have drawn the resolution to bring it in exact conformity with the provisions of the printing bill which passed the House last week. Unless we pass the resolution now we will not get the extra copies, because very likely the printing bill will not be considered by the Senate until the regular session.

Mr. DOCKERY. The substitute has not yet been reported, has it?

Mr. RICHARDSON of Tennessee. The substitute was read. That was the resolution read by the Clerk.

I repeat, Mr. Speaker, the only necessity for it now is to get the copies of the RECORD during this session instead of waiting until the regular session.

Mr. DAVIS. The number is not changed?

Mr. RICHARDSON of Tennessee. No, sir; just the same as

Mr. RICHARDSON of Tennessee. No, sir; just the same as was provided in the printing bill.

Mr. SMITH of Illinois. I could not hear distinctly the reading of the resolution, Mr. Speaker, and may have misunderstood it; but I wish to ask the gentleman from Tennessee a question. As I caught the reading of the resolution, if this House adopts it, it simply gives the additional number of RECORDS during this extraordinary session. But the amendment agreed upon in the printing bill provided for fourteen additional RECORDS for this session and eight additional RECORDS to be permanent.

for this session and eight additional RECORDS to be permanent.

Mr. RICHARDSON of Tennessee. That is exactly the provision of the resolution. It covers precisely what was adopted in the printing bill.

Mr. SMITH of Illinois. Then it does not change the provision as passed in that bill? Mr. RICHARDSON of Tennessee. No, sir; it is exactly the same

I ask a vote on the resolution.

The resolution was agreed to.
On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

Mr. RICHARDSON of Tennessee. I ask that the original resolution referred to the committee be laid on the table.

The SPEAKER. That order will be made.

BANKS AND BANKING.

Mr. SPRINGER. I desire to submit a privileged report. I ask the Clerk to read the report of the Committee on Banking and Currency which I send to the desk, with the accompanying resolution.

The Clerk read as follows:

The Clerk read as-follows:

The Committee on Banking and Currency, to which was referred the accompanying House resolution, calling on the Secretary of the Treasury for certain information in reference to banks authorized to issue circulating notes, having had the same under consideration, have instructed me to report a substitute therefor and to recommend that the substitute be adopted, and that the original resolution lie upon the table.

Your committee are of the opinion that the information called for can be furnished by the Treasury Department within a reasonable time, and when furnished it will greatly aid Congress in the consideration of pending financial measures.

For this reason the passage of the resolution embraced in the foregoing substitute is recommended.

All of which is respectfully submitted.

The SPEAKER. The Clerk will report the original resolution and then the substitute.

The original resolution was read as follows:

The original resolution was read as follows:

Recolved, That the Secretary of the Treasury be requested to inform the House the number and names of State banks and banking institutions that have suspened or failed since 1830, arranged by States, with the amount of capital, circulation, and deposits of each at the time of such failure, and the loss severally of suckholders, note-holders, and other creditors of said banks occatened by such failures; the amount of outstanding circulating notes of 813/e banks and banking associations each year since 1830, and the rates of exchange on New York, and the current value of the circulating notes of State and national banks as between the State where issued and the city of New York each year since 1830; together with the prevailing rates of interest in State banks, banking associations, and national banks since 1830, and the legal rates of interest prescribed or authorized by the respective States for the same period.

The SPEAKER. The Clerk will now report the substitute for this resolution, which substitute is reported by the Committee on Banking and Currency.

The Clerk read as follows:

The Clerk read as follows:

Recoived, That the Secretary of the Treasury be requested to inform this House the number and names of State banks and banking institutions that have suspended or failed since 1830, arranged by States, with the amount of capital, circulation, and deposits of each at the time of such failure, and the loss severally of stockholders, note-holders, and other creditors of said banks occasioned by such failures; the character of the nominal assets and securities of each of said banks at the time of its failure from which on liquidation were realized less than their nominal value; the nominal and realized value respectively, of each class of such assets or securities; the means whereby and the extent to which the stockholders, the note-holders, and other creditors of each of such banks were, respectively, protected by provision of law was complied with or violated; the amount of outstanding circulating notes of State banks and banking associations each year since 1830, and the current value of the circulating notes of scanness on New York, and the current value of the circulating notes of scanness of scannes

Mr. SPRINGER. Mr. Speaker, I will move the previous question and allow the debate upon this resolution to come up

under the operation of the previous question, if any debate is desired. That will allow fifteen minutes on a side.

Mr. McMILLIN. I hope the gentleman will not insist on the previous question.

This is a pretty important resolution.

Mr. SPRINGER. Then I will withdraw the demand for the

previous question, and will yield to the gentleman from Mis-gouri [Mr. HALL]. How much time does the gentleman want? Mr. HALLof Missouri. I do not want more than ten minutes. I yield ten minutes to the gentleman from Mr. SPRINGER.

Missouri [Mr. HALL]. Mr. HALL of Missouri. Mr. Speaker, as a friend of the re-peal of the 10 per cent tax on State banks, I am opposed to this resolution. Not that we object to any information of any kind or character that is fair. My objection to that resolution is that it calls for information that was gotten up by certain Republican agents of the Treasury after the Democratic party, in 1892, adopted a plank in its platform in favor of the repeal of the 10 per cent tax on State banks; and I maintain that anyone who will examine that evidence will see that this information was gotten out by Republican officials in the Department for the purose of proving everything possible that could be proved against

State banks, and nothing in favor of them.

We do not object to light, provided the light is thrown fully on all sides and branches of the question, but if it is proposed simply to bring before the House that ex parte, one-sided, partisan evidence, gotten up in order to defeat a plank in the Democratic platform, I object to any such evidence being brought before this body. I maintain further that an investigation that will be exhaustive, as shown by the report of the Secretary of the Treasury in 1892, in response to a Senate resolution of a sim-I maintain further that an investigation that llar kind, can not be made complete, and that the evidence can not be obtained inside of three years' investigation. I therefore oppose this, because it will bring before this body simply the ex parte testimony gotten up by a body of men interested in defeat-

ing that plank in the Democratic platform.

Mr. DINGLEY. Does not this resolution call upon the Secretary of the Treasury to furnish this information, and do you

think he would furnish partis in information?

Mr. HALL of Missouri. The object of it is to get that information that was compiled by a Republican Comptroller of the Currency about a year ago.

Mr. DINGLEY. Do you suppose the Secretary of the Treasury would send to this House any information that he did not

believe to be reliable?

Mr. HALL of Missouri. The trouble of it is this: I can quote one passage of the Bible that says "there is no God," but if I quote the entire passage it says, "The fool hath said in his heart there is no God."

Is it fair to introduce then, as a statement from Holy Writ,

that the Bible says there is no God?

The gentleman simply wants to bring in here, by that report, everything against the State bank system, and nothing for it. In other words, I object to any unfair, one-sided, ex parte state-

ment upon the subject.

Mr. DINGLEY. That is not an answer to my question. My inquiry of the gentleman was as to whether he had any reason to suppose that the Democratic Secretary of the Treasury, with the characteristic fairness of the present head of that Department, would, in response to inquiries of this House, send information this House, and information this House, and information this House, and information this House, and information the second content of the content of the second content of the content mation to this House that would be otherwise than fair and just and covering the whole question?

Mr. HALL of Missouri. I will simply state this: that if the

resolution pass d through this House, asking the Secretary of the Treasury to furnish specific information, that he, as a lawabiding officer, will comply with that request, although that specific information there is, as I have said, of partisan bias and

Mr. DINGLEY. Has the gentleman any additional information that he desires to incorporate in the resolution and asked

for in the matter

Mr. HALL of Missouri. I can say that, following the report of the Comptroller of the Currency in response to a similar inquiry from the Senate in 1892, his statement was to the effect that this information could not be had complete at all, but only partially, by the expenditure of a sum of about \$5,000, and that it would take some years to complete an investigation upon that matter

Mr. DINGLEY. Are you opposed to this House having offi-cial information on this important subject? Mr. HALL of Missouri. I have no objection to official infor-

mation that gives information on both sides of the question.

Mr. DINGLEY. Do you propose to amend the resolution calling for any additional information?

Mr. HALL of Missouri. I do object to having ex parte matter

lugged in before this House.

Mr. DINGLEY. But this comes from the Committee on Bank-

ing and Currency, which has a Democratic majority, and it calls for information from a Domocratic Secretary of the Treasury. It is a most remarkable suggestion that a Democratic Committee on Banking and Currency and a Democratic Secretary would

give only partisan information.

Mr. HALL of Missouri. If the gendeman wants the matter made a little more specific, I will state to him that the resolution was passed by a bare majority of the committee, when there was just a bare quorum present, composed of Republicans and

Democrats who were opponents of the measure.

Mr. McCREARY of Kentucky. I desire to ask the gentle-

Mr. JOHNSON of Indiana. Mr. Speaker, I rise to the point of order that the gentleman has no right to divulge what has transpired in the committee on the floor of the House.

Mr. McCREARY of Kentucky. I ask the gentleman—
The SPEAKER. The gentleman from Kentucky will suspend. The gentleman from Indiana raises the point of order that it is not proper to state on the floor what has transpired in the committee room.

Mr. HALL of Missouri. I did not hear the statement of the

gentleman.

Mr. JOHNSON of Indiana. My point of order is that it is improper to state on the floor of the House what has transpired in the committee room.

Mr. HALL of Missouri. I did not state anything of a confidential nature which transpired in the committee room. I was

speaking of the number present.

Mr. JOHNSON of Indiana. I understood the gentleman to be speaking of a combination on the part of certain members of the committee

Mr. HALL of Missouri. I did not charge anyone with com-

bining, Mr. Speaker.

Mr. SPRINGER. I will yield five or seven minutes to the gentleman from Indiana [Mr. JOHNSON]: but I understand the gentleman from Kentucky desires to submit a question to the gentleman from Missouri.

Mr. McCREARY of Kentucky. I understood the gentleman from Missouri to state that he is a member of the Committee on

Banking and Currency, and that the committee has reported this resolution, which I have read, and it requires a very large amount of information to be furnished to this House. I desire to ask the gentleman from Missouri about how long it would require the Secretary of the Treasury to furnish that information to the House?

Mr. HALL of Missouri. I can only suggest what is stated by the report I referred to a moment ago, given by the Secretary of the Treasury in response to a somewhat similar resolution of the Senate, in which he said it would take several years.

Mr. DOCKERY. Will my colleague allow me to ask a queson? I did not catch the reading of the resolution. Do I understand that the resolution calls on the Secretary of the Treas-

ury for information compiled during the last A iministration?
Mr. HALL of Missouri. That is all the information he has.
Mr. ALLEN. I desire to ask the gentleman from Missouri a question. Is there anything in the office of the Secretary of the reasury, or does this resolution recite that the Secretary of the Treasury has in his office any information in connection with the failures of those banks that could only be found there; and, if not, why should that inquiry be made of him any more than of any-

Mr. HALL of Missouri. I suppose the gentleman understands very well that the United States Government had no jurisdiction over State banks during their existence. I have nothing further

The SPEAKER. The time of the gentleman has expired.
Mr. SPRINGER. How much time does the gentleman from Indiana desire? Mr. JOHNSON of Indiana. Five or seven minutes; only a

short time.

Mr. SPRINGER. I yield to the gentleman from Indiana. Mr. JOHNSON of Indiana. Mr. Speaker, I very greatly regret that the gentleman from Missouri [Mr. Hall] has seen fit to submit to the House the remarks which he has just made. I am not aware that the Committee on Banking and Currency has yet divided upon partisan lines, and it is hardly necessary to precipitate a division upon those lines into that committee from this House. I want to say that, so far as I am concerned as a member of the committee, I am in search of all the light upon the subject with which it has to deal which I can possibly obtain, and I think that in this respect I am simply in the same boat with all the other members of the committee, regardless of party affiliations. The committee desires to get information, to the end that it may be enabled to discharge its duty to the House and to the country.

Gentlemen are not excluded from the doors of the committee

room simply because they may advocate particular views or because they may belong to particular parties. Every means of information that the committee can possibly get it desires to secure, no difference from what source it is derived. I trust that I am not revealing the secrets of the committee room when I say that gentlemen of this House have been heard there in support of measures which are in the line of removing the tax upon State-bank circulation, and I doubt not that any gentleman who desires to present the contrary view will be hospitably welcomed

by the committee.

The objection of the gentleman from Missouri [Mr. Hall] that the report submitted by Secretary Foster in response to a resolution of the Senate, a year or so ago, was a Republican document, is entirely unfounded, from the fact that the information upon which that report was predicated was derived from the reports of Democratic officers in States where the State-bank system prevailed. Nor is it true that the then Secretary of the Treasury, when he submitted that report, said that it would take three years to furnish the information called for in the resolution here pending. The information called for in that Senate resolution was much broader and required much more research than that which is called for in this resolution, and I am credibly informed that the present Secretary of the Treasury has informed certain members of the committee that the information here called for can be furnished, most of it, by the 1st day of December next, and all of it in a much shorter period than three years, or even in a shorter period than three months.

This information is called for, not from a Republican Secretary

of the Treasury, but from Democratic source, from the present Secretary of the Treasury; but, whether it is called for from a Republican or from a Democrat is immaterial. It is sufficient for me to know, and in my humble opinion it ought to be sufficient for the House to know, that the call is made not upon a partisan, but upon a sworn Government official; and in God's name if the time has come in this country when a committee of Con-gress can not appeal to a great official of the Government for information and expect to get it in all its purity, untainted by partisan considerations or partisan feeling, then it is time for us to shut the doors of our committee rooms and cease to attempt to procure information upon which to formulate measures for the

good of the whole country.

So far as I am personally concerned, I earnestly hope that the light which is asked for by this committee, and which can be obtained by the adoption of this resolution, will not be denied by the House, but that all means will be cheerfully and promptly authorized which will enable the committee to act intelligently and to do justice to itself, to the House, and to the country; which will enable the committee to lay before this House for its consideration, not some crudely constructed bill, but a measure of such merit that the House will be justified in adopting it as a just measure of relief to the people. I want to say, too, that the information called for by this resolution can as well be used in favor of as against a bill for the repeal of the tax on State-bank Information with respect to the operations of the circulation. national banks can be readily obtained, because they are of comparatively recent origin, and, by the wisdom of the law under which they are organized, provision is made for statistics.

The mere fact that it is somewhat more difficult to get information to the statistics of the statistics of the statistics of the statistics.

mation with respect to the organization and operation of the State banks which, particularly as banks of issue, run further back in the history of the country, is of itself a reason why this committee should be allowed to have the light which the officials of the Government can furnish. I am prepared to accept that information when obtained and to rely upon it, whether it comes from a Republican or from a Democratic official; and I, for one, shall consider it far more valuable coming, as I say, from the sworn officers of the Government than if it came from some gentleman holding peculiar and illy digested financial theories, and who came before the committee perhaps to mislead rather than to give them trustworthy information on which to predi-

cate their action.

Mr. TURNER. Mr. Speaker, I do not think that any member of this House would object to any fair inquiry into the matters covered by this resolution or would refuse to the House the opportunity to obtain in anyway information on these subjects. But on glancing at this resolution it is apparent that almost the entire scope of it relates to matters over which the Treasury Department never had any jurisdiction whatever. The greater part of the resolution has reference to the history of State banks for a period from 1830 to the beginning of the late war, and minutely pursues all the details of those institutions, the character of their assets, the nature of their charters, the provisions of law regulating them, the rates of interest that they charged, and the dividends which were received by creditors and stockholders on the failure of such banks.

The Secretary of the Treasury can himself have no official in-

formation on these subjects. It is said that there is in the Transury Department, in the hands of somebody there employed, some collation of data on this subject; but that would be no better than a printed volume from any other quarter, except that it would come here through the official channel, without the official sanction of the Treasury Department. If it is desired to print a volume of information on this subject, I see no objection to its being done in the proper way. But why should the Treasury

being done in the proper way. But why should the Treasury Department undertake its preparation?

There is pending before the Committee on Banking and Currency a bill to repeal the prohibitory tax on the issue of State banks. I acquit the honorable gentlemen of that committee, whether on the majority or the minority side of this question, of any purpose of delay; but will not this resolution furnish the occasion for delay? And when it is remembered that to this resolution a requisition on the Secretary for copies of all laws in force in the several States on the 1st day of January, 1860 and in force in the several States on the 1st day of January, 1860 and 1893, respectively, for the organization of State banks, banking institutions, and savings banks, and the regulation or supervision of the same, it will be seen that in order to comply with this resolution the Secretary of the Treasury will be obliged to have compiled a volume as large as the Revised Statutes.

Mr. SPRINGER. Oh, no.

Oh, yes.

Several MEMBERS. Mr. CULBERSON. The gentleman will allow me to say that I understand the collation to which he has referred was made during the last canvass by parties in the Treasury Department with the view of embarrassing the Democratic party upon that plank in its platform.

Mr. JOHNSON of Indiana. Is not the gentleman from Texas aware that the proposition is to address this inquiry to a Democratic official, who, if he considers the information already col-

lected inaccurate-

Mr. TURNER. I yield to the gentleman from Indiana [Mr. JOHNSON] if he desires to make a statement.

Mr. JOHNSON of Indiana. I was making a suggestion in response to the remark of the gentleman from Texas [Mr. Cul-Mr. TURNER. I yield to the gentleman if he desires to make

a statement.

Mr. JOHNSON of Indiana. I hope the gentleman is not of-

fended.
Mr. TURNER. Not at all. As I have said, I yield to the gentleman.

gentleman.

Mr. JOHNSON of Indiana. I was endeavoring to make an inquiry of the gentleman from Texas [Mr. CULBERSON], who temporarily had the floor; and I asked him whether he was not aware of the fact that this inquiry is addressed to a Democratic official, who may reject the data already on hand if he thinks it inaccurate, and may cause the work to be done anew.

Mr. TURNER. I will endeavor to answer the remark of the gentleman from Indiana as well as the suggestion of my friend from Texas.

I remember very well that during the last Congress an effort was made to have printed by order of Congress some such com-pilation as that to which my friend from Texas has referred, and the House refused to have it printed, the motive for the refusal being that which he has suggested—that it was a compilation perhaps conceived, conducted, and prepared under the exigency created by a provision in the Democratic platform which had then recently been adopted at Chicago. I will not say that the then recently been adopted at Unicago. I will not say that the person, whoever he may be, that prepared that compilation meant to deceive anybody; but we all know with how much suspicion a specially prepared manual on a subject of that kind is justly regarded when it is inspired by a political exigency. I concur, therefore, in the spirit of the suggestion of the gentleman from Texas, and say that if this volume thus prepared is the only collation of information we are to have in response to this resolution, I should myself regret to see it made the basis of discussion and action in the committee or in the House.

Mr. JOHNSON of Indiana. Will the gentleman kindly per-

mit me

Mr. TURNER. I will. I was coming to the gentleman's in-

Mr. JOHNSON of Indiana. Is the gentleman afraid to trust so distinguished a Democrat as John G. Carlisle, the official who is to be requested to give information on this subsect to the com-

Mr. TURNER. I was endeavoring to come to that very pertinent inquiry; it is a proper one in this discussion. If the present Secretary of the Treasury himself or any other Secretary of the Treasury of any party should send to this House a document prepared under his own direction in response to a resolution, from official data I should treat it with great respect. What I meant to say was that a political compaign document, prepared by some subordinate in the Treasury Department, for use in a campaign, and from unofficial information, is not one that com-mends itself to my judgment. Mr. JOHNSON of Indiana. May I ask the gentleman whether

Mr. TURNER. If the gentleman will pardon me I will endeavor to answer the full scope of his question.

I have the most unbounded confidence in the present Secretary of the Treasury. He is incapable of any unfairness. And I concede with pride that a report upon facts within his jurisdiction, by any Secretary of the Treasury of any party would command the respect and confidence of every citizen. But to require the Department to seek outside information as accessible to each of us as to him, and to compile it for our use in so vast a volume as will be necessary, will not only be a mockery of his official functions, but will indefinitely delay the consideration of the measure to which I have referred. Mr. JOHNSON of Indiana.

I am assured that we can get the

information within a month.

Mr. TURNER. And I tell the gentleman I know something of these matters myself. I know that to make this compilation complete—to answer fully all of the details involved in the resolution of inquiry-will require a force of clerks and clearness of judgment, an amount of careful and painstaking study and research, that would occupy the entire force of the Census Office, with all of its experts, for a long time.

Mr. JOHNSON of Indiana. But the gentleman says this calls

Mr. JOHNSON of Indiana. But the gentleman says this calls for information that the Treasury does not possess.

Mr. TURNER. Then the Treasury Department would have to answer that it could not furnish the information called for.

Mr. JOHNSON of Indiana. But I simply call attention to this part of the gentleman's argument to show the inconsistency. He says that the Secretary of the Treasury can not furnish the information; which defeats his argument that the reference of the resolution to the Department would involve a considerable delay.

Mr. TURNER. Take either alternative: If we are to have as an answer to the resolution the campaign document to which I have referred, we do not want it. If we are to have the response to the inquiry that the information can not be furnished, it is equally objectionable; and if it is to be a complete collection of

equally objectionable; and if it is to be a complete collection of all the information necessary for a full answer to the interroga-tory, it must, as I have said, involve a considerable time and the necessary postponement of the bill to which it relates.

The SPEAKER. The time of the gentleman from Georgia

has expired.

Mr. PAYNTER. I would like to ask the gentleman from Georgia whether or not the resolution here proposed calls for Mr. TURNER. My time has expired.
Mr. SPRINGER. I will yield to the gentleman a moment

Mr. SPRINGER. I can only answer in this way; that the information I get from all sides is that there is a prepared statement in the Treasury Department already.

Mr. PAYNTER. I wish to ask the gentleman whether he thinks that Mr. Carlisle would adopt that statement?

Mr. TURNER. And my friend from New York [Mr. TRACEY]

hands me now a volume which purports to contain some of the information called for.

Mr. TRACEY. Which I think would satisfy the gentleman

Mr. JOHNSON of Indiana. Nothing will satisfy the "gentleman from Indiana" except to get the information which is so

Mr. SPRINGER. Mr. Speaker, if I can have the attention of the House for a few moments I think I can explain this matter to

their satisfaction.

The resolution as originally introduced by myself was deemed by one of the members of the House, not present now—I refer to Mr. WARNER of New York—as not calling for such information as those who favored the rehabilitation of the State banks destred, and in the interest of those who favo red the repeal of the 10 per cent tax on the State bank issues, the gentleman sug-gested a number of amendments to the resolution as originally

These amendments submitted by Mr. WARNER were all accepted and embodied in the substitute which has been reported to the House. If there is a gentleman here more earnest in favor of the repeal of the 10 per cent tax on State banks than he, I do not know it. The gentleman from New York has at all times, on the floor of the House and elsewhere, avowed himself as an earnest friend of the proposition to repeal the tax on the circulation of State banks, and he has suggested all of the propositions, save the last, which are embodied in the resolution, which will bring out as he extend the facts that these who favor the will bring out, as he stated, the facts that those who favor the rehabilitation of State banks desire to draw out.

So far as the campaign document, to which the gentleman from Georgia refers, is concerned, that is already in existence and has been printed by the Senate Finance Committee and is in the document room. If it is going to do anybody any harm that has been already accomplished.

Mr. CULBERSON. Does not the

Does not the gentleman know that the

document to which he refers is only a part of the collation?

Mr. SPRINGER. I stated that the document to which the gentleman referred as the campaign document is already printed

Mr. CULBERSON. I beg to suggest that that statement is incorrect to this extent, that that document only proposes, and whether it purports to do so or not the fact is, that it only pre-

Mr. SPRINGER. I stated, and I hope the gentleman will understand, that the document to which the gentleman referred was already printed, and if it has not been printed heretofore, then the objection which he made does not apply; because he

was referring to something that had been printed heretofore, and which was given out as a campaign document.

Mr. CULBERSON. No, I do not understand that—
Mr. DINGLEY. Will the gentleman from Illinois pardon me for a moment? I understand that the document to which reference is made was not printed until two months after the election.

Mr. SPRINGER. The gentleman referred to a certain document.

ment as a campaign document. I will state that the document to which reference was made was not printed by the Treesury Department until January 28, 1893, and saw the light of day for the first time through the Committee on Finance of the Senate, the first time through the Committee on Finance of the Senate, after being transmitted by the Secretary of the Treasury at that time. So that if it was prepared for the purposes of the last campaign, it did not get to the people until after the election was had. But I want to say to gentlemen that so far as I am concerned, I have not prepared this resolution with any desire whatever to embarrass this question one way or the other.

Nor do I wish to be understood now as throwing any obstacle in the way of the consideration and the final passage, if you please of a measure removing the 10 per cent tax users.

please, of a measure removing the 10 per cent tax upon State

I want to say further, and I believe I may be permitted to say it, in answer to the gentleman from Georgia [Mr. Turner], who says that this was intended to delay that measure, that, without revealing the secrets of the committee of which I am chairman, I may state, as it was done in public, the reporters being present, that a day has been fixed by the committee, namely, the 14th of November, upon which day bills relating to this subject will be made a special order in the committee, as against all other matters, and considered until disposed of.

Mr. JOHNSON of Indiana. I will ask the gentleman from Illinois [Mr. SPRINGER] if that is not the second bill that is being

onsidered out of innumerable bills before the committee?

Mr. SPRINGER. All the bills on the subject of repealing the State-bank tax have been referred to a subcommittee, and the time for hearings upon that subject will expire on the 14th of next month. Then the committee is to consider that subject until it is disposed of; and I do not believe there is a member of that committee, whether he be for or against the removal of the tax, but what is in favor of an early hearing of the question.

tax, but what is in favor of an early hearing of the question.

I do not know of any desire on the part of anyone to throw any obstacle in the way of reporting the measure to the House, and I state here that the passage of this resolution will not delay the committee's report on that subject one hour or one moment, because I am in favor of the earliest possible report.

Mr. HALL of Missouri. I desire to ask the gentleman if in this Executive Document 38, part 1, to which he refers, he does not find the following language? Afterstating that he had made various verbal reports, the Secretary of the Treasury says:

various verbal reports, the Secretary of the Treasury says:

This opinion-

That is, the opinion that it is very difficult to obtain this in-

is confirmed by that of Mr. Spofford, the Librarian of Congress, who under date of November 30, states that "No systematic history or comprehensive statement exists of the operations of American banks for the long period since 1830, embraced in the Senate resolution of July 28, 1892." Mr. Spofford also expresses the opinion that "the information called for may be partially gathered from widely scattered sources in the books, pamphiets, and periodicals of the last sixty years relating in a greater or less degree to financial subjects."

That is the kind of information that he is calling for to govern

the action of this body.

Mr. SPRINGER. I was just going to read the letter of Mr. Spofford, the Librarian of Congress, when the gentleman interrupted me, to show that the information which is called for by this resolution is not now accessible to members of this

Now, we are about to enter upon the consideration of the ques-

tion of removing the 10 per cent tax upon State banks, a question of far-reaching consequence and importance. Everyone will concede that. Surely no member of this House desires to shut any avenue of approach to all the facts that are necessary for the thorough consideration of this question. If the Secretary of the Treasury can not furnish this information he will tell us. If he can, he will give it to us. I do not wish the Secretary of the Treasury to make information, to manufacture facts, or to set up a job upon this House, to propagate any particular theory upon this subject. We simply call for facts. Whether they be favorable to or against the question I do not know. Let us

Mr. ALLEN. The gentleman from Illinois says, as I understand, this information is not attainable by members of this House. Will you tell me how it is any more attainable by the Secretary of the Treasury than by members of the House, who could secure it by an investigation made by the gentleman's own committee, appointed for that purpose? [Laughter.]

Mr. SPRINGER. The Secretary of the Treasury has a very numerous force, while the committee has but one clerk, and the

memb rs are very busy in answering their correspondence and attending to their business. The Treasury Department is a wast institution. It has agencies all over the country. It has subtreasuries in every part of the country. It has clerks everywhere. It could call upon the agents of the Government, in the

where. It could call upon the agents of the Governmeat, in the employ of the Treasury Department, that he may select all over the country and speedily obtain this information.

Mr. COBB of Alabama. I want to ask the gentleman if he has not been informed by the Secretary of the Treasury that it would require an additional force in his office, and at least three or four months' time to acquire this information?

Mr. SPRINGER. I have learned from inquiry that a large proportion of this information could be furnished the House on the first day of December next.

the first day of December next.

Mr. WILLIAMS of Mississippi. What portion of it?

Mr. SPRINGER. I can not go into the details.

Mr. WILLIAMS of Mississippi. Is it not that portion which

has already been compiled as to the affairs of State banks?

Mr. SPRINGER (continuing). And that the other information, which is embraced in the resolution, and which can not be furnished by that time, could be furnished within three months from that time provided that Congress shall in some appropriation bill that may hereafter be passed make some appropriation

Mr. HALL of Missouri. If the gentleman will permit me to interrupt him, right in that connection, on the question of time, I find on page 3 of this partial report, the third paragraph on that page, the following sentence;

The reports of the State officers charged with the duty of receiving and supervising bank returns quite generally give full and detailed returns of failures and resulting losses, but no abstract of the same can be made which would properly present the facts, save at very great labor and expense, which would require at least two years' work of a thoroughly competent and experienced clerk.

Mr. SPRINGER. That would be one competent and experienced clerk; but we have more force at the disposal of the Secretary of the Treasury than one clerk. I have been informed since this other report has been submitted that a great deal of the information has been procured since this report was published

last January.

Mr. COBB of Alabama. Right in that connection you have called the attention of the House to the fact that the Committee called the attention of the House to the fact that the Committee on Banking and Currency has fixed a day for the consideration of the bill for the repeal of the State bank tax, and that that is to be about the middle of November, and we have resolved that that matter shall be continued until concluded. Therefore, how can this information which you seek be of any benefit whatever to the Committee on Banking and Currency, when they will have been dead to the committee on secretaring the committee on a secretaring the committee of the committee on a secretaring the committee of the committee of the committee on the committee of passed upon this matter long before the committee can ascertain

what the information is to be.

Mr. SPRINGER. It is generally supposed that there may be a vacation, which will carry the date beyond the day fixed, and that we will not be able to report upon this question before the

first day of December next.

Mr. JOHNSON of Indiana. It has to be discussed in the committee still.

Mr. SPRINGER. And that while the committee would de mand, if Congress were in session, the consideration of the sub-ject at that time, the time in which it would be considered has not been fixed. If we do not get the information nobody will be injured, and if we do get the information we will be that

much better off.

Mr. TATE. Do I understand the gentleman to say that he desires to get this information in order to reach correct conclusions upon this subject, and to aid him in that purpose, as well

as the members of this House?
Mr. SPRINGER. Are you through?

Mr. TATE. Is that the purpose?
Mr. SPRINGER. My object is to obtain the information for my own use, and for the use of the gentleman from Georgia and other members of the House,

Mr. TATE. Then I apprehend that the gentleman has not formed any opinion as to how he shall vote upon this bill to repeal the 10 per cent tax on State banks, and that he is still open to conviction.

Mr. SPRINGER. I am. I will come to no final judgment until I have heard all the facts; and when I get them I can vote

upon the question.

Mr. TATE. Then you are still open to conviction?

Mr. SPRINGER. I am still open to the facts, and I hope that my friend is open to the facts, and will also open his mind to the truth.

Mr. JOHNSON of Indiana. Is the gentleman from Georgia still open to conviction on this question:

Mr. TATE. I am converted to the views of my party on this question, as set out in the Chicago platform.

Mr. SPRINGER. I will now yield to the gentleman from

Maine.

Mr. DINGLEY. Mr. Speaker, this is almost the first time in my experience ir this House for many years that I have seen a resolution calling on the head of a Department for proper information on any important proposed legislation resisted. There is before the Committee on Banking and Currency, and probably will come in some form before the House, one of the most important propositions of legislation that has ever been suggested, namely, the abolition of the tax of 10 per cent on State bank circulation with a view of republificition. State banks of instances in the control of the state in the control of t culation, with a view of rehabilitating State banks of issue in lieu of national banks. In order to reach a correct judgement respecting the matter, in view of the fact that State banks of issue have not existed for many years past, it is of the highest importance that not only the Committee on Banking and Currency, but that every member of the House should have all possible information as to the workings of the State banking system during the period in which it existed in this country.

I desire that light: you, Mr. Speaker, desire that light. Every gentleman in this House desires or ought to desire whatever light can be shed upon this subject. It is suggested that the information called for in the resolution submitted by the Committee on Banking and Currency is so voluminous that it can be the presented in constant of the presented in the second of the second not be presented in season for us to act upon it. I noticed when the resolution was introduced by the chairman of the commit-tee that it called simply for four classes of facts, which seemed to me, glancing over it hastily, to embody, with perhaps one exception, all that was specially vital in the matter. That exception was information as to existing statutes in the several States regulating the State banks which would govern them in case the tax should be repealed and they should proceed to issue

Circulating notes to be used as money.

It seems from the statement of the chairman that the gentlemen in the committee who are in favor of the repeal of the tax on State-bank circulation caused the resolution to be amended so as to call for a much larger amount of information, in directions which they supposed would somewhat favor their position. Therefore, if more information is called for than could have Therefore, if more information is called for than could have been readily obtained, it is simply because gentlemen who are in favor of repealing the tax on State-bank circulation have insisted on changing the resolution by adding these additional items of information, and calling upon the Secretary of the Treasury to furnish them to this House. I desire for one to have not only the information requested in the original resolution, but all the information that can be obtained on this subject.

I want all possible light in reference to this question, and I am sure that the information called for, so much of it as may not be in the Treasury Department, can be obtained by the Secre-

be in the Treasury Department, can be obtained by the S tary of the Treasury either at the various State capitals where it is a matter of public record or from other accessible sources. There is no difficulty about that, it seems to me, and I understand the chairman of the committee to suggest that substantially all this information, all that is essentially vital, may be ready by the 1st day of December.

If gentlemen want this information there is no difficulty in ob-

taining it in season to act upon this exceedingly important subject. If they do not want it, if they want this House to be forced to a vote on so vital a question as this without light, then they will continue to resist this resolution and will endeavor to pre-

vent the obtaining of this information.

But, Mr. Speaker, it seems to me that this House, whatever may be the views of gentlemen respecting this question of State banks, can not properly defeat an effort to obtain whatever information can be secured in season to be of service to those who are called upon to take action upon this important question; for to my mind, Mr. Speaker, no more important question, as affecting the currency of this country and our prosperity in the future, can be

presented to this House than that which is involved in the proposition to rehabilitate the old State-bank system.

I hope, therefore, Mr. Speaker, whatever may be our present I nope, therefore, art. Speaker, whatever may be our present views respecting this matter, that the House will insist upon obtaining all the information that is practicable upon a subject of so great importance as this, and I think I can not be mistaken in saying that if this House shall vote down the proposition to obtain this information—not partisan in ormation, but informa-tion sought through a Democratic Secretary of the Treasury in whom we have confidence, information that must in its very nawhom we be official—that action will be taken by the country as a distinct declaration that this House is a fraid of the light which this information would shed upon this most important issue. I hope, Mr. Spaker, that the resolution will be adopted.

Mr. SPRINGER. How much time have I left. Mr. Speaker.

The SPEAKER. The gentleman has thirteen minutes remaining.

I yield five minutes to the gentleman from Mr. SPRINGER.

Tennessee | Mr. McMillin].

Mr. McMILLIN. Mr. Speaker, the gentleman from Maine [Mr. Dingley] begins his address with the announcement that in a long experience he has never seen a call for information resisted in the House. Let us not be misled by that specious declaration. Why did not the gentleman state the fact that this is an extraordinary resolution, that this is blazing out a new way, that this resolution is seeking to call on a Department of the Government for information that is not in possession of that Department and over which it has no jurisdiction. No one who resists this resolution desires to shut off any light. The gentleman need have no fear of that disposition prevailing here. That does not characterize the members on either side of this

But what is this resolution? Why is it resisted? Why does it meet with resistance which is not usually given to resolutions asking for information? It is because we are in this resolution solemnly calling upon the Treasury Department for the compilation of statistics that it has not got, information in relation to acts that Congress never passed; information that it has never been the duty of any Secretary of the Treasury to compile or to keep. This resolution calls upon the Secretary for information concerning the failures of State banks, information that never concerning the failures of State banks, information that never was in the Treasury Department, that never was supposed to be within the jurisdiction of that Department, that never will be in that Department, and which, even if it could be obtained, would

that Department, and which, even if it could be obtained, would be inaccurate and misleading, from the fact that the sources of that information have never been accurately kept. Now, suppose we could get a report such as is sought here.

What you want is light, you say. The gentleman from Maine [Mr. DINGLEY] wants light; the gentleman from Indian Mr. JOHNSON] wants light; the gentleman from Illinois [Mr. SPRINGER] wants light. Would any data prepared under this resolution, even if accurate, lead to any accurate conclusion as to the merits of State bank institutions? We all know that in the midst of their greatest power, and probably in the midst of the merits of State bank institutions? We all know that in the midst of their greatest power, and probably in the midst of their greatest prosperity, an unfortunate civil war broke out which rent asunder the Union, which separated the States, which put citizens at war with each other, and through which not only private fortunes melted as snow before the sun, but State banks burst, and even the credit of the United States went down until its obligations were not worth 50 cents on the dollar.

And now it is proposed to get here as data that shall guide the And now it is proposed to get here as data that shall guide the House, information concerning that period, and from a source that never could give accurate information on the subject. And this is to be our guide. In addition to the calamities that overtook the country by reason of that war, these very institutions in the midst of their enthrallments and troubles were taxed out of existence by the Government of the United States. Hence the information sought will not be such as to lead accurately. the information sought will not be such as to lead accurately members who are to legislate.

Now, what if we were to call on the State Department for this information? There is just as much law for that Department to keep data of this sort as for the Treasury Department; there is just as much law for calling on the Secretary of the Interior to obtain information of this sort as there is for calling on the Secretary of the Interior to obtain information of this sort as there is for calling on the Secretary of the Interior to obtain information of this sort as there is for calling on the Secretary of the Interior to obtain information of this sort as there is for calling on the Secretary of the Interior to obtain information of this sort as there is for calling on the Secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this sort as the secretary of the Interior to obtain information of this secretary of the Interior to obtain information of the Interior of Interior Inter retary of the Treasury. Neither of these Departments has ever had jurisdiction of the subject-matter and neither of them has ever kept any compilation of the kind sought to be brought in here. Who is to do it? Where are the clerks to come from? How the data obtained?

Besides it will be utterly impossible, as has been shown here, to get the information within the time indicated by the gentle-man from Indiana; and in proof of that I would, if I had time, read a paragraph handed to me by my friend from Missouri Mr. HALL, from the letter already referred to of the Secretary on this subject. As my time is about to expire I can not do that.

It shows the difficulty, and indeed the impossibility, of obtaining

the information sought. [Here the hammer fell.]

Mr. OATES. Will the gentleman allow me toask him a ques-

Mr. McMILLIN. My time has expired, or I would do so with pleasure.

Mr. SPRINGER. I yield three minutes to the gentleman from New Hampshire [Mr. BLAIR]. Mr. BLAIR. Mr. Speaker, I suppose that we all recognize— I know that the people do in my part of the country, without any reference to party—that the substitution in the future of a system of State banking for that of national banking is not improbable; and those interested in the national banking system—business men, presidents of banks, and others—are, I know, somewhat anxious with reference to the nature of the system which shall be established. If a new system is adopted, those are the men who will of necessity organize the banks and administer, as heretofore, the banking business of the country

tofore, the banking business of the country.

Now, this State banking system is a thing of the past. I do not understand that it was directly destroyed by the breaking out of the war. The evils of the State banking system originated even earlier, and were in process of elimination when the war assailed the country, and they went out of existence. There are sources of information with regard to them that have never been fully exhausted. Through the Treasury Department, if through any Department, that information can be obtained. It will not be found to be matter of record to any great extent at the capitals of the States; but fragments of this information—perhaps in many instances full historical data—will be found in possesin many instances full historical data—will be found in possession of the banks themselves, of old men who managed those banks and who were the financiers of their generation.

Now this information has been to some extent embodied in the book which I hold in my hand—a partisan document. What we ask, or what I for one would like to see is this—that the remaining information be obtained as fully as possible, and that it come to us through the medium and under the scrutiny of officials of another party now in possession of the Government, so that we may obtain the whole. Otherwise we should be likely and the country would be likely to judge the State banking system by the partisan information embraced in this document, for there would be no other information obtainable which could go to the

country as authentic.

Mr. SPRINGER. I yield five minutes to the gentleman from Connecticut [Mr. SPERRY].

Mr. SPERRY. Mr. Speaker, among the measures of legislation for which the country looks to this Congress is one which is not the least important of all—a measure which may furnish some regulation in relation to our banking system. The coinage question, I hope, is disposed of; at least it has been disposed of if the sentiment of this House expresses the sentiment of the country, and if the Senate will follow that expression of sentiments.

I hope the tariff will be so amended that that question will be disposed of for at least ten years. One of the most important of the remaining questions—and it seems to me more important than the tariff—is, what shall be our form of banking? That question is before the Banking Committee; that committee working faithfully upon it, and will continue to work faithfully until it can present to this House some system which at least a majority of the committee shall feel justified in recommending for a permanent system of banking.

majority of the committee shall feel justified in recommending for a permanent system of banking.

Now, I think this House may be divided upon that question into several parties. One party would be willing to continue the national debt for the sake of continuing the national banking system. I am not one of that party. Another party is willing that the Government should be the only source of issue of paper money. I am not of that party either. There is another party—and it counts among its members strong and very respectable men, sincere in their motives and in their votes—who are now anxious, by a repeal of the tax on State-bank issues, to bring again into existence the State banks in all their weakness and in all their strength—to do it even heatily, and I may say with in all their strength-to do it even hastily, and I may say without information and without the opportunity for the house to

out information and without the opportunity for the house to obtain information (which is clearly within our reach) in relation to the history of the State banking systems.

Now, my friend from Tennessee [Mr. McMillin], my friend from Georgia [Mr. Turner], and nearly all the other gentlemen who have spoken on this question, have told you that the Secretary of the Treasury has no jurisdiction of this subject and no information upon it. I grant to my friend from Tennessee and my friend from Georgia that the resolution now under discussion is somewhat more comprehensive than the legitimate jurisdiction of the Secretary of the Treasury over State banks.

Mr. OATES. Will the gentleman allow an interruption by way of suggestion?

way of suggestion?

Mr. SPERRY. Certainly. Mr. OATES. The gentleman from Maine thought no inquiry for information had ever been rejected. I find however that in the last Congress, at the first session, a resolution making similar inquiry, but not going as far as this, introduced by the gentleman from Pennsylvania [Mr. DALZELL], was laid on the table by a yea-and-nay vote of the House. This present resolution is so sweeping in its nature that the information can not be obtained in any reasonable time.

Mr. SPERRY. I think, in answer to the suggestion of the gentleman from Alabama, that the Secretary of the Treasury is the proper official to inform the House whether or not that information is otainable; and in that connection I do not hesitate to believe that the Secretary will send promptly all the information

that is obtainable.

Now, further in that connection, Mr. Speaker, and for the information of my friend from Tennessee, among others, I beg leave to read from this partial report, which is already made, a resolution which passed Congress July 10, 1832, looking to the compilation of information as to the condition of State banks

throughout the country:

Resolved. That the Secretary of the Treasury be directed to lay before the House at the next and each successive session of Congress, copies of such statements or returns showing the capital, circulation, discounts, specie deposits, and condition of the different State banks and banking companies, as may have been communicated to the Legislatures, governors, or other officers of the several States within the year, and made public; and where such statements can not be obtained, such other information as will best supply the deficiency.

The SPEAKER. The time of the gentleman has expired. Mr. SPRINGER. I ask unanimous consent that five minutes additional time be given to the gentleman.

There was no objection.

Mr. SPERRY. In that connection, Mr. Speaker, the information was furnished regularly from the different States and embraced, for the most part, at different times all of the States up to 1864, when the national system of banking in connection with the internal revenue system had seemed to make it unnecessary for State banks to render further reports.

Mr. HALL of Missouri, Will the gentlemen allow me to make

Mr. HALL of Missouri. Will the gentleman allow me to make a correction of his statement taken from this same document?

On page 4 I find this language:

The first report thereunder was made by Secretary McLane under date of February 12, 1833, and stated that returns had only been received from the governors of Maine, New Hampshire, Vermont, Fennsylvania, Kentucky, Ohlo, North Carolina, Georgia, Indiana, and Arkansas, and that no reports had been received from the governors of the States of Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, South Carolina, Tennessee, Louisiana. Mississippi, Illinois, Alabama, and Missouri.

Mr. SPERRY. Mr. Speaker, I stated, after reading the resolution, that thereafter reports had been received for the most part from all of the States, and that I believe to be absolutely true. I have not said, however, that these reports were received dur-ing the next year from all the States, for it would have been almost impossible, because at that time it is not true that all of the States had the information at hand ready to give. But it has been compiled from time to time, and the information is scattered through various public records and reports. It contains invaluable information; but it is inaccessible to any man unless he devotes his individual time to search for it.

If there is a subject on which the House needs information, and the debte displaces indeed the fact that it does need it.

the debate discloses indeed the fact that it does need it-even my friend from Tennessee needs information-I say if there is a question on which we need information it is as to the system and operation of State banking which existed previous to the adop-

operation of State banking which existed previous to the adoption of the national system.

Mr. McMILLIN. If the gentleman will yield to me, as I desire to get some information, for I confess my need of it, I will ask the gentleman, while they were providing in this resolution to ascertain the rates of interest charged by State banks, the amounts lost by reason of the failure of State banks, and other information of the teleproperation of the same provided and the province of the same provided and the province of the same provided and the province of the same province of information of that character, why they did not also incorporate in the resolution a request that the Secretary of the Treasury should inform the House as to the rate of interest charged by national banks, and the losses that have been sustained by them or through them; also, whether they have paid their depositors in full, and what proportion have they paid them, and informa-

in this, and what proportion have they paid them, and informa-tion of a similar character?

Mr. SPERRY. That part of the resolution to which the gentle-man from Tennessee refers, according to my best recollection, was attached to the original resolution by a friend of the State bank-ing system, who said he would vote for the repeal of the tax un-der all circumstances. And the only fault with the resolution is that it was amended by a man who claims to be a friend of the State banking system, and he is too sincere a man, in my judg-ment, to have attached that amendment, which occasions all of the delay now, for the sake of occasioning any delay in casting his vote for the repeal of the State-bank tax and the raising them up again. That is my answer to the gentleman.

I have already stated that the resolution is in my opinion I have already stated that the resolution is in my opinion somewhat more comprehensive than it need to have been. It is more comprehensive than the resolution of July 10, 1832, which I have just read. Under that resolution information has been furnished year by year by the Secretary of the Treasury down to 1864, and that information at least is information which have such the Hause cught to have; and I am likewise such that I am sure the House ought to have; and I am likewise sure that it is perfectly within the reach of the Secretary of the Treasury and can be furnished without unreasonable delay.

The trouble is just there, that the information Mr. OATES. on which we are to act can not be furnished within a reasonable length of time. This resolution is so comprehensive that it will take a great deal more time to furnish than the information re-

quired by the resolution of 1832.

Mr. SPRINGER. By no means. The information is more ac-

cessible now

Mr. SPERRY. Mr. Speaker, in response to the suggestion of the gentleman from Alabama, I will state that it is not my pur-pose to propose any amendment to this resolution. The resolution has been presented in good faith with a view of eliciting imtion has been presented in good faith with a view of eliciting important information. It is a resolution which commends itself, I am sure, to the judgment of the House. If, however, the chairman of the committee should see proper to suggest an amendment that this information shall be furnished to the House by the 1st day of December or the 1st day of January, or whatever time may suit the gentlemen now making their objections to the resolution on the second time it will be entirely acceptable. lution on the score of time, it will be entirely acceptable to me.
Mr. SPRINGER. I move the previous question upon the

adoption of this resolution.

The previous question was ordered.

The SPEAKER. The question is upon agreeing to the resolution reported by the committee as a substitute. The Clerk

The substitute reported by the committee was again read.
The SPEAKER. The question is upon agreeing to the reso-

lution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Upon a division, demanded by Mr. ALLEN, there were-ayes

75, noes 44.
Mr. ALLEN. No quorum.
Mr. SPRINGER. I demand the yeas and nays.
The yeas and nays were ordered.
The cuestion was taken; and there were—year The question was taken; and there were—yeas 95, nays 59, not voting 199; as follows:

	Y	EAS-95.	
Adams, Atken, Aldrich, Apsley, Avery, Babeock, Baker, N. H. Barwig, Beltzhcover, Bingham, Blair, Boatner, Boen, Brawley, Bretz, Brickner, Broderick, Caldwell, Cannon, Gal. Cosper, Ind.	Curtis, N. Y. Dingley, Doolittle, Draper, Ellis, Oregon Erdman, Forman, Forman, Funston, Goldzier, Gorman, Hainer, Hail, Minn. Hare, Harris, Harris, Harris, Holman, Hopkins, Ill. Houk, Tenn. Hudson, Ikirt, Johnson, Ind.	Kem, Kiefer, Kribbs, Lapham, Layton, Loud, Lucas, Lynch, Marsh, Martin, Ind. Marvin, N. Y. McAleer, McCall, McNagny, Meiklejohn, Mercer, Morse, Outhwaite, Page, Payne, Payne,	Pence, Pigott, Ray, Richards, Ohio Ritchle, Ryan, Settie, Shaw, Sipe, Smith, Somers, Sperry, Springer, Stone, C. W. Sweet, Talbott, Md. Tarsney, Tracey, Van Voorhis, Ohio Weadock, Wells, White, Wilson, Wash.
Curtis, Kans.	Joy,	Pearson,	

	NA	YS-59.	
Alderson, Alexander, Allen, Arnold, Balley, Berry, Black, Ga. Bower, N. C. Cabehart, Caruth, Caruth, Catchings,	Cobb. Mo. Crain, Culberson, Cummings, De Armond, Dinsmore, Epes, Fithian, Fyan, Grady, Gresham, Hall, Mo. Hammond,	Hunter, Hutcheson, Kyle, Latimer, Maddox, Mallory, McCulloch, McDannold, McDannold, McDannold, McMcRae, Meraeith,	Moses, Neill, Oates, Pendleton, W. Va. Richardson, Tenn. Robbins, Sayers, Straft, Tate, Terry, Turner, Turpin, Williams, Miss.
Clark, Mo.	Heard,	Money,	Woodard.

Catchings, Causey, Clark, Mo. Cobb, Ala.	Hall, Mo. Hammond, Heard, Henderson, N. C.	McRae, Meredith, Money, Montgomery,	Turpin, Williams, Miss. Woodard.
	NOT VOT	TING-199.	
Abbott, Baker, Kans. Baldwin, Bankhead, Barnes, Bartholdt, Bartlett, Belden, Bell, Tex. Black, Ill.	Blanchard, Bland. Boutelle, Bowers, Cal. Branch, Brattan, Breckinridge, Ark Breckinridge, Ky. Brookshire, Brosius,	Brown, Bryan, Bunn, Burnes, Burrows, Bynum, Cadmus, Caminetti, Campbell, Chickering,	Childs, Clancy, Clarke, Ala. Cockran, Cockrell, Coffeen, Compton, Combs, Cooper, Fla.

1000.			
Cooper, Tex. Cooper, Wis. Cooper, Wis. Cornish, Covert, Cox, Cousins, Covert, Cox, Dalzell, Daniels, Davey, Deforest, Denson, Dockery, Dolliver, Donovan, Dunn, Dunphy, Edmunds, Ellis, Ky. English, Enlows, Fielder, Fitch, Fielder, Fitch, Geary, Gery, Graham, Grosvenor, Grout, Hager,	Haines, Harmer, Harter, Harter, Hatten, Hayes, Heiner, Henderson, III. Henderson, Iowa Hendris, Hepburn, Hermann, Hiolos, Hiborn, Himes, Hooker, M. Y. Hopkins, Pa. Houk, Ohio Hulick, Hull, Johnson, N. Dak, Johnson, Ohio Jones, Kilgore, Lacey, Lacey, Lacey, Lacey, Laue, Lawson, Lefever, Lester, Lilly, Linton, Lisle, Livingston, Lockwood, Loudenslager, Maguire, Marshall, McCleary, Minn. McDowell,	McEttrick, McGann, McKaig, McLaurin, McKaig, McLaurin, McKaig, McLaurin, Morgan, Muray, Morgan, Murray, Mutchler, Newlands, O'Neill, Mass. O'Neill, Pa. Paschal, Patterson, Pendleton, Pendleton, Perkins, Phillips, Ptikler, Post, Robinson, Rayner, Reed, Rayner, Reed, Rayner, Reed, Rayner, Reed, Rayner, Reed, Russell, Conn. Russell, Ga. Schermerhorn, Sreallo, Shell, Sherman, Sibley,	Sickles, Simpson, Sundgrass, Stallings, Staphenson, Stevens, Stockdale, Stone, W. A. Stone, W. A

No quorum voting. Clerk announced the following pairs:

The Clerk announced the following pairs:
Until further notice:
Mr. LANE with Mr. CHILDS.
Mr. O'FERRALL with Mr. HEPBURN.
Mr. RUSSELL of Georgia with Mr. BARTHOLDT.
Mr. WHEELER of Alabama with Mr. HICKS.
Mr. CLARKE of Alabama with Mr. GEAR.
Mr. LOCKWOOD with Mr. WEVER.
Mr. HENDRIX with Mr. PICKLER.
Mr. TUCKER with Mr. HULL.
Mr. ABBOTT with Mr. WALKER.
Mr. HATCH with Mr. HARMER.
Mr. GOODNIGHT with Mr. HENDERSON of Iowa.
Mr. BLANCHARD with Mr. HENDERSON of Illino

Mr. Goodnight with Mr. Henderson of Iowa.
Mr. Blanchard with Mr. Henderson of Illinois.
Mr. Black of Illinois with Mr. Funk.
Mr. Schermerhorn with Mr. Van Voorhis of New York.
Mr. Cornish with Mr. Gardner.
Mr. Wise with Mr. Wilson of Ohio.
Mr. Ellis of Kentucky with Mr. Hopkins of Pennsylvania.
Mr. Durborow with Mr. Perkins.
Mr. Enloe with Mr. Boutelle.
Mr. Stevens with Mr. Randall.
Mr. Lawson with Mr. Taylor of Tennessee.
Mr. Simpson with Mr. Gillett of Massachusetts.
Mr. Cox with Mr. Brosius.

Mr. Cox with Mr. Brosius. Mr. Breckingidge of Arkansas with Mr. Hopkins of Illi-

Mr. Graham with Mr. Linton.
Mr. Reilly with Mr. Northway.
Mr. Branch with Mr. Hooker of New York.
Mr. Lester with Mr. Hilborn.
Mr. Sickles with Mr. Dolliver.

Mr. Sickles with Mr. Bolliver.
Mr. Caminetti with Mr. Bowers of California.
Mr. Geary with Mr. Cousins.
Mr. Cadmus with Mr. Moon.
Mr. Fielder with Mr. Loudenslager.
Mr. Geissenhainer with Mr. Wright of Pennsylvania.
Mr. Bunn with Mr. Wright of Massachusetts.
Mr. Brewinnings of Kontroley with Mr. O'NWH. Lof. P.

Mr. BRECKINRIDGE of Kentucky with Mr. O'NEILL of Penn-

Mr. EVERETT with Mr. DRAPER. Mr. O'NEIL of Massachusetts with Mr. Cogswell.

Until next Monday: Mr. Covert with Mr. Johnson of North Dakota. For this day:

For this day:
Mr. McEttrick with Mr. White.
Mr. Hooker of Mississippi with Mr. Grosvenor.
Mr. Mutchler with Mr. Hager.
Mr. Jones with Mr. Russell of Connecticut.
Mr. Barnes with Mr. Storer.
Mr. Fellows with Mr. Charles W. Stone.
Mr. McCulloch with Mr. Stephenson.

Mr. McGann with Mr. Hulick.

Mr. RAYNER with Mr. STRONG. Mr. BANKHEAD with Mr. REED. Mr. STONE of Kentucky with Mr. LACEY.

On this vote:

Mr. DOCKERY with Mr. GROUT.

ADJOURNMENT UNTIL MONDAY.

Mr. BAILEY. I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Texas [Mr. Bailey] asks unanimous consent that an order be made that when the House adjourns to-day it be to meet on Monday next. Without objection that order will be made.

There was no chiestian

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MURRAY, for one week, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. OATES to print in the RECORD some remarks made by him on his bill to repeal the 10 per cent tax on State-bank circulation.

The result of the vote by yeas and nays was then announced

as above recorded.

And then, on motion of Mr. Springer (at 2 o'clock and 7 min-utes p. m.), the House adjourned until Monday, October 30, 1893, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 2500) to increase the pension of Gertrude V. Ross, widow of John Munroe Ross, late first lieutenant Twenty-second Infantry, United States Army—the Committee on War Claims discharged, and referred to the Committee on Invalid

The bill (H. R. 1548) for the relief of William D. Bangs, granting him an honorable discharge—the Committee on Military Affairs discharged, and referred to the Committee on Naval Af-

fairs.

PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. HUNTER: A bill (H. R. 4281) to amend an act entitled

By Mr. HUNTER: A bill (H. R. 4281) to amend an act entitled "An act to regulate and improve the civil service of the United States"—to the Committee on Reform in the Civil Service.

By Mr. WILSON of Washington: A bill (H. R. 4282) to aid the States of California, Oregon, Washington, Montana, Idaho, Nevada, Wyoming, Colorado, South Dakota, and Minnesota to support schools of mines—to the Committee on the Public Lands.

By Mr. McKAIG: A bill (H. R. 4283) to provide for the purchase of a site and the erection of a public building thereon in the city of Cumberland, Md.—to the Committee on Public Buildings and Grounds.

ings and Grounds.
By Mr. ELLIS of Oregon: A bill (H. R. 4284) to regulate the taking of proofs in certain land cases-to the Committee on the

Public Lands.

By Mr. CURTIS of New York: A bill (H. R. 4291) to promote the efficiency of the militia—to the Committee on the Militia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following

titles were presented and referred as follows:

By Mr. ALDERSON: A bill (H. R. 4285) granting a pension to Ann Eads, widow of Augustus Eads—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4286) granting a pension to Capt. Woodson Blake—to the Committee on Invalid Pensions.

By Mr. CRAIN: A bill (H. R. 4287) for the relief of Adams and Wickes—to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 4288) to promote Lieut. A.

B. Wycoff, United States Navy, retired, to the rank of lieutenant commander on the retired list—to the Committee on Naval Affairs.

By Mr. McCALL: A bill (H. R. 4289) granting a pension to Catherine H. Thayer, widow of Daniel Thayer—to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 4290) for the relief of Druzilla J. Rigg, of Macomb, Ill.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HILBORN: Resolutions adopted by the executive com-

mittee of the Board of State Viticultural Commissioners, of California, favoring the retention of duties on raisins, and asking for

the imposition of a duty of 2½ cents per pound upon all Zante currants—to the Committee on Ways and Means.

Also, memorial of Mr. J. E. Dunn, of Washington, D. C., asking that the gripmen and motormen of the street railroads of Washington be required to pass an examination as to their qualifications for the discharge of their duties, and for the appointment of the Committee on the District of Column ment of an inspector-to the Committee on the District of Colum-

bia.

By Mr. MURRAY: Memorial of the Afro-American Legal Fraternity, relating to the general welfare of their race—to the Committee on Revision of the Laws.

By Mr. PAYNE: Remonstrance of 138 workers on iron and steel plates in Coatsville, Pa., against any change in the tariff, because present agitation has depressed industries and reduced wages-to the Committee on Ways and Means.

SENATE.

SATURDAY, October 28, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.]

The Senate met at 11 o'clock a. m., at the expiration of the

The VICE-PRESIDENT. The Senate resumes its session. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H.R.1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for

other purposes."
The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and the pending question is on the amendment submitted by the Senator from California [Mr. Per-

Mr. PETTIGREW. Mr. President, I think there is no quorum present

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dubois,	McMillan,		Sherman,
Berry,	Faulkner,	Manderson,		Smith.
Blackburn,	Frye.	Mills.	0	Stewart,
Brice.	Gallinger,	Mitchell, Wis.		Stockbridge,
Butler,	Gorman,	Morrill,		Teller.
Caffery,	Hale,	Murphy,		Turpie,
Carey,	Harris, .	Palmer,		Vest,
Cockrel,	Higgins,	Peffer,		Vilas,
Colce,	Hill,	Perkins,		Voorhees,
Cullom,	Hoar,	Pettigrew,		White, La.
Daniel,	Hunton,	Power,		Wolcott.
Davis.	Kyle,	Quay,		
Dixon,	Lindsay,	Ransom,		
Daimh	Lodge	Roach.		

Mr. DIXON. The Senator from Connecticut [Mr. PLATT] is

detained by the serious illness of a member of his family.

The VICE-PRESIDENT. Fifty-three Senators have answered to their names. A quorum is present.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask unanimous consent that the Senate may now consider the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes. It is a very short bill, and will only take a few minutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendment.

The first amendment was, on page 2, after line 13, to insert:

Light-house at Solomon's Lump, Virginia: That the Light-House Board be, and is hereby, authorized to use, so far as may be necessary, for the restablishment of the Solomon's Lump light-house, in addition to the amount appropriated therefor, any unexpended balance of the appropriation for the reconstruction of the Wolf Trap light-house that may remain after this last-named light-house shall have been rejectablished.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

World's Columbian Exposition: That a diploma of honorable mention may be conferred upon designers, inventors, and expert artisans who have assisted in the production and perfection of such exhibits as are awarded diplomas in the World's Columbian Exposition or are formally commended

by the director-general thereof; and authority is hereby given to the Board of Lady Managers of the World's Columbian Commission, acting in conjunction with the Associated American Exhibitors, to present said diplomas of honorable mention to said designers, inventors, and expert artisans whenever a certificate is filed with said Board of Lady Managers by an exhibitor who has received a medal and diploma or the formal commendation of the director-general setting forth the name or names of designers, inventors, and expert artisans who have assisted in the production and perfection of the exhibits for which said medals and diplomas were awarded or commendation made, the aggregate expense thereof not to exceed \$5.000, to be paid from the sum of \$100.000 appropriated by an act approved March 3.180, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30.1894, and for other purposes, for the payment of judges, examiners, and members of the committees to be appointed by the Board of Lady Managers as authorized by section 6 of an act approved April 25, 1890, authorizing the World's Columbian Exposition and appropriating money therefor.

The amendment was agreed to.

The next amendment was, on page 3, after line 49, to insert SENATI

For miscellaneous items, exclusive of labor, \$10,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 52, to insert: For payment to R. R. Quay for salary as clerk from March 16 to August 7, 1893, \$500,33

The amendment was agreed to.

The next amendment was, on page 3, after line 55, to insert:

To pay clerks to Senators and per diem clerks to committees retained in the service of the Senate during the recess of the Fifty-first Congress, under resolution of the Senate of September 30, 1890, \$22,088.

Mr. DOLPH. Before that amendment is adopted I wish to call the attention of the Senate to it. On the 30th day of September, 1890-

Mr. Jones of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. Mongan on the 23th instant, reported the following substitute; which was considered by unanimous consent, and agreed to:

"Resolved, That the per diem clerks to the committees of the Senate and the cierks to Senators be retained in the service of the Senate during the coming recess, and that the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate the per diem now allowed such clerks by law during the sessions of the Senate."

It will be remembered that that session was very long; it did not terminate until the 1st day of October. The clerks of committees and secreturies of Senators, and everybody connected with the Senate had had a very long and tedious session, and the business of Senators had got in arrears and it was necessary for Senators to have clerical assistance here after the adjournment. For that reason the Senate adopted the resolution, and the per diem clerks and secretaries to Senators were retained in service.

It turned out that there was not a sufficient amount in the contingent fund to pay for the salaries of the clerks and secretaries. The first time the opportunity was offered the Senate placed upon an appropriation bill an amendment for the payment of the clerks and secretaries. It was a bill to supply a deficiency in the appropriation for public printing and binding for the first half of the fiscal year 1891, and for other purposes. The Senator from Maine [Mr. HALE], who is a member of the Committee on Appropriations, in submitting the conference report on that bill, and stating that the other House refused to agree to the amendment for the payment of Senate clerks and secretaries, said:

ment for the payment of Senate clerks and secretaries, said:

The House conferees were so positive upon this matter and would yield to no suggestion on the part of the Senate conferees, that at last the Senate conferees, seeing that the important deficiencies in the bill were being held up and that the Public Printing Office was in trouble because of the delay gave way, but with the notification that the whole subject would come up again on the legislative appropriation bill, where an attempt will be made to settle the question upon the basis of a reasonable annual salary to these per diem clerks. I may add that any one who reads the RECORD will learn that when the report was presented in the other House it was there stated that members of the House must understand that this did not involve any permanent recession on the part of the Senate but that the House must be prepared to consider the question upon the next appropriation bill.

It is for these reasons that the majority of the conferees on the part of the Senate, being very desirous that the Printing Office should be relieved from its trouble and that this appropriation bill should go through, gave way for the present. The whole matter will come up, undoubtedly, on the legislative appropriation bill, and in the next deficiency appropriation bill the particular items that are out here will be considered more fully in connection with other deficiencies. I do not think it wise to prolong the contest upon this bill in view of the condition of the Printing Office.

The Senator from Missouri [Mr. COCKRELL], a member of the

The Senator from Missouri [Mr. COCKRELL], a member of the committee, said:

I desired the Senator in charge of the conference report to make the explanation, because I was unable as a member of the conference committee to agree to the report, for the reasons stated, that I felt that the Senate Is under a moral and legal obligation to provide the funds for the payment of the clerks who were employed between the adjournment of the last session on the 1st of October and the beginning of the pres nt session. They have performed the service and are entitled to compensation for it; and in the absence of the senior Senator from Iowa [Mr. Allison], I declined to agree to the conference report. I amglad the question is to be kept up in the form the conference report. I shall not, therefore, antagonize this particular report.

The Senate Committee on Appropriations did, in a subsequent bill, as I recollect, place this amendment and it was agreed to by the Senate, but it was lost in conference.

The pending bill, I understand, provides means to pay clerks

of members of the other branch of Congress, and it appears to me as a very appropriate bill upon which to place this matter. I am very glad the Committee on Appropriations have reported the amendment. I hope it will be adopted, and when it is adopted

I hope it will be insisted on.

I consider it as dishonest for the Senate longer to decline to pay this compensation. I regard it not only as a legal and moral obligation, as stated by the Senator from Missouri, but I feel Congression of the state of the occasion, many of the young men who stayed here and performed this duty borrowed money, as I happen to know, to pay their expenses during the time, and they have never yet been able to

Mr. HALE. As the Senator from Oregon quoted from something which I said in a previous Congress when this provision was considered, I merely want to say to him that he does not need to give himself any trouble about the attitude of the Senate in this matter. It has committed itself more than once to this proposition. But the trouble will lie in another body. All that can be expected is that the representatives of the Senate in conference will uphold the wishes of the body to every reasonable extent. I shall hope that when it comes up in conference the other House will yield; but if there is any trouble it will be

there, not here.
Mr. VOORHEES. Mr. President, I have some knowledge of the point which is under discussion and have had from the start. I most heartily concur in the views expressed by the Senator from Oregon. I know there was great injustice and inequity practiced toward certain employés of this body. If there is anything on which the Senate, as any other deliberative body, should keep its honor clear and its contracts sound and pure it is in re-

keep its honor clear and its contracts sound and pure it is in regard to those whom we employ here in our service.

I not only express my appreciation to the Committee on Appropriations, but earnestly hope that they will find it in their power to enforce with the other branch of Congress our rights. There has been a good deal of talk recently about Senatorial rights. One of the highest rights of this body is to pay its employes honestly for the work they perform. That is one of the rights which I hope will never be yielded under any circumstances.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MODEL BATTLESHIP ILLINOIS.

With the leave of the Senator from Indiana-

Mr. VOORHEES. Certainly.
Mr. HALE. I report from the Committee on Naval Affairs a joint resolution, and I ask that it may be put upon its passage. The joint resolution (S. R. 36) transferring the exhibit of the Navy Department, known as the model battleship Illinois, to the State of Illinois, as a naval armory for the use of the naval mil-itia of the State of Illinois on the termination of the World's

Columbian Exposition, was read twice by its title.

The VICE-PRESIDENT. If there is no objection the joint resolution is before the Senate as in Committee of the Whole,

and will be read at length.

Mr. HARRIS. I did not understand the Senator from Maine to ask that the bill be now considered.

Mr. HALE. Yes; I take it that it will give rise to no debate.

Mr. HARRIS. I beg to say to the Senator that I think the bill as reported had better be printed and go over until the next

legislative day.
The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?
Mr. HALE. After a little explanation perhaps the Senator

will not insist upon its going over.

Mr. HARRIS. I have not interposed an objection, but I make the suggestion to the Senator. I confess that I should like to see the bill in print, and I should like to know upon what exact ground it is that we are to turn over a naval vessel, if it be a ves-

sel of the navy, to any one of the States of the Union.

Mr. HALE. I will tell the Senator. First, I ask the Secretary to read the joint resolution as reported. Then the Senator

will see what it includes.

The Secretary read the joint resolution, as follows:

Resolved, etc., That on the termination of the World's Columbian Exposi-tion at Chicago, Ill., in November. 1893, the exhibit of the Navy Department of the United States Government, better known as the model battleship Illinois, a facsimile of the battleships Indians, Massachusetts, and Oregon, with such of her boats, equipments, and appurtenances now on exhibition

as the Secretary of the Navy shall deem proper be, transferred to the State of Illinois as a naval armory for the use of the naval militia of the State of Illinois. Provided, That such articles as may or have been loaned by the various bureaus of the Navy Department, the United States Marine Corps, the Naval Academy, and Hydrographic Office be not included in the said transfer, except as hereinbefore provided.

Mr. HALE. First, the reason why I should like the joint resolution to pass to-day is that it must go to the other House and be passed there, and it ought all to be done before the Exposition closes. The Senator knows that is only a few days ahead. In answer to his objection that it is turning over a buttleship,

I will state that it is only a model. It is not removable. It is built of brick and mortar, simply as a design, a facsimile of a battleship. It is of no use to the Government.

Mr. HARRIS. It is not a ship at all, then?
Mr. HALE. Not at all. It is simply a brick model.
Mr. HARRIS. I have nothing further to ask in the way of explanation.

Mr. HALE. I knew the moment I explained it to the Senator it would satisfy him. I have sent to the have received the following dispatch: I have sent to the Navy Department and

The Department sees no objection to turning over the model battleship Illinois when the Exposition is over and the exhibits on board have been re-moved therefrom.

So nobody objects, and I hope the joint resolution will pass.

Mr. MANDERSON. Ido not wonder at the very natural mistake made by the Senator from Tennessee, because of the language of the joint resolution, which says that this is "a facsimile of the battleships Indiana," etc. It certainly is not a facsimile. It may be a base imitation; a pile of brick; it is not a facsimile. The language ought to be changed.

Mr. HALE. The old definition that used to be given in the spelling book the Senator and I studied in our boyhood days was that a facsimile is a close imitation; and this is as close an imi-

that a facsimile is a close imitation; and this is as close an imitation as can be got out of brick and mortar. We are very glad to get rid of it; the Illinois people are very glad to take it for what it is worth; and I suppose nobody will object.

Mr. CULLOM. If I may be allowed simply to say one word, I will state that this ship, as it is called, is built of brick and mortar and possibly some timber, but it would be of no earthly value to anybody if turned over to the Department, except for the materials that might be gotten out of it; and probably it would cost more to do that than the materials would bring.

There is a naval reserve, an Illinois naval militia so called.

There is a naval reserve, an Illinois naval militia, so called, in our State, which could utilize this model as a sort of a head-quarters, perhaps to some purpose, and it would be of very much interest to the people of the Western country. The ship as it stood there has attracted almost as much attention as anything else connected with the great Exposition, and it is felt by the people in the West that it would be a matter of interest if it should remain there.

Mr. HARRIS. If the Senator will allow me, as I started this muss, I will say that I am not only willing to turn over the model to the State of Illinois, but if the Senator desires it, I think I would agree to pay the State something to take it off our hands.

Mr. CULLOM. We do not ask any money on that account,

Mr. President.

The VICE-PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole.

The joint resolution was reported to the Senate without

amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. VOORHEES introduced a bill (S. 1135) granting a pension to Mrs. Katharine Todd Crittenden; which was read twice by its title and referred to the Committee on Pensions.

PURCHASE OF SILVER BULLION.

PURCHASE OF SILVER BULLION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H.R.1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," the pending question being on the amendment proposed by Mr. PERKINS.

Mr. WOLCOTT. Mr. President, yesterday we voted upon that amendment to the bill which would give usfree coinage. It was lost, a great majority of the Senate voting against it. All other amendments will meet a like fate. They are only good in that they are better than unconditional repeal, and it seems fille to go through the form of voting upon them. I am indifferent whether I vote upon them or not. Some of them have been introduced by Senators who intend voting for unconditional repeal, and their amendments may save for them something of the appearance of amendments may save for them something of the appearance of things. Nobody is really deceived, however, as to who are the friends of bimetallism. The course of debate and the vote of yesterday have given us the names, and these additional roll calls but serve to emphasize the defeat which the cause of silver has suf-

We came here buoyed by hope and confident of final suc-We have met overwhelming and disastrous defeat, and asons are not far to seek

The fight for silver has failed because Democratic support and Republican encouragement have been withdrawn.

The true situation has never been understood by the public; it has never developed on this floor; it has never been exposed to

There has been talk of closure, and Senators across the Chamber have leaped into sudden reputation by advocating it; have posed as if they were each a Columbus discovering some new land, or an ingenious and adventurous spirit who had found a clew to the Senate maze; they are lauded by a metropolitan press as men who were to be saviors of their country, and unsavory criticism and bitter denunciation have changed and blended into acclamations and praise.

Why, Mr. President, even the newest Senator here must have understood perfectly that closure as applicable to this measure was an impossibility; that it could find no foothold or abiding place in this Chamber. These arguments have been for the

gallery, for a gullible public.

For my own part I should be delighted to see it enacted. We have from the first invited a vote upon its adoption. The majority will need it later. It will not be so ardently pressed by this side of the Chamber in the winter months when the repeal of the election law and tariff revision come up for passage. When that of the Chamber in the winter months when the repeal of the election law and tariff revision come up for passage. When that delectable time shall come the silver State Senators will no longer be the "goats." While we may not be able to emulate the subserviency recently displayed by this side toward the Administration, we shall hope to exhibit our earnest desire for progress in legislation by taking to heart the lesson which has been taught us, and by lending our presence at all hours for a green and a vote. quorum and a vote.

The open and avowed sentiment of the large majority of this body is against the introduction here of the previous question or of any other form of closure. That majority believes that the privilege of free discussion is a safeguard which should not be removed, and that while delays may arise because of the right of unlimited debate, yet the sum of the gain it brings is infinitely greater than any inconvenience which may be occasioned. does the dignity of the Senate suffer by this right of debate. This Senate loses its dignity, Mr. President, whenever it becomes the simple mouthpiece of the Executive will, and when it yields to influences which should have no share in shaping leg-

No, Mr. President, it may as well be understood that the vaporings here and elsewhere about closure have had no sort of influence on the result of this debate; and I state without fear influence of the result of that nobody who has advocated it had the slightest idea that it would pass, even if there should have been no discussion respecting the proposed change in the rules.

been no discussion respecting the proposed change in the rules. Ever since this measure was first reported, the opposition to it has been based solely upon the belief that unconditional repeal, unaccompanied by affirmative legislation, would bring suffering and disaster to the whole country, and not upon the destruction of the welfare and prosperity of the silver States only, which would necessarily follow the passage of the bill. It was from the outset distinctly understood that if the support of friends on the other side of the Chamber should be withdrawn, while we felt that an irreparable wrong would be inflicted upon us by unconditional repeal, we should nevertheless cease to oppose the vote. The time has come when we are left alone. Party exigency and other controlling motives have led to an acquiescence by the other side in the inevitable result. There is not the slightest criticism to be offered to such a conclusion. For two months we have fought together for the maintenance of the double standard, and we have lost.

Some of the criticism to which we have been subjected by Democratic Senators is misplaced. We have been told by some of them that our course has been obstructive and revolutionary. This sounds droll to those of us who witnessed the contest over the force bill. Senators who are vaguely understood now to favor closure, and who have denounced us, filed out solemnly, again and again, into the cloak rooms, or ensconced themselves in committee rooms to avoid aiding to make a quorum. That struggle lasted as long as has this, and the organization of speakers and the machinery of contest were periectly equipped and oiled. A Senator on the other side has spoken critically of the speech of the Senator from Nebraska because it occupied fifteen hours. I remember one speech on the force bill, that of the Senator from West Virginia, which consumed twelve hours. The distinction between the two is slight, and the able address of the Senator from Nebraska will not suffer by comparison with any other, long or short, which has been uttered in this Senate.

I do not refer to these force-bill days by way of criticism, but only to emphasize the fact that fine distinctions breed nice dif-

ferences, and to insist that in view of the few months that have passed since that somewhat memorable event, and the character of that contest, the utterances of some of the Southern Senators have been uncalled for and out of place. Most of them stood nobly by their Western brothers, but a few of them developed bitter hostility towards our section and our interests. We who are from States where silver is produced claim and have claimed no especial consideration growing out of the fate of that measure, but I confess we had expected that the struggle for very existence which we have made on this floor would bring us sympathy and not denunciation from representatives of a section which not long ago made an appeal on similar grounds, and did not make it in vain. I have not been many years in public life, Mr. President, but I have been here long enough to hear us denounced by certain Southern Senators as obstructionists, because we stood for the vital interests of our people, as well as for what we conceived to be for the interests of the whole country; long enough to hear it proposed that the doors of the Senate should be opened to expel a Senator who, in the exercise of his constitutional rights, sought by withholding his vote to postpone, if only for a day, the dire suffering which must be inflicted upon his State by the passage of this bill.

One Senator attempted to hold up the Senator from Kansas to ridicule, and told us that those of us who stood for the double standard were following that Senator and the doctrines of his party. Mr. President, the Populist party hold tenets to which I can not lend my approval, and many of its doctrines seem to me to be wild and visionary. I would infinitely rather stand, however, in the place of the Senator from Kansas than in that of the Senator who made him the target for his derision. The Senator from Kansas, at least, swears in the words of no master, "nullius addictus jurare in verba magistri." Nor has he felt called upon to recant the utterances of former years, or found it expedient to change front on this great question. And however much some of us may hereafter differ with the Senators who belong to the Populist party, the sincerity and courtesy and ability which they have displayed in this contest entitle them to the gratitude and esteem and respect of every man who believes that the prosperity of our country must rest upon the standard of silver as well as of gold.

The course and period of this debate, long as it has been, have been supported from its commencement by a majority of this Chamber. There has never been a moment when we have not been encouraged to continue by a clear preponderance in numbers of the members of this body. Democratic Senators have told us that they must vote against us, but that we must win in the end. Over here on this side we have been assured that threatened interference with the tariff was the real cause of existing troubles. For a time we were encouraged to act as a buffer to the threatened appearance of the bill to repeal the election law, and throughout there has been hope that we might succeed in order that while the struggle lasted the inability of succeed in order that while the struggle lasted the inability of the Democracy, the dominant party, to control the action of the Senate might be used to its discredit; and that should a settlement be forced odium might be cast upon the Democratic party for suffering or permitting it. Except, however, as we might be used as an instrument of party political success in the Eastern States, we have been, with the exception of the support of the courageous Senator from Pennsylvania [Mr. CAMERON], absolutely friendless on this side of the Chamber, and all talk of symmathy for our section has been a pretense and a sham. sympathy for our section has been a pretense and a sham.

When there is a national election we are coddled and consid-

ered; we are invariably given a beautiful plank in the party platform, and in national conventions we are treated with consideration. At all other times, and on all other occasions, our interests are treated with contempt. When some question of the tariff arises we are urged to stand with the party which made labor free and seeks to ennoble it. When some mud bar at tide water in Connecticut or Oregon or Delaware is to be removed, or some unknown estuary of the sea made navigable, we are urged to stand by the flag and an appropriation. When we hesitate about the exclusion of foreign-builtships from home protections. whenever the welfare of our own States is involved we are treated with contumely and disdain. Out of all the millions of annual appropriations no dollar blesses our great section, and now you are to deprive it of its chief industry because a contracted currency appeals to Eastern greed and meets British approval. We are not to be driven from the Republican party. We believe that we stand for its truest principles; but for one I am tired, heartily tired, of the policy which is being followed of using us when we are needed and treating the reasonable and proper claims of our people with soorn and neglect. [Manifestations of

applause in the galleries.]

The immediate contest, Mr. President is practically ended, and the purchasing clause of the Sherman act will be uncondi-

tionally repealed. The real struggle has only begun, however, and will not end until silver shall be rehabilitated as a money metal and a standard of value. Some of us may give place to others as the fight progresses, but whoever shall represent our States will stand ready to sacrifice everything that life holds

dear in the battle for the interests of the people.
For Colorado these are grave days. I speak only for my own State. I am advised that an adjoining State, Wyoming, desires repeal. The Senator from Minnesota made proffer of its vote, and his authority has not been questioned. But I know my own people, and I know as no other member of this Senate except my colleague can know, the import and meaning to Colorado of the vote which shall be had upon this measure. We came into the Union of States in the centennial year, and in the galaxy of Commonwealths we are usually known as the Centennial State. We were fitted for statehood by population and resources. Our people came from all the States in the Union; they found a desert; they have made it a garden. They were encouraged to search for the precious metals, and they poured millions of gold and silver into your Treasury. They built cities, founded schools and colleges, erected churches, and established happy and peaceful and contented homes.

lished happy and peaceful and contented homes.

The action you contemplate is as if you should take a vast and fertile area of Eastern lands, destroy the structures upon it, and sow the ground with salt, that it might never again yield to the hand of the husbandman. These are indeed grave and sad days for us. Your action drives our miners from their homes in the mountains, and compels the abandonment of hamlets and of towns that but yesterday were prosperous and populous. We shall turn our hands to new pursuits and seek other means of livelihood. We shall not eat the bread of idleness, and under the shadow of our eternal hills we breed only good citizens. The wrong, however, which you are inflicting upon us is crueland unworthy, and the memory of it will return to vex you. Out of the misery of it all, her representatives in this Senate will be always glad to remember that they did their duty as God gave them the vision to see it. [Applause in the galleries.]

all, her representatives in this Senate will be always glad to remember that they did their duty as God gave them the vision to see it. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair desires to remind occupants of the galleries that manifestations of approval or disapproval are in violation of the rules of the Senate, and if the offense be repeated it will be the duty of the Chair to have the

galleries cleared.

Mr. SHERMAN. Mr. President, the Senators from Colorado and the Senators from the other silver-producing States have my profound sympathy. Iam perhaps more familiar than most Senators with the region of country from which they come. I have traversed every State and Territory in what are known as the silver-mining regions; I have beheld and admired the grand scenery and the broad plains, and I could foresee the undeveloped resources of the future. I knew then, as I know now, that this magnificent country of ours, better, far better, than the mountain country of Europe, was destined to be a great, growing, and powerful portion of our nation.

owerful portion of our nation.

I admire the ability, the tenacity, and the courage with which the Senators from that region have conducted this contest, as they call it, for their local interest, the interest of silver mining. No man questions their ability, no man could either have heard or read the appeal made last evening by the senior Senator from Colorado [Mr. Teller] or the eloquence of my young friend on my right [Mr. Wolcott], in behalf of the interest of

If this were a thing which could be granted by favor; if this were a question which did not seriously involve the greatest interests of our country, we should willingly yield to their appeals, and grant them all they ask. The cost of their silver would be comparatively nothing to the Government of the United States. It is only because we believe that the further purchase of silver and making it the standard of value in our country would work irreparable injury to the business of the whole country, and to the wages and property of every citizen of the land, that we can not respond to their wishes. We believe that to adopt the policy they propose would be to degrade our money by lowering its purchasing power and producing all the dire results which have been nointed out.

sults which have been pointed out.

The debate on our side of this question has not been conducted insuch voluminous terms, and long speeches have not been presented; yet the ground of our opposition to the measures proposed in behalf of free coinage is not on account of our want of desire to do anything we can for our fellow Senators and for the States they represent; but it is because we believe we can not do it without sacrificing the interests of the entire people of the United States.

United States.

The silver mining interest, although important to the people whom these Senators represent in the mining region of the country, is not nearly as important as they think; it is a comparatively small industry; it does not compare with any of the

great industries which underlie the riches and the wealth and the production of our country—cotton, corn, wheat, and the almost innumerable products I might name, which are immeasurably more valuable in their annual supply than silver can be.

After all, it is only fifty or sixty million ounces of silver which are yearly taken out of the earth, and it is that interest that we are appealed to to protect, even though in substituting that silver for the standard of money in our country we detach ourselves from all the commercial nations, separate ourselves and our standard of value from all the Christian people of the world except only in North and South America, and join the old nations, India and China and the South American States.

I beg the Senators who come from the silver-producing States to feel on this subject as I do. It is not that we desire to injure them; it is not that we do not admire their courage; we take pride in their efforts, but we think, on the whole, it is not wise to adopt silver as the standard of value and the only standard of

value in this country.

Why, Mr. President, have not parties in the North and parties in the South, Senators Republican and Senators Democratic, joined in endeavoring to establish by experiment whether we could prevent the further depreciation of silver. We have had two experiments, which have cost the Government of the United States more than \$100.000,000. If we should attempt to sell silver we have purchased under the laws I shall mention, we should lose out of the pockets of the people this enormous sum of money. Why? Because with all of our effort, with all of our experiments, with all the officers of the Government aiding them to the extent of their power, so far as I know, we have shown that it is impossible for the United States of America to prevent the depreciation of silver bullion, and it has gone steadily down, down, down, down.

The Bland-Allison act, as it was known, was an experiment in itself. For twelve years we continued that experiment with a constantly losing market year by year, and the article we bought depreciating in value. It was measured by millions and tens of millions. So at the end of that time we wanted to make another experiment in order to try another way by which we could prevent the depreciation of silver. We did it. The measure was called the Sherman law, although I was the last man on this side of the Chamber to agree to it, because I feared the experiment and feared that with the enormous purchase of 4,500,000 ounces of silver bullion a month we could not maintain the price of silver, but I yielded, because I wished to see the experiment tried. Idid hope and did believe that the purchase by the United States of all the silver mined in this country—for that was the amount of it—would prevent the depreciation of silver, but it did not. It depreciated more and more, and we lost more and more.

Two years after that act was passed, for which I voted, and against which every member on the other side of the Chamber voted, I saw that the experiment had been fairly tried and that we must stop purchasing silver or we should be stranded upon the single silver basis, detached from all the European nations, by having silver alone, a constantly depreciating commodity, or our hands in immense sums, forced to buy and to take all the silver of the world, and urged by the constant demand of Senators from the silver-producing States to attempt the free coinage of silver. They insisted, and the honorable Senator from Colorado [Mr. Teller], with the frankness which always characterizes him, while he voted for that bill, did not give up his claim and his demand for the free coinage of silver.

At the end of that two years I became satisfied that it was wrong to continue the purchase of silver bullion at this great loss. Other Senators around me were of the same opinion. I introduced a bill here with that end in view. It was voted against by all our friends on the other side of the Chamber. We are not, as I said the other day, new converts on this subject. We tried the experiment at the cost of many million dollars to the people of the United States. We tried to stop that experiment, and failed. We took our position long before Mr. Cleveland became President of the United States. But our friends on the other side were not satisfied. They thought the experiment ought to be continued.

Finally we met here, after failures which involved immense losses to our people, after the suspension of many branches of industry, arising, as they said, out of the fear that we would be compelled to continue our silver purchases and go to the single silver standard. We were told by the President of the United States that the first thing to be done was to stop the purchase of silver bullion. We had thought that two years ago and so voted. We were ready to say "Amen!" at once to the President of the United States, because that was coming to the position that we had occupied for the last two years. We were ready, therefore, to vote for the suspension of the purchase of silver bullion.

Then it was, while our friends around us here, who had been

Then it was, while our friends around us here, who had been standing for silver, said we were striking a blow at silver, after

we had been buying more and more silver and losing more and more, until it was feared that the nation would become bankrupt by the continued purchase of silver bullion, and all our industries would be disturbed. What could we do? Must we go on and buy silver more and more, with the certainty that it would bring us to a single standard of silver? Feeling, as we have, that it was wronging our laboring people whose wages are now measured by the best kind of coin, coin of the highest value,

we could not do otherwise, sir, than we have done.

I have sympathized with these gentlemen. I like them. I ad-My friend from Nevada [Mr. JONES] is full of ideas mire them. My friend from Nevada [Mr. JONES] is full of ideas floating airily upon the wing, and listening to him one could very easily fall in his wake. But now the stern fact remains that if we maintain the purchase of silver freely then we become a silver standard country, a monometallic state. But that they would not like at all. Gold would be hoarded and kept by all Christian and civilized nations of the world, and by far the greatest power now upon this little globe of ours, the United States of America, composed of free men, women, and children, with all its boundless resources, must follow the example of these

states that are not so rich, not so populous, not so powerful as we.
What was the best thing to be done? We sympathized with
these gentlemen when they told us their troubles. God knows I do, and that I will do anything to help them. But I do believe now that as the result of the suspension of silver purchases, silver will be used more and more and ought to be used more and We have now \$677,000,000, according to the statistics. of silver in existence in our country. We never had as much be-When coinage was free we never had over \$50,000,000 of silver in existence at one time. Now we have \$677,000,000 in sight. Have we not done that much towards helping them? Can we do more?

I think we could do more. I believe that by a free issue of what are called the minor coins, or the fractional coins, rather, we could probably float many millions more of silver bullion which could be used to the fullest extent possible, because that kind of coin can not go out of the country. It is freely taken by every man in this country not because it is not worth its value, gold value, but because it is convenient, the people desire it, and

There is the condition. If these Senators will only delay their jeremiads for awhile and wait a year or two, they will find that the end of the world has not come because we have stopped the coinage of silver; that silver mining will go on; that Colorado, with her undeveloped resources of gold, copper, lead, and many other metals, will prosper; and that the good people of Colorado, now frightened out of their wits because they have lost one of their industries, will find ample freedom for the exercise of their faculties in the development of their soil and in the development of their mines.

Sir, the United States of America ought to encourage every interest in every part of our country. But it ought not to en-courage those interests to the destruction of any interest of the people of the United States. I am one of those who believe in the broadest protection to every American industry. If I had my way I would, by reasonable tariff duties, build up every in-dustry in our country that could be carried on with safety and with profit. If silver-mining industry could be carried on without endangering the standard of value upon which all our commerce and industries rest, I should be very willing to see it carried on.

Mr. President, perhaps I have said all that is necessary to be I do not want our friends here on this side, or the Populists, with whom I do not agree, to feel hurt because we have not been converted by their long speeches. Ido not complain of the length of their speeches, because I could always retire outside of the Chamber when I did not care to hear them. But, Mr. President, we can not indulge in any of these phantasies when the general interests of the people of the United States are involved. Nor will I now repeat the arguments in regard to the continued free coinage of silver and its disturbance of all the industries now existing and to be created, because that would be only renewing the debate.

There are, however, one or two things to which I desire especially to call the attention of Senators on the other side of the Chamber. I doubt very much whether the bill, when we pass it, will meet the expectations of many people who probably have made a bugaboo of the purchase of silver to disturb their dreams o' nights. I believe that it is necessary to superadd to this measure proposed by the honorable Senator from Indiana other measures even more vitally important than this. He does not desire, however, to have an amendment offered, and, after thinking the matter over and giving it careful attention, I believe it would not be wise to offer any proposition of a new character, raising other questions of doubt and dispute with reference to this bill, because this having been fairly discussed, there is now

no longer any ground for argument upon this bill, and to intro-

duce new subjects might open up new debate.

But it is absolutely necessary, in my judgment, that some legislation be had in reference to the fund on hand for the maintenance of resumption, and also to have a clear conception of that fund. I believe that the fund at this moment is used con-trary to the provisions of existing law. It is necessary, then, attention should be called to this subject.

The provisions of existing law are very familiar to me In 1875, after a stormy and tumultuous debate in both Houses of Congress, it was finally concluded that it was best to provide for the resumption of specie payments and bring our notes up to par in coin. Then a bill was passed, a copy of which I have before me, and which provided for the accumulation of gold coin and bullion in certain proportions up to a certain date. provided that in order to raise this fund the Secretary of the Treasury was authorized to issue bonds of a certain kind and description, set out in the law, in the refunding act, as it was called Under that act the then Secretary of the Treasury did sell bonds to the amount of \$95,000,000 in coin, and thus secured a fund as a basis for the maintenance of the resumption of United States notes, and for no other purpose whatever. For purposes of accuracy, I will read a portion of this law to the lawyers of the Senate, and call their attention to its construction:

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues from time to time in the Treasury, not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin either of the descriptions of bonds of the United States described in the act of Congress, approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect; and to use the proceeds thereof for the purposes aforesaid.

That is, for the purposes of maintaining our notes at par with coin. On the 1st of January, 1879, there was in the Treasury of the United States \$140,000,000 with which to pay United States notes; \$40,000,000 of this, however, was necessary for the current expenses of the Government. It has become the rule in the administration of a great Government like ours, that it is necessary always to have in the Treasury an amount of money sufficient for paying the expenses of a month. \$30,000,000 or \$40,000,000, whatever it may be, because, as the expenditures are not equally distributed throughout the year, sometimes it is necessary to have more on hand and sometimes less. This fund, called the resumption fund, was not only intended to maintain resumption, but it was a fund from which the ordinary expenses of the Government were drawn.

In 1882 Congress took up the matter and determined that it was wise to separate the resumption fund from the ordinary fund for the payment of current expenses. In a section which I have before me, passed in 1882, as an amendment to one of the appropriation bills, there is a provision that the resumption fund should consist of money received from the sale of bonds and should not exceed \$100,000,000.

Mr. COCKRELL. What act is that? Mr. SHERMAN. The act of 1882. Here is the exact provi-

That the Secretary of the Treasury is authorized and directed to receive old coin with the Treasurer or assistant treasurers of the United States, sums not less than \$20, and to issue certificates therefor in denominations of not less than \$20 each, corresponding with the denominations of United

Then there is this proviso:

Provided. That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below \$100,00,000.

Although this is somewhat blind in its language, yet it has always been construed by the Treasury Department that this is a fund specially set aside for the maintenance of the resumption of specie payments, and can not be used for any other purpose whatever.

A question arose in the last Congress upon the construction of this act. The question was referred to the Judiciary Committee of the House of Representatives, and I find, in a report made by Mr. CULBERSON, on behalf of the Committee on the Judiciary of the House, a report reciting the facts I have already stated, in which he reports to the committee that no portion of this \$100,000,000 derived from the sale of bonds could be used for any other purpose whatever except to maintain the payment of United States notes.

Mr. TELLER. I ask the Senator if the late Secretary, Mr. Foster, did not declare that it could be used for any purpose, and whether the Senator does not understand that that decision was

made after reference of the question to the Attorney-General?
Mr. SHERMAN. Mr. President, I have inquired for that
opinion of the Attorney-General, and I do not think it was made. Indeed, I have been informed by a member of the Senate that the present Attorney-General, who has been quoted with reference to the question, has declared that there was no such opinion.

ence to the question, has declared that there was no such opinion. I know of no such opinion.

Mr. TELLER. I do not know what the late Attorney-General did. I know that Mr. Foster so held it. I do not know whether he consulted the Attorney-General, but it was reported that he

Mr. SHERMAN. I do not know about that; but, of course, Mr. Shekkalak. I do not know about that; but, of course, Mr. Foster not being a lawyer nor familiar with the construction of law, the opinion of the Attorney-General would have great weight with him. I have never seen such an opinion as the Senator refers to. If the Senator from Colorado or any one else has, I should like to see it.

In my judgment the language is so clear that there ought to be no controversy. Here is this report from the Committee on the Judiciary of the House, submitted by Mr. CULBERSON, which sets the question out in the strongest way, and among the quotations made by that committee in regard to this matter, I see in this report a quotation from Mr. ALLISON, who was here at the time that the bill was passed, in which his opinion is distinctly given that the money could not be used for any other purpose except the redemption of United States notes

Bayard's opinion is also quoted, and I read this for the

benefit of my friends on the other side:

Mr. Bayand. But it can not be too emphatically stated and repeated that that gold was bought with bonds of the United States for one purpose, and one purpose only. It was to procure and to maintain resumption, and if it be used for anything else, it is a perversion of the fund and a breach of the

That was Mr. Bayard's opinion on the subject. I see, also, in the report the opinions of others quoted. Therefore, the committee reported that this fund is a sacred fund for this purpose only, that is, for the redemption of United States notes, whether made up of proceeds of bonds sold or from the surplus revenue, or both.

Mr. President, under the provisions of the law as it now stands, and with this construction upon it, there is no doubt whatever that this fund must remain intact in the Treasury and can not be taken for any purpose whatever without a breach of law.

I am told, perhaps in conformity with the practice adopted by Mr. Foster—whether that is so or not I do not know—that this fund is now being used to pay ordinary current expenses of the Government. It must be manifest to Senators on the other side that if that practice is continued long, if it be not promptly arrested by wise legislation, the hopes of those who believe in sound money and the maintenance of a specie standard will fall from under them. That fund ought to be restored and made intact. It is now reduced, I believe, to about \$83,000,000, and at one time it was \$81,000,000. It ought to be at once supplemented by gold. How? By the sale of bonds. That is a very delicate question with some Senators.

Mr. COCKRELL. To whom will the bonds be sold?
Mr. SHERMAN. They will be sold to our own people. I will wager everything I have in the world that within five days after the beginning of the issue of a popular loan at 3 per cent, running only for three years, it would be taken. The people of this country, men who have doubts about the fidelity or of the ability of banks to pay, will seize upon these small bonds or small certificate and the second of the second o did when their country was involved in financial danger.

Mr. VEST. Will the Senator permit me to ask him a question before he leaves that point of his argument?

Mr. SHERMAN. Certainly.

Mr. VEST. One clause of the so-called Sherman act provides that it is the policy of this Government to maintain the parity between gold and silver metals. Now suppose that in the exigencies of finance it became necessary to maintain the parity between

cies of finance it became necessary to maintain the parity between the gold and silver metals, and there were no other means available except to use this so-called gold reserve, would not the Secretary of the Treasury have the right to do it?

Mr. SHERMAN. Mr. President, I will answer frankly. I say that the law of 1875, which provides for this fund, has not been changed by subsequent law. There is no language in any subsequent iaw that seeks to change it, or which points out any change in it. This fund was set aside in pursuance of the resumption act. The bonds were sold. They were set aside in the Treasury, and there have been held intact ever since. There is no subsequent law that has any reference whatever to it except no subsequent law that has any reference whatever to it except the one I have stated here, of 1882. There is no law whatever that has any reference to this fund in any of the various acts that

have been passed on the subject.

I shall be very glad now to have the opinion of the Senator from Missouri, or the judicial opinion of this Senate, with reference to these laws as they stand, but I have given the best construction that I can give to them. However, it has been so long since I practiced law that perhaps I have forgotten how to construct law.

Mr. VEST. I hope the Senator from Ohio will acquit me of

taking any issue with him as to the construction of the act of 1875. I put the question to him because when the Secretary of the Treasury paid out gold upon what are called bullion notes, I put the question to him because when the Secretary of giving the option to the holder of the notes as to what coin he should receive, the defense for that action was based upon the clause of the Sherman act to which I have alluded. I agree with the Senator from Ohio that under the act of 1875 the purposes of that reserve were specifically marked out, and I do not believe that the clause of the Sherman act to which I have alluded con-

that the clause of the Sherman act to which I have alluded constructively repealed any part of the act of 1875.

Mr. SHERMAN. That is the construction I put upon it.

Mr. VEST. But I want the Senator from Ohio to state his opinion, because that is the defense made to the action of the Treasury Department in paying outgold at the option of the holder upon these bullion notes.

Mr. SHERMAN. Mr. Paradiant there is not the second of the

Mr. SHERMAN. Mr. President, there is another question that has arisen in regard to the construction of these laws, and that is whether the Secretary of the Treasury can sell now any of the bonds provided for in the refunding law for any purpose whatever except the maintenance of United States notes at par

with gold.

Upon that I have a very clear conviction, and I appeal to every lawyer here whether I am right or not. Every lawyer here must pass upon it. Suppose the Secretary of the Treasury had been authorized under existing law to provide money to make good this reserve, for instance, how could he do it? Where is the money? How can he get it? The only law that authorizes the Secretary of the Treasury to issue bonds is the law to which I have already adverted. That law authorizes him to issue 4 per cent thirty-year bonds, or 4½ per cent fifteen-year bonds, or 5 per cent bonds running ten years. But the authority to issue them was specifically for the purpose of maintaining resumption upon United States notes. There has been no alteration of that law. Now, I should like any lawyer here to tell me whether by any act that has passed since that time there is the slightest provision that can be construed into an authority to the Secretary of the Treasury to sell these bonds except for the purpose of maintaining the payment of United States notes. Therefore, if you leave the Secretary in the present condition of affairs un-Upon that I have a very clear conviction, and I appeal to every

if you leave the Secretary in the present condition of affairs unarmed with authority to borrow money upon the credit of the United States, you neglect your public duty when it has been plainly called to your attention. I say myself, as a lawyer, that, under existing law, there is no power to sell the three classes of bonds, or either of them, except for the purpose of securing gold enough with which to redeem United States notes.

Then I say further that no Secretary of the Treasury would dare to issue either of those classes of bonds even if the law permitted him to do it.

mitted him to do it.

Mr. BKACKBURN. Will the Senator from Ohio permit me a question ?

Mr. SHERMAN. Certainly.

Mr. BLACKBURN. Is it not true that not one, but two At-Mr. BLACKBORN. Is in not true that not one, but two Arterneys-General have taken a different view, and have held that the Treasury Department has the authority to sell those bonds?

Mr. SHERMAN. I think not. I said here a moment agoperhaps the Senator from Kentucky was not in at the time—

Mr. BLACKBURN. I heard the Senator's reply to the question of the Senator from Colorado.

Mr. SHERMAN. If the Senator from Kentucky can find me

or refer me to any such opinion I shall be very glad to have it put in at this point.

Mr. BLACKBURN. I know that it is understood that the late Attorney-General did during the administration of Secre-tary Foster hold that the power of the Secretary for the sale of these bonds to make good the deficit in this gold reserve fund of \$100,000,000 existed.

Mr. SHERMAN. Yes, but my friend from Kentucky will see that no Secretary of the Treasury has dared to exercise that power. Not a single dollar of those bonds has been sold for any

purpose except for the purpose I have named.

Mr. BLACKBURN. I admit that there has been no exercise of the power. I concur in the opinion of the Senator from Ohio. I deny that the Treasury Department at this time under existing law has any such authority. But the question with me was as to whether the last Attorney-General did not, under the administration of Secretary Foster, hold that the power for the sale of these bonds existed.

Mr. SHERMAN. That I can not answer, for I do not know.

I have not looked into it.

Here is the situation. It is now stated on both sides of the Chamber that there is no power in the Secretary of the Treasury to issue any kind of bonds which any Secretary would issue even if he had the power to do so. What Secretary of the Treasury would dare issue a thirty-year bond at 4 per centwhen we can easily get money at 3 per cent?

If he should attempt to sail the bonds at a premium, then no-

body except the capitalist who looked long ahead as to the value of accruing interest would be able to purchase them. They could not be distributed among our people. Our banks could not use them at all, because they could not afford to pay the high pre-mium and issue only 90 per cent of notes. Our plain people mium and issue only 90 per cent of notes. Our plain people would look at a bond if it was running for three years and say, "I can keep it for a while and after a while buy a house for my wife and children." There is the difficulty. Any man who will attempt to sell those bonds now would meet with difficulties that could not be overcome.

Now, I have seen in newspapers, and I am tired of it, much said about the President of the United States doing this or do-ing that in regard to financial matters. The President of the United States is not usually invested with any power over these financial questions. From the beginning of our Government to this hour the powers conferred by Congress to deal with money questions have always been given to the Secretary of the Treasury. You do not find the name of the President in these laws. The President is not usually designated to exercise financial power. It is delegated by the Congress of the United States to the Secretary of the Treasury, who reports to Congress direct, and not through the President.

Mr. BUTLER. May I inquire of the Senator from Ohio if the present Secretary of the Treasury has asked for the authority

which he is claiming he ought to have?

Mr. SHERMAN. I would not like to answer that.

Mr. BUTLER. It must be public.

Mr. SHERMAN. I do not think he has asked it. I can say he does not ask it now.

Mr. BUTLER. It must be a matter of public record, I should think, if he has asked it or communicated it to Congress.

Mr. SHERMAN. I do not know of any record which con-

tains his opinion on the subject; and it would be a very delicate matter for the Secretary of the Treasury to attempt to originate that idea when the Congress of the United States is the proper place for it.

Mr. TELLER. I wish to ask the Senator a question. Mr. SHERMAN. Certainly. Mr. TELLER. Would there be any impropriety in the Secretary of the Treasury, if he thought it was necessary to sell bonds, to address a communication to Congress on that subject?

Mr. SHERMAN. Not at all.
Mr. TELLER. Would it not be a proper thing for him to do
if he thought he ought to sell bonds? · Mr. SHERMAN. I think the Secretary of the Treasury never volunteered such a thing; at least I do not know of any case in the history of our Government where he has done it; but always Congress has called on the Secretary for his opinion on the subject, as we could now call on him. The Senator might call for his opinion on that subject by offering a resolution.

Mr. TELLER. I wish to ask the Senator from Ohio another question. If there is a deficiency in the revenues now, and likely to be in the future, is not that a proper subject for the President of the United States to address Congress on, under the constitutional provision that he shall inform Congress as to

the condition of the country, etc.?

Mr. SHERMAN. That has not usually been done. Perhaps the Senator overlooked it, but this information has been already communicated to the Committee on Finance. It called on the Secretary of the Treasury to inform it as to the alleged defi-

ciency, how much it is, etc., and that has been printed.

Mr. TELLER. What I ask is whether the President, in the exercise of a proper power conferred on him by the Constitution to keep Congress advised as to the condition of the country,

could not make such a recommendation to Congress?

Mr. SHERMAN. He can do it, of course. But the Senator has been a Cabinet officer, and is probably aware that all questions of finance are dealt with directly by Congress on conference with the Secretary of the Treasury. I do not now recall a single instance in which the President of the United States additional Congress are reported in his annual measure when a distinct dressed Congress except in his annual message upon a distinct financial question. That has always been a matter of communication between the Secretary of the Treasury and the two Houses. I know when I had the honor to hold that office I was summoned often, very often indeed, in the nature of a witness before the committees of Congress, and I was very willing to go.

Mr. BUTLER. The Senator from Ohio can not have forgotten that in the last message the President of the United States sent to Congress he devoted himself exclusively to the financial question.

As a matter of course, when calling an extra session, he would communicate to Congress, by the Constitution, the cause of that call.

Mr. BUTLER. I think under the Constitution he is required to do it from time to time, if he thinks proper to do so.

Mr. SHERMAN. I say there is no question about his power.

He can address Congress upon any subject at any time, and necessarily when he calls Congress in extra session he would give them the reasons for that call, and if they happen to be financial, well and good, it makes no difference. But I say as a practice, as a rule, in all communications about appropriations, we have never asked the President whether it would be well to appropriate the president whether it would be selected. propriate money for a saw mill up in Minnesota or somewhere or anything of that kind. As a matter of course it goes through

the Secretary of the Treasury.

Mr. BLACKBURN. I do not want to annoy the Senator from Ohio in reference to the question I submitted to him a few moments ago; but whilst the Senator from Ohio is denying that under existing law the power for issuance of bonds to maintain the gold reserve fund of \$100,000,000 exists, and whilst I am agreeing with the Senator from Ohio in his construction of the law, what I wanted to get at is this: Does the Senator know that during the last Administration that power was held to exist in the Treasury Department, and that upon the then Secretary of the Treasury, Mr. Foster, of Ohio, asking the opinion of the Attorney. General, does the Senator from Ohio now know that that At. torney-General prepared an opinion, which was not promulgated. but upon which the then Secretary of the Treasury acted, to the extent of having the plates made from which the bonds were to be printed, and that those plates were prepared in the Bureau of Engraving and Printing, and are there now, but that the bonds were not issued, not because of any denial of the authority to issue them, but simply because Mr. Harrison, the President, declined to have it done, after they had gone that far?

Does the Senator know that the Secretary of the Treasury

called upon the Attorney-General for an opinion, and acting upon the Attorney-General's advice he had prepared and made the plates, and that those plates are now in existence in the Bureau of Engraving and Printing, showing, if that be true, that the last Administration did hold and did believe that the power

for the issuance of bonds for this purpose existed?

Mr. SHERMAN. Mr. President, I do not know of that.

Mr. BLACKBURN. Then, Mr. President, I will say that I do.

Mr. SHERMAN. If the Senator says so, it is no doubt correct.

Mr. BLACKBURN. I know it to be true.
Mr. SHERMAN. But I do not know it myself; and if the
Senator says that is the true situation, I think he ought to call upon the present Secretary for a formal opinion.

Mr. BLACKBURN. I ask the Senator if he feels at liberty to answer, without annoyance, whether he himself was not consulted on that very subject at that time?

Mr. SHERMAN. No, sir; I never was.

Mr. BLACKBURN. Then I will say to the Senator that a

subpæna duces tecum served upon the Superintendent of the Bueau of Engraving and Printing will bring those plates to this Chamber within an hour.

Mr. SHERMAN. I should think the Committee on Finance

would be very glad to see them.

Now, Mr. President—

Mr. TELLER. I do not want to interrupt the Senator, but I wish to call his attention to the Constitution as to the power of the President. It seems to me that if this matter comes to us it can come, and ought to come, from the President. tution says that-

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

Mr. SHERMAN. No one denies that he has the right by the Constitution of the United States. I certainly have not done it. I will agree with that. All I said was that a custom has grown up, which I believe goes back to the time of Alexander Hamilton, probably originating with him, that nearly all communications upon financial subjects, and I do not know of any notable exceptions, come from the Secretary of the Treasury.

Mr. ALDRICH. Will the Senator from Ohio let me make a

suggestion?

Mr. SHERMAN. I will give up the floor entirely.

Mr. ALDRICH. No; I merely want to make a remark as to

Mr. ALDRICH. No. 1 merely want to make a remark as to the suggestion made by the Senator from Kentucky.

Mr. SHERMAN. Very well.

Mr. ALDRICH. I do not understand the Senator from Ohio to deny that the power exists in the Secretary of the Treasury to sell bonds for the redemption of United States notes.

Mr. BLACKBURN. No.

Mr. ALDRICH. I do not understand the Senator from Ohio to deny that proposition; and as I understand the opinions of the different Attorneys-General to which the Senator has alluded, they were simply that the Secretary of the Treasury had the power, under the act of 1875, to sell bonds for the maintenance of a reserve fund to redeem United States notes. Now, whether the Secretary of the Treasury has the power to sell bonds to re-

deem other notes is the question which I understand the Senator from Ohio to raise.

Mr. BLACKBURN. With the permission of the Senator from Ohio, I should like to answer the Senator from Rhode Island.
Mr. SHERMAN. I am disposed to give up the floor and let

other Senators proceed.

Mr. BLACKBURN. Then I want to say, in response to the suggestion of the Senator from Rhode Island, that I understand during the last Administration, towards the close of that Administration, when the proposition for the issuance of bonds was being considered by the then Secretary of the Treasury, it was not with a view of providing a fund to redeem the notes of the Government, but a raid had been made under that Administration ernment, but a rath had been made under that Administration upon the reserve fund of \$100,000,000, and Mr. Secretary Foster proposed to issue bonds to make good that deficit and bring the reserve up to \$100,000,000, where the law put it, and he called upon the then Attorney-General for an opinion as to the power of the Secretary of the Treasury to issue the bonds, whether 4 per cent or 44 or 5 per cent, under the law of 1875, and the Attorney-General gave his opinion (that opinion never having been promulgated for reasons that I have just stated) and assured the Secretary of the Treasury that he had the right to issue the Secretary of the Freatry that he had the right to issue the bonds, not to get money to redeem the outstanding notes of the Government, but to make good the deficit in the \$100,000,000 gold reserve fund; that the plates had been prepared.

Mr. SHERMAN. I think the Senator has gone as far as an

ordinary interruption. I do not wish to be discourteous to the Senator, but I should like to go on.

Mr. BLACKBURN. I understood the Senator from Ohio to

say that he had yielded the floor to the Senator from Rhode

Mr. SHERMAN. I thought of doing so.

Mr. BLACKBURN. I beg pardon; I should not have undertaken to interrupt any further if I had known the Senator still had the floor

Mr. SHERMAN. There is no doubt, and nobody questions the power of the Secretary of the Treasury to sell bonds to maintain the fund set apart for the redemption of United States notes. Nobody questions that. I said that at the beginning. But what I do say is that I do not believe any Attorney-General has made up his mind that the bonds can be sold for the purpose of carrying on the ordinary operations of the Government, and the fund can not be used for that purpose. That is all there is about it. The fund can not be reduced; it must be kept intact; and the Secretary must look to other sources of revenue, or he must stop the expenditures, or he must appeal to Congress.

Now, I have not said one word in criticism of the honorable

Secretary of the Treasury, who I believe is conscientiously doing his full duty; but I say that unless you give him further power he will be unable to meet the deficiency of \$50,000,000 during the current year; and it is necessary as soon as possible, not to look to the old law of 1875, not to look to any extraordinary powers conferred for resumption purposes, but he must look to Congress

for some authority to borrow money.

Mr. President, I was nearly through. I intended to offer an amendment, if it had been thought wise to offer any amendments to the bill, but I do not think now, under the circumstances, the bill, but I do not think now, under the circumstances, it is wise. It is better to let the amendments fall and let the bill, which has been debated so fully, stand. But, in order to express my idea in the fewest possible terms, I ask the Secretary to read the proposed section which was intended to be offered to the bill. I do not offer it, but simply ask that it be read as part of my remarks.

VICE-PRESIDENT. The Secretary will read as re-

quested.

The Secretary read as follows:

The Secretary read as follows:

SEC. — That to enable the Secretary of the Treasury to maintain the parity of all forms of money coined or issued by the United States, and to strengthen and maintain the reservein the Treasury authorized and required by the act entitled "An act to provide for the resumption of specie payment," the Secretary of the Treasury is authorized to issue from time to time as required for such purposes in a sum not exceeding in the aggregate 200,000,000, coupon or registered bonds of the United States in such form as he may prescribe and of denominations of \$50, or some multiple of that sum, redeemable in coin of the present standard value at the pleasure of the United States after three years from the date of their issue and bearing interest payable semiannually in such coin at the rate of 3 per cent per annum. The said bonds and the interest thereon shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation of any form by or under State, municipal, or local authority, and the said bonds shall have set forth and expressed upon their face the above specified conditions, and shall with their coupons be made payable at the Treasury of the United States. The proceeds of such bonds shall be used for the purposes defined in this section and none other.

Mr. SHERMAN. Now, Mr. President, the passage of some such provision is undoubtedly necessary, and I trust that the Senators on the other side of the Chamber who have the control necessarily, who have the majority, will make some such provision as this. I feel at liberty to call their attention to the

subject, because I consider it vital. I fear very much that after a little while, as to the results of the measure that we are about to accomplish, the suspension of the purchasing clause of the act of 1890, the people will find out that it has not been the germ and root of the evil under which they are suffering, and they will look to us for having provided an inefficient measure,

a measure that will not meet the exigency.
On the other hand, if the Secretary of the Treasury was armed with this power he probably would not find it necessary to use it for more than \$50,000,000. This proposition is to authorize him to issue \$200,000,000 3 per cent Treasury notes or bonds, coupon or otherwise, bearing 3 per cent interest, and that they shall be sold, not through the agency of bankers or syndicates or anybody else, or the money power which is so much feared by some of our friends here, the Populists, but that he shall let them be sold through the post-offices and through the subtreasuries wherever the Government has any money or any power to pay money. I will venture the prophecy, as I did awhile ago, that these bonds would be eagerly taken by the laboring men of our country, by business men, by those who are seeking to gather a nest for a house or a home. I have no doubt whatever that would be the direct effect, and it would have an enormous effect upon the public credit.

The fact that the Government of the United States, with its unquestioned credit and unquestioned power, came with \$290,-000,000 of bonds in their hands, offering them for coin to maintain the parity of all these kinds of money, would settle the question of parity and resumption. Under the resumption act we have been called upon for the payment of only \$38,000,000 in the fifteen years that have transpired since that act took effect. We have not been called upon for more than one-third of the actual coin held as security, and yet the coin thus deposited performed its full function by giving confidence. If you would give the Secretary of the Treasury the same power the Secretary had fifteen years ago in regard to resumption, there would be no fear that all forms of money would be maintained at a parity with each other. These are questions which should be considered immediately after the passage of the pending bill.

With these remarks, Mr. President, feeling a real sympathy,

as I said in the beginning here, for our fellow-citizens in the mining States, and while they may suffer for a time considerable loss and injury, I believe it is for the good of our whole country and the best interest of our people of all classes and conditions of life to stand upon the double standard of gold and silver, one the real standard, and silver to be used as fully as possible with-

out demonetizing gold.

Mr. GORMAN. Mr. President, I have not detained the Senate many moments in the discussion of the pending question. have studiously refrained from doing so. But I can not help observing the very remarkable attitude of the distinguished Senatorfrom Ohio, who is the acknowledged leader on the other side of this Chamber, and of more than half the Senators who support the bill for the repeal of the purchasing clause of the so-called Sherman law. His anxiety for its repeal, his support of its repeal, is perfectly well understood; but at the same time that distinguished Senator has well known the fact that the passage of the pending bill was impossible at any time except as a nonpartisan measure, except by the support of the twenty-five or twenty-six Republicans on the other side of the Chamber and the twenty-one or twenty-two Democrats on this.

Its only hope of success from the beginning until now has been unity of action between gentlemen who have such diverse views upon general political questions, and not to bring in the mere party question and attempt to take party advantage of the de-lays, of the mistakes, if there have been mistakes; and now, in the closing hours of the struggle, which will go down in history as one of the most remarkable that has ever taken place in this Chamber, that distinguished leader tells us and tells the country that the measure itself will be impotent, that it eliminates

will be silver or the further use of it for the present.

Mr. SHERMAN. I did not say a word to that effect. On the contrary, I spoke strongly in favor of silver to its largest extent, so that it would not demonetize gold.

Mr. GORMAN. If I have misunderstood the Senator, all

around me here seem to have shared with me in misunderstanding him. He has said that the passage of the bill as it stands will not give the relief to the country that the country has expected.

Mr. SHERMAN. I said it might not meet the expectations

of the people.

Mr. GORMAN. If his argument was understood at all on this side of the Chamber, he said that when the bill is passed the Treasury will not be in a condition to meet the wants of the country, or to keep the finances in a healthy condition; and the only relief suggested by the Senator is to issue bonds, authorizing the Secretary of the Treasury to use them not only for the

purpose of maintaining the parity between the two metals, but

for the ordinary expenditures of the Government.

Mr. SHERMAN. Will the Senator allow me to ask him a

Mr. GORMAN. With great pleasure.
Mr. SHERMAN. How does he propose to pay the deficiency in the revenues of \$50,000,000, reported by the Secretary of the Treasury

Mr. GORMAN. I will come to that, if the Senator will par-

don me a moment.

Now, Mr. President, if I understood the position of the Dem-

we pledged ourselves to the repeal of the Sherman law.

Mr. BUTLER. A part of it?

Mr. GORMAN. No, sir; the whole law. Our platform demanded it. Every newspaper that has breathed a Democratic at first demanded that Congress should carry out the decree of the party. I take it that other Senators like myself were questioned by the great metropolitan press as to whether we were in favor of the absolute repeal of that law, the whole law, without conditions. When that was being strongly urged I do not think I am mistaken when I say that the distinguished Senator from Ohio in a speech or an interview in his own State denounced the repeal of the entire Shermanlaw, and stated that he would favor the repeal of the purchasing clause alone. I am not mistaken in that. If I am, I ask the Senator to correct me. The Senator says that now?

Mr. SHERMAN. I believe that is what the bill professes

Mr. GORMAN. Yes; that is what the bill professes. I am coming to that. The President of the United States, anxious and earnestin his desire for its repeal, was too astute and learned a statesman not to know that he had not the power in his own party or with his own party to repeal any portion of that law, because the division is so sharp and great among both parties that neither party would have the power to deal with this question and make the repeal, and we were compelled to take the terms offered by the Senator from Ohio. He held the key of the position. You have dictated the terms to us. It was the only thing we could get you to agree to for the relief the country.

Then, Mr. President, when Congress met, we came here with forty-four Senators on this side of the Chamber, elected as Democrats, only one-half of this body, with the perfect knowledge on the part of every intelligent man in the Union that the party was hopelessly divided upon this question, as your party is also hopelessly divided. It may be said with truth that a large ma-jority of the Democrats were at the beginning of the session against the repeal even of the purchasing clause of the Sherman

Mr. BUTLER. Unconditionally.

Mr. GORMAN. The unconditional repeal. It was known that you had from thirteen to fifteen Republicans opposed to repeal. It was believed, and I think it was a fact easily made perfectly plain to everybody, that a clear majority of all the Senators elected were not in favor of the unconditional repeal, but they wanted some rediffection.

but they wanted some modification.

Complaints have been made of delay in this matter. I am glad of the opportunity to say, and I say it in justice to those who have fought this bill, that those of us who intended to vote for its final pussage believed that we were in the minority, and a de-lay of weeks became necessary that we might convert enough to our side to pass the bill. It was not brought into this body from the Committee on Finance until days after we had met. The Senator frem Ohio, a great member of that committee and an authority in this body on financial questions, and with a reputation such as few men have ever had in the country, was too astute a man to try to force its early consideration in this body. When his Committee, and even the Senator from Ohio, checked their impetuosity, and said, "Oh, no; let the Committee on Finance first consider the bill."

The fact of it was that we were not ready for its consideration. As time went on the dob to became sharp. And, Mr. President, I want to remark right here that it has been a great debate. The annals of Congress will not show one equal to it, and those who participated in it will go down to posterity as men who were equal to any who have preceded them. When the contest be-came sharp the doubt was then expressed as to the power of the Senate to pase it, not as to the power to reach a vote, but the power to pass unconditional repeal with a majority. In the very midst of the fight, in the hottest of it, when men were anxious, when every Senator was desirous that something might be done (and when I say every Senator I mean all on both sides of the Chamber) to relieve the great distress in the financial interests

and in commercial affairs, the first note of warning that we had, publicly uttered, came from the Senator from Ohio, the Senator who led more than one-half of the repeal column, that it was impossible to pass it. Here is his interview, published October 5, 1893, in a telegram to the Cincinnati Enquirer dated Wash ington, October 4:

[Cincinnati Enquirer, October 5, 1893.]

WASHINGTON, D. C., October 4.

I called on Senator Sherman to-night. More than any other quantity in the Senate he represents his party. I asked him bluntly if he believed the law which bore his name would be repealed?

His answer was frank—direct:

"I do not," said he.

"Then," said I, "what next?"

"I can not," said he, "be explicit as to what next. The position of the Republican members of the Senate is now passive. The Democrats are endeavoring to arrange a compromise. If they succeed, they can pass a compromise measure no matter if the Republican Senators are solidly arrayed against it. Our side, or rather the large majority of our side, stand ready to vote for unconditional repeal whenever the Democrats fix the time in vote. We are even ready to support a closure."

"Have you any idea," I asked, "of the terms of compromise?"

"No," said the Senator, "I am not in the secrets of those arranging it. There have been several propositions involving the issue of bonds and the reduction of the monthly purchases of silver. My judgment is, and it is, however, a judgment, that in the end the Democrats will unite on a proposition to extend the provisions of the Sherman law three years, with a reduction of the monthly purchases of silver to 2,500,000 ounces of silver instead of 4,500,000 ounces as now."

"Do you think the President would sign such a bill?"

"I have no reason of knowing. Yet I am impressed he will yield to a fair compromise. If he does not he will destroy his party, and his Administration will be broken down.

Mr. SHERMAN. I think the reporter has been rather more

Mr. SHERMAN. I think the reporter has been rather more accurate than usual in that interview. I think that was the substance of what I said. I desire merely to add that I believe the bill would not have passed but for the abortive attempt to compromise, which, falling through, left nothing else to do but to pass it. However that is a mere matter of interview between ourselves

Mr. GORMAN. October 4 is the date of this interview. The Senator from Ohio knew perfectly well, as every other man in the country knew, that he was laying down a condition for the Democratic party to unite. He knew to unite was as impossible as it was to fly, unless it meant the extension of the purchase of silver to some future period. He knew that the demand in the country for its unconditional repeal coming to us through the press and trade organizations in every section was such that the entire Senate was most anxious to do something to relieve anxiety. He knew another thing, that with the difference of views upon this financial question between the East and the West and the North and the South it was impossible to pass what we call in the Eastern States a sound financial bill with bonds unless we had his cooperation and the cooperation of those on the other side who thought with us: and when you placed the conditions upon the Democratic party, as you had the power to do, holding the key of the situation with your 25 or 26 votes, you forced us into a position to take a measure that would not be satisfactory to the people for whom the Senator from Ohio speaks and whom I have the honor to represent in part on this floor.

But, Mr. President, there was an earnest desire, there has been from the beginning of the session an earnest desire on this side of the Chamber, to frame such legislation as might redound to the interest of all the people of this country. Sharp as the division was upon the particular measures, there is not a Democrat upon this side of the Chamber who was not impressed with the deviation of the country. desire to harmonize the party, to sustain the Democratic Administration. All were willing to make sacrifices of opinion and to set aside the convictions of a lifetime and unite in doing and to set aside the convictions of a lifetime and unite in doing something which would relieve the business distress and save their Administration from defeat. They tried to get together. They tried to do what was right. There were many of them who shared the conviction that it is extraordinary, unusual, and unfortunate to strike down summarily, without an hour's warning, any great interest that we had built up or made possible by laws. no matter how vicious and bad the laws themselves. Their deliberations could have been carried to a consummation with the bonds that the Senator from Ohio speaks of.

I do not complain of him for making the suggestion of bonds except as to the time and manner of doing it, for I from the beginning, not of this Congress, but in the last, under Mr. Harrison's Administration, believed that with the extravagant appropriations that have been made, with the growth of expenditures for pensions, and otherwise, which can not be eliminated, there is not revenue enough to pay the current expenses of the Government under your present laws, and at the last session of Congress I voted with the Senator from Ohio to authorize the Secretary of the Treasury to issue bonds for all these purposes.

If, Mr. President, there had been less partisanship in this Cham-

ber when we came to consider a proposition that would have practically united this side, if we had had a response from the

id.

Senator from Ohio and those who associate with him politically, we could have passed a bill repealing the purchasing clause of the Sherman law, no matter whether it takes effect to-morrow or the next day, and we would have strengthened the Treasury, given the Secretary power to issue \$200,000,000 of gold, and it would have been a notice to the world that this country, in that matter as in all others, had the power and the will to maintain our honor and keep our finances to the very highest possible

level.

I am not here, Mr. President, to violate the confidences that have been given to me in all the suggestions that have been made by members of this body, or gentlemen outside of the body. I can say, though, with propriety that there is scarcely one of us who in the very heat of this controversy has not been most willing to make the suggestions and look to a better bill than the one we now have. That is past. The responsibility—

Mr. SHERMAN. I wish to say a word, if I do not interrupt

the Senator.

Mr. GORMAN. Not at all.
Mr. SHERMAN. I am quite sure if our Democratic friends
on the other side of the Chamber had made any proposition, such as the Senator now mentions, providing for the coinage of what is called the seigniorage, and providing for the maintenance of all forms of money at par with each other by authorizing the sale of \$200,000,000 of bonds, the proposition would probably have been very agreeable to this side of the Chamber; but, as I understand—as a matter of course I do not ask for any secretsour friends on the other side of the Chamber declined to agree to any proposition which contained authority to issue bonds. I think that was the general understanding on this side.

Mr. GORMAN. Mr. President, as I said, I would not, to re-

lieve myself from being misunderstood or for any other purpose in the world, violate confidences or repeat conversations which have been had; but I have a right to say that we have been most unfortunate if we were not understood to say that a provision for a proper bond issue could have been passed without much

I agree now with the Senator from Ohio. The day, the hour for all that has passed. I should not have referred to this matter but for the fact that the Senator in his remarks, which will be found in the RECORD of the 18th of October, on page 2758, at-tempted to place the entire responsibility on the Democrats.

The President suggests, however, that the first and most important measure, before further action, is to clear away the present sliver-purchasing clause of the act of 1890. We have thought so too, but if the other side do not think so it cannot be done, for sheir vote is potent. They carry the matter in their own hands. Let them agree upon something.

In times past, when they were in the minority and we were in the majority, we never shrank from responsibility. We were Republicans because we believ d in Republican principles and Republican men and Republican measures, and whenever a question came into the Senate Chamber to be decided we never pleaded the baby act and said "we could not agree." We met to gether in conclave; we measured each other's opinions, some giving way, and finally we came to an agreement. In this way we passed all the great laws which have marked the history of the last thirty years of our country, and it was not done by begging votes of the other side. We knew that, by the usual and almost universal habit of the Democratic party, they would oppose anything we should propose, even the Lord's Commandments or the Lord's Prayer. [Laughter.]

Sir, these are public duties that can not be avoided. You must decide this silver question some way or other. If you can not do it and will retire from the Senate Chamber we will settle it on this side, and we will do the best we can with our silver friends who belong to us, who are blood of our blood and bone of our bone. But you have the majority on this floor to-day, and therefore I beg of you, not in reproach, not in anger, because I know the great difficulty and the difference of opinion that exists in the two parties; you have the supreme honor of settling this question now, and you ought to do it. That is all I care to say on that point.

And again to-day, wittingly or unwittingly, he endeavored to place upon this side of the Chamber the responsibility of any future failure, or the failure of this act, to give relief. Mr. President, the responsibility does not belong to one party. If the act does not meet public expectation, we must on both sides share the responsibility; but it may turn out to be the wisest thing that this bill shall pass just as it came from the committee. If so, we will share the credit.

Mr. President, that there is to be further trouble with our financial affairs everybody who has watched the operations of the Treasury must know. We have come into power, but we have inherited an enormous debt, imperfect revenue laws, and stagnation in every industry. The Treasury is bankrupt, says the Senator from Ohio. It was bankrupt when we accepted it and when we came into power. Who is responsible for it?

We are \$50,000,000 short, says the Senator from Ohio. Why, Mr. President, I hold a statement in my hand showing that dur-

the obligations of the Government created by law have not been discharged; but after paying the amounts which were absolutely necessary to keep the Government running, including the payment of pensions, there is a shortage of \$50,000,000, soon to be increased to \$80,000,000, which must be met. The Government of the United States can not repudiate its debts. It is not the fault on this side of the Chamber as a party. Conceal the facts as you may, you can not make party capital out of it, for the honest men of the country will know what the facts are.

Mr. SHERMAN. I will ask my friend, if he will allow me,

whether the last House of Representatives was not strongly Democratic, and whether all the appropriations for the support of the Government did not originate there? I myself supposed that both parties shared in the responsibility for excessive ap-

Mr. GORMAN. Mr. President, it is true that the last House of Representatives was Democratic; it is true that the Republican party have had possession of the executive branch and of this branch of the Government; and it is true that we could not cut down these expenditures unless we had control of all branches of the Government. Now, that we have that control, we hope

or the Government. Now, that we have that control, we hope to cut down expenditures as rapidly as possible.

But we have inherited another thing—contracts which have been made by law, and from which there is no escape. Obligations have been incurred on all sides. They must be met.

All I complain of now is that Senators on the other side of

this Chamber at the end of a great crisis in this body, and, I hope, almost at the end of a great financial panic, should bring

up this question for the purpose of gaining party advantage.

Mr. President, we shall take the responsibility of all the new laws which will be enacted during the time we are in power. We shall go as far as it is possible for men to go in relieving the country of the bad laws now upon the statute books; we shall insist upon the consideration of legislation for that purpose in season and out of season if necessary, but we do object to being held up to the country as responsible for laws which were not of our enacting.

I trust the Senator from Ohio and Senators on the other side

of the Chamber, who unite with the President upon this one measure, will yet withdraw their partisan efforts, and admit that this is a question above party, and which could not be passed if it were a party question. We must all share the full responsi-

bility of whatever may come from this enactment.

Mr. STEWART. Mr. President, when the author of the demonetization of silver sees fit to place the representatives of the mining States in the position of beggars, of suppliants asking for pity, I feel called upon to repel the insult. The confiscation of our property by the machinations of that Senator ought to induce him to refrain from placing us in that humiliating posi-

We laid the foundation of an empire by the discovery and development of mines. The daring and enterprise involved in accomplishing that great result has no parallel in the industrial

comprising that great result has no parametric in the industrial energies of the American people.

When the mines had been developed and the foundation laid for the prosperity of this country by an ample supply of gold and silver, and when silver was 3 per cent premium, the Senator from Ohio, through English influence, managed to destroy silver for the benefit of English creditors. I speak from the record when I say that it was through English influence, and I call the Sensior from Ohio himself as my witness. On the 6th of March, 1876, in this Chamber, the Senator from Ohio used the following language:

Our coimage act came into operation on the 1st of April, 1873, and constituted the gold one-dollar piece the sole unit of value, while it restricted the legal tender of the new siver trade dollar and the half dollar and subdivisions to an amount not exceeding \$5 in one payment. Thus the double standard previously existing was finally abolished, and the United States as usual was influenced by Great Britain in making gold coin the only standard. This suits England, but does not suit us.

I took occasion on the 5th of September last to follow the slimy tracks of the act of 1873 through the records of the two Houses of Congress, and I pointed out why it was that Thurman, Conk-ling, Blaine, Kelley, and a very large number of others, who were paying particular attention to legislation, did not know when the act passed, and the President of the United States was also ignorant of the fact when he signed the bill that it demon-etized silver. When the Senator from California [Mr. Perkins] said that it had been passed with entire honesty, I think he had not read the history of that unfortunate legislation.

I wish to say, further, that the Senators representing the silver States have not placed their opposition to this proposed legislation on the score that it destroys the principal industry ing the last three years there have been appropriated for various purposes, including \$49,000,000 per annum for the sinking fund, \$362,000,000 more than the revenues. The money has, of course, not all been spent, because we did not have it in the Treasury; fact that those States must remain comparatively a desert land for generations to come in consequence of this destruction of their industry, the fact that the great continental railroads and all the railroads leading there are threatened with bankruptcy by a destruction of their business, is small in comparison with the effect that the legislation I refer to, procured through English influence, is having upon the whole country.

When the Senator from Ohio says that we must be sacrificed for the general good of the whole country, we say if this proposed legislation was for the general good we should not be heard here; but it has been demonstrated to the satisfaction of all who have listened that this is a question affecting humanity; that it has already prostrated the industries of this country, and that the wheat-growers and the cotton-planters have suffered equally with us. While the Senator was enjoying himself in the cloak room, for he said he had avoided the discussion in that way so as not to be inconvenienced, it has been demonstrated over and over again, and now we hear him pleading for the public good.

as not to be inconvenienced, it has been demonstrated over and over again, and now we hear him pleading for the public good. For what public good is he pleading? He is pleading for the public good which he says produced this result—English influence; he is pleading for that public good which Gladstone said consisted in obligations against foreign countries and in favor of England, amounting to ten thousand million dollars of bonds. That public good is to increase the purchasing power of those bonds, as Mr. Gladstone contended, and no other public good has ever been pointed out to be accomplished by the destruction of one-half of the world's money. That is the only public good. The greed of English foreign bondholders and American bondholders is the only good which has been pointed out in all this debate, that is to be secured and is to be augmented by the utter destruction of the mining interests and to the utter prostration of the agricultural States, and we find that Senator here pleading for more bonds, more interest, to augment the colossal power of the bondholding fraternity.

power of the bondholding fraternity.

The Senator truly says that our Treasury is in a bankrupt condition. Of course it is. Who placed it in that condition? That same relentless hand which struck down silver has pulled from under the fabric of credit in the Treasury Department the foundation which our fathers reared—coin. With \$600,000,000 of silver coin in the country, we are told that we must abandon it and borrow gold, and augment the wealth of the bondholding

I shall not repeat the arguments which have been piled up here to show that the shrinking volume of gold means misery to the human race, if that is to be the only basis of our circulation and credit. That gold is already hoarded or pooled by the few, and the attempt to purchase it will simply load us with more debt.

What else was done through English influence and strategy in this Chamber? We were denied the right guaranteed by the Constitution to mine and coin our own money, and have a big surplus for the creditor class. Well might Senators leave the Senate Chamber when I commenced these remarks. Many of them are interested parties. As rumor has it bank stocks and bonds are not strangers here. More bonds, more bank stock, more taxation, more contraction, more falling prices, and more hard times is the motto of those who are forcing this legislation through Congress.

I do not intend to protract my remarks at this time, because there is an amendment pending to which I desire to call attention, and for which I should like to vote.

Mr. ALLEN. I suggest the lack of a quorum. I find by actual count there are only fourteen Senators present in the Chamber at this time.

The PRESIDING OFFICER (Mr. LINDSAY in the chair). The lack of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich, Lindsay. Allen, Bate, Dolph, Faulkner, Lodge, McMillan, McPherson, Martin, Quay, Ransom, Fauther, Frye, Gallinger, George, Gorman, Harris, Higgins, Hill, Hoar, Irby. Berry, Blackburn, Sherman, Shoup, Smith, Martin, Mills, Mitchell, Wis. Morrill, Murphy, Palmer, Blackbur Brice, Butler, Call, Camden, Carey, Colte, Stewart, Stockbridge, Vest, Vilas, Pasco, Peffer, Perkins, Cullom, Davis, Irby, Jones, Nev. Walthall, Washburn.

The PRESIDING OFFICER. Fifty-two Senators having an-

swered to their names, a quorum is present.

Mr. STEWART. I now call attention to the amendment under consideration. I agree with the Senator from Colorado [Mr. WOLCOTT] that the free-coinage Senators will all vote for this amendment, not as a substantial proposition, not as being what we ought to have, but because it recognizes silver to a limited

extent, and recognizes the principle which has been so much talked about, of coining the American product with a seigniorage of 20 per cent.

This American product idea has been interjected into the mining States very extensively by politicians from the East, When they go to the mining States the gold men usually say, "Are you not satisfied with having something done for the American product? Why do you want to benefit foreigners?" We have told them that there was no good faith in that; that the representatives in the East would not vote for the coinage of the American product if it was proposed; but the Senator from California [Mr. Perkins] has brought forward a proposition, and I am very glad of it, for I want to test the sincerity of the advocates of the American product policy; but the amendment is in such a condition that I can not vote for it as it stands. I presume the Senator would like to have it put in such shape as would express fully the idea.

Section 1 of the amendment reads as follows:

That the mints of the United States shall be open to the coinage of sliver of proved American production at the same parity now existing between gold and sliver, with a minting or seigniorage charge of 20 per cent, which shall be paid into the Treasury of the United States.

I do not know what "the same parity" means. I suppose the Senator meant the ratio of 16 to 1, or the present legal ratio. To use the words "the same parity" would undoubtedly defeat the law by some construction of the Treasury Department. They can do almost anything with that word "parity," and consequently the amendment should be amended so as to be in conformity with our coinage laws, and should say what it undoubtedly means.

The second section of the amendment reads:

That hereafter no gold pieces for circulation of a less denomination than \$10 be coined, and no more legal tender, national currency, or Treasury notes of a less denomination than \$5 be issued.

I think that is bringing in another question which requires considerable consideration. I do not think I am prepared to vote for such a proposition without being better advised as to what its operation would be.

The next section of the amendment reads:

That the holder of any standard silver dollars which have been or may hereafter be coined may deposit the same with the Treasurer or any assistant treasurer of the United States in any sum, and receive therefor notes of denominations less than \$10 only, which notes shall have the same legatender quality as the coin for which they are exchanged. The coin deposited for or representing the said notes shall be retained in the Treasury for the payment of the same on demand.

I do not know that silver certificates ought to be confined to \$10. I think probably that \$5 or less would be better. I do not think the limitation of the amendment would be well.

The next section of the amendment reads:

SEC. —. That in order to protect the mints against imposition no eliver shall be coined under this act except such as is produced by smelters situated in the United States.

I suppose, of course, that would exclude all ores reduced by any other process than by smelting. I suppose the Senator is aware of the fact that in the United States ores are reduced by other processes than the smelting process. The process of amalgamation has been carried to a very great state of perfection. The whole Comstock mining was reduced by means of amalgamation. There is another process called lixiviation, which has been practiced in the United States; and then there is another process which consists in smelting. This section of the amendment confines the operation to the silver produced from smelting. I do not know that the Senator intended that. I think I can relieve the situation by an amendment I have drawn up, which I think embodies the principle which the Senator desires to accomplish. I shall read that amendment and explain how it might be included in carrying out the idea of coining the American product.

I find that there is a great difficulty in this country in obtaining enough subsidiary coin. The Secretary of the Treasury has the power to purchase silver, and coin it into subsidiary coin. That power was given under the act of 1853, and it has not been taken away; but the power has not been well exercised. It very frequently happens that it is almost impossible to make change, and there is not enough in the market here. You will find about half the business in dealing there is running about getting change in order to do the ordinary marketing in this town and everywhere else. So I have thought it best to restore the old law of 1837, and the same principle which existed previous to 1837, that silver for all coinage purposes should be obtained in the same way and brought to the mints by depositors, and the subsidiary coin should be full legal tender. They could have as much then coined at the mints as they desired to have. So I have embodied in the first section the same principle, and, in fact, the same language as that contained in the act of 1837.

SEC. 2. That the silver coins of the United States shall be composed of standard silver. That of the silver coins the dollar shall be of the weight of 412½ grains; the half dollar of the weight of 200½ grains; the quarter dollar of the weight of 103½ grains; and the dime, or tenth part of a dollar, of the weight of 41½ grains. And that dollars, half dollars, quarter dollars, and dimes shall be legal tenders of payment, according to their nominal value, for any sum

That is the law of 1837.

That is the law of 1837.

SEC. 3. That silver bullion brought to any mint of the United States for coinageshall be received and coined by the proper officers for the benefit of the depositor: Provided, That it shall be lawful to refuse, at the mint, any deposit of less value than \$100, and any bullion so base as to be unsuitable for the operations of the mint: And provided further. That it shall be lawful to refuse at the mint any deposit of silver coin or bullion which is not the product of the mines and smelters of the United States.

SEC. 4. That the depositor of silver bullion at any mint of the United States for coinage, as hereinbefore provided, shall receive therefor 80 per cent of the coinage value thereof, either in silver coin or in Treasury notes of the United States hereinafter described, and the remaining 20 per cent of such bullion shall be coined and covered into the Treasury; such Treasury motes shall be prapared and issued by the Secretary of the Treasury in such form and in such denominations not less than \$1 nor more than \$1,000, as he may prescribe; and such Treasury notes shall be redeemable on demand at the Treasury of the United States, or at the office of any assistant treasurer of the United States, in silver coin, and such Treasury notes shall be a legal tender in payment of all debts, public and private.

The seigniorage here is the same as that suggested by the

The seigniorage here is the same as that suggested by the Senator from California, and the language used, I think, carries out the conception which he had in presenting the amendment. This is the seigniorage of 20 per cent. A seigniorage of 27 per cent would place the value of silver bullion precisely on a par with the value of rupees as established by the Indian Govern-ment in the recent order suspending the coinage of silver. Twenty-seven per cent seigniorage would value the bullion precisely as Great Britain valued the silver in the rupee.

I shall ask a vote on this amendment with 20 per cent. then ask a vote on my amendment proposing 27 per cent. Twenty-seven per cent would reduce the value of the silver in the silver dollar to 73 cents, and it would be, as I before remarked, precisely on a par with the valuation placed upon silver by the Indian commission, which recommended and secured the order of the Indian Government suspending the coinage of silver.

I offer this amendment as a substitute for the amendment of the Senator from California, and ask a vote upon it in that shape. Mr. VOORHEES. Does the Senator offer his amendment to take the place of the amendment of the Senator from California, or as an addition to that amendment:

Mr. STEWART. I offer it as a substitute for the amendment of the Senator from California. Perhaps, however, he will accept it as a substitute.

Mr. PERKINS. Mr. President, I think my proposition is a very simple one and very easily understood. Perhaps the amendment might be modified in section 4, after the word "smelters," by inserting "or by refineries or mills," if the word "smelters

is not definite enough.

Mr. STEWART. "Refineries or mills" would not cover it.

A good deal is produced which is not reduced in the mills.

Mr. PERKINS. If the words I have proposed do not suit the purpose, then I shall modify the amendment by inserting after the word "smelters" the words "or other saving devices."

I will say to my friend from Nevada that we are doing pretty I will say to my friend from Nevada that we are under I am well if we get the Senate to adopt the amendment I offer. I am well if we get the Senate to adopt the amendment I offer. I presatisfied with small favors and large ones in proportion. I prefer my amendment should stand as it is, with the modification I have suggested. If the Senator sees proper to offer his amendment as an amendment to mine, of course, he has that right.

Mr. STEWART. What does the Senator mean by coinage at

"the same parity?"

Mr. PERKINS. It is a misprint. The word "parity" should be "ratio." It is so written in the original amendment upon the

Mr. STEWART. I offer my amendment, then, as a substitute for the amendment of the Senator from California, and upon it Mr. STEWART.

Is shall ask for the yeas and nays.

Mr. HARRIS. Let the amendment be reported.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nevada will be reported.

The SECRETARY. After section 1 it is proposed to insert:

Amendment intended to be proposed by Mr. Strewart to the bill (H. R. 1) to repeal the act of July 14, 1890, entitled, "An act directing the purchase of sliver bullion and the issue of Treasury notes thereon, and for other purposes," vis: After section I insert the following:

SEC. 2. That the sliver coins of the United States shall be composed of standard sliver. That of the sliver coins the dollar shall be of the weight of 412 grains; the half dollar of the weight of 2005 grains; the half dollar of the weight of 103½ grains; and the dime, or tenth part of a dollar, of the weight of 41½ grains. And that dollars, half dollars, quarter dollars and dimes shall be legal tenders of payment, according to their nominal value, for any sum whatever.

SEC. 3. That sliver bullion brought to any mint of the United States for coinage shall be received and coined by the proper officers for the benefit of the depositor: Provided, That it shall be lawful to refuse, at the mint, any deposit of less value than \$100, and any bullion so base as to be unsuitable for the operations of the mint: And provided further. That it shall be

lawful to refuse, at the mint, any deposit of silver coin or bullion which is not the product of the mines and smelters of the United States.

SEC. 4. That the depositor of silver bullion at any mint of the United States for coinage, as hereinbefore provided, shall receive therefor 80 per cent of the coinage value thereof either in silver coin or in Treasury notes of the United States hereinafter described, and the remaining 20 per cent of such bullion shall be coined and covered into the Treasury; such Treasury notes shall be prepared and issued by the Secretary of the Treasury in such form and in such denominations, not less than \$1 nor more than \$1,000, as he may prescribe; and such Treasury notes shall be redeemable on demand at the Treasury of the United States or at the office of any assistant treasurer of the United States in silver coin; and such Treasury notes shall be a legal tender in payment of all debts, public and private.

Mr. SHOUP. Mr. President, the question involved in the bill upon which we are expected to cast our votes is, in my opinion, the most important national question presented to Congress since the organization of the Government. It is a question as momen-tous to the West and to the people of the whole country as was the great question before Congress in 1861. Then the freedom of a race was at stake. Now it is the financial liberty of all classes that hangs in the balance. Then the unity of States was in danger. Now the classes seek to dominate and enslave the masses of all the States. Over the first contest the nation was so violently shaken that the great structure came near to utter

ruin.

There will be no appeal to arms in this contest, but the people are and will be deeply stirred, and the ballot will repudiate and correct the action this day taken before the final act can be consummated.

When the Union was in great peril the people of the West offered their services and took an active part in the conflict. Now, can it be possible, in defending what to us seems to be a question of such overshadowing national importance, and which means ruin and desolation to so many firesides and to so many of the people we represent, that we can be expected to willingly consent to unconditional repeal.

No, Mr. President, we will not, and we enter our earnest pro-test against forcing upon us such unpatriotic and vicious legis-

This is a question affecting the masses of the people of this great nation; and yet one which you absolutely refuse to submit to the people.

We know what their verdict would be, and we suspect that you know equally well that there would be an overwhelming majority for silver as money. It is one of the main supports of the superstructure of this Government.

Mr. President, since the memorable day when our liberty-loving ancestors declared their independence, no people in any land have been more proud of their ancestry and of their achievements than have the people of the United States. Mr. President, I am compelled with deep regret, but in all sincerity, to declare that in my judgment the independence which we have enjoyed, and which was purchased at such great sacrifice by those we revere,

is this day placed in jeopardy.

Mr. President, the bill reported by a majority of the Finance Committee, and which it is proposed to force upon the people, is in violation of the spirit and promise of the Constitution of our Government. It is in violation of the principles of our Government because we submit to the dictation of capitalists of a foreign nation, voiced, I must admit, for selfish interests, by allies in our own country, who, as I stated in my remarks not many days ago, are resorting to the most extraordinary methods to coerce Congress into enacting a law which will place this Government gress into enacting a law which will place this Government financially at the mercy of the strongest and most exacting monetary people on the globe. There are some of us, however, who, if we could prevent it by lawful means, would never submit to this humiliation. If we did, we would not only degrade ourselves in our own estimation, and in the estimation of our people, but are the believe in the setting time to the stimution of the setting time. as we believe, in the estimation of the people of all civilized na-

Mr. President, if Senators would consent to the passage of the pending amendment, with or without seigniorage, we would, in my opinion, become the greatest of all monetary nations. We are contending for one of the greatest principles of a free people. you believe that our mints should not be open to the coinage

If you believe that our mints should not be open to the coinage of silver from other nations, why not open them to the production of the mines of our own country? I for one believe in the unlimited coinage of both gold and silver. I have no fear of possessing too much metallic money.

While I shall vote for the pending amendment, which restricts the coinage to the product of our own mines, believing, as I do, that no more favorable legislation can be obtained for silver, I can not, since you confine the coinage to the production of our own country, understand why you exact a tribute of one-fifth of that production. Why not exact the same tribute from the owner of gold bullion? Are you afraid that the energy, courage, and skill of the silver prospector and miner will be rewarded beyond his merits? This proposed seigniorage is nothing more nor less his merits? This proposed seigniorage is nothing more nor less

than a tax levied upon the enterprise of the boldest, and for the welfare of all, most desirable, even needful character. Satisfy your consciences on that point and you will satisfy me. But confined to our own product, I certainly think that every principle of justice demands equality for these metals.

The purchase or coinage of a small amount of silver monthly, as suggested in some of the proposed amendments, would save only to degrade the metal still lower; would give it less standing than it now enjoys. In order to give silver a fair test the entire product should be absorbed. Give it a trial, and if our predictions that it will bring prosperity to the nation are not realized, you will then have just cause, and not until then, to legislate against it. It is not just to compromise our principles away, and then hold our cause responsible for disastrous results.

If France, with a population of but little more than half the population of this country, can hold with perfect ease \$700,000,000 in silver the United States can without embarrassment maintain a much greater amount. It is the small transactions that require a large volume of money; large transactions are usually settled by checks or bills of exchange. Silver is therefore the money of the people.

Every laboring man and woman, every business and professional man, every contractor, manufacturer, or others employ-ing men, the head of every family, and every shopman and vender need silver. And if all bills under the denomination of \$5 is withdrawn from circulation as provided in this amendment a very large sum of silver would at once take its place, and would at once perform a much broader function as money; and to further enlarge its usefulness provision should be made requiring banks to hold a portion of their reserve in silver.

Mr. President, I know that objection has been made to the re-

tirement of smull bills on the ground that silver is too bulky to carry. But, Mr. President, in the section where I live we seldom see a bill of less denomination than \$5, and no complaint is heard of silver being cumbersome. The greatest trouble we experience is that we can not obtain enough of it. The question

of supposed convenience is a question of prejudice, if it exists at all, and one which use would most speedily overcome.

Mr. President, Wall street and Broad street continue to flood the Senate and the country with misstatements of facts. The following quotation is from a prominent Wall street institution:

NEW YORK, October 21, 1893.

Still the Senate debate drags its weary course, and still Wall street as wearily waits for its conclusion. If evidence were wanting of the serious effects of this delay, it stands out clearly in the fact that unother of our great railroad corporations has been compelled to seek protection in a receivership. The statement of the Union Pacific's finances, on the application for a receiver is mainly a rectal of the great losses of business pending the late silver depression and the protracted deferment of repeal, and it is very doubtful whether the company would have drifted into its acknowledged bankruptcy had it not been for these drains upon its business.

The Union Pacific is by no means the only one of our railroad corporations that has seriously suffered from this cause, and there is too much reason to fear that, if the silver question were allowed to remain much longer unsettled, other embarrassments may not unlikely result. The signs at Washington, however, are now looking brighter, and we may be permitted to hope that the deadly incubus of suspended legislation will soon be removed from the business and the credit of the country. The people are so positively interesting their unmistakably expressed will, that their attitude is one of impatient waiting rather than despondency; nor is it supposed that even were the repeal measure to fail of adoption in the Upper House, such defeat would amount to anything more than a transient postponement of success. * * * But while this confidence, in the ultimate suspension of silver purchases, serves as a strong support to the market, the delay of that conclusion acts in many ways as a drag upon both values and transactions. It keeps up a reservation in the larger operations of corporate credit, which tends to the embarrassment of railroad innance. It puts obstacles in the way of the resuscitation of important roads now in the process of fluncial reconstruction, and it throws a cortain cloud of suspicion around properties which otherwise would only unqualified confidenc

Mr. President, was there ever a series of statements more misleading than those contained in the article just quoted, especially as to the cause of the financial embarrassment of the Union Pacific as to the cause of the inancial embarrassment of the Union Facino and other Western railroads? If these money-changers would state the actual facts they would say to their customers and to the country that on account of the low price of silver, caused by the closing of the India mints, and on account of the arbitrary ruling of the Secretary of the Treasury, amounting in fact, as I understand the law, to a nullification of the purchasing clause of the Sharman act and with the annumentation that Congress of the Sherman act, and with the apprehension that Congress will repeal the law, many of the mines suspended operations; that orders for mining machinery were countermanded; that merchants cut down their orders for supplies more than one-half, and that as a result of it all the earnings of many of these railroads were reduced more than 50 per cent.

Had it not been for the unfriendly attitude against silver by the Government, whose duty it was to foster and protect it, and for the manufactured continent greated against it by such arti-

for the manufactured sentiment created against it by such articles as the one I have just quoted, the West would to-day be presperous, and all the railroads penetrating that region would

be doing a lucrative business.

How or in what way the destruction of silver can benefit Western railroids, or any roads or lines of transportation p western rating a silver-producing country, is beyond my comprehension. With its total destruction there will be a cessation of work on all silver mines, thereby still further reducing the earnings of the transcontinental roads. If reducing their receipts 60 per cent or more will place these roads on a sound financial basis, then that result is in a fair way to be accomplished.

basis, then that result is in a fair way to be accomplished.

Had the Secretary of the Treasury purchased the full amount of silver as provided by the law of 1890, he would have relieved the West, as it would have placed in circulation in the mining States several millions of dollars, and silver would at the same time be worth much more per ounce than it is to-day. Why there should be such a relentless war upon silver can not be accounted for, unless it be for the sole purpose of yielding to the greed of the English and Eastern money-lenders and security-holders, thereby making a rich class richer at the expense of the great masses, who are toiling to develop the resources of this country, and at the same time to establish fitting homes for

American citizens.

The desire of those who flood us with literature proclaiming that the Sherman law must be repealed, and that there be no further production of silver, have, in my opinion, but one object in view, and that is to concentrate the money of this country and place it in the possession of a few thousand men already enormously wealthy. I do not charge that the President or the Secretary of the Treasury are in collusion with this class, but I must believe that they have given our to them to the extent that they have lost sight of the true interests of the people and the

nation.

Mr. President, we claim that both the Democratic and Republican parties, through the President and their representatives in Congress, have abandoned their pledges to the people. Each party declared their intention and determination to foster The Democratic party went so far as to say and protect silver. in their platform, adopted at Chicago, that the Sherman act of 1890 "was a cowardly makeshift: " * that we hold to the 1890 "was a cowardly makeshift; that we hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver, without discriminating against either metal or charge for mintage.

Mr. President, let me inquire what this declaration means? Can it be interpreted to mean anything else than this: That the Sherman act did not go far enough, and that if the Democratic party was successful at the polls they would repeal the law by substituting an act for free coinage? If they did not mean this why did they proclaim, "we hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver, without discriminating against either metal or charge for mintage?"

The people of the nation believed, and yet believe, that this was an open and sincere declaration for free coinage, and you can

was an open and encere declaration for free collage, and you can not convince them even now that it meant anything else.

What will Congress have accomplished provided the bill for the unconditional repeal of the purchasing clause of the Sherman act of 1890 becomes a law? In reply to my inquiry the historian who records our proceedings will in my opinion say:

First, that both the Republican and Democratic parties violated are of the most secred pledges contained in their platforms and one of the most sacred pledges contained in their platforms and ignored the wishes of the masses of the people. Second, that on the recommendation of the President, and in response to the urgent appeal of foreign and local capitalists, one of the grandest and most important of our resources was undermined and de-That by doing so thousands of our fellow-citizens were made bankrupt; that the savings of a lifetime of industrious and loyal citizens invested in property and in happy and confortable homes were destroyed and their owners left penniless; that we bankrupted counties, cities, and corporations; that in consequence of the destruction of the silver industry railroads

were forced into the hands of receivers.

But, Mr. President, should this bill for unconditional repeal pass and become a law, the people will hereafter have their day in court. The loyalty of both Democrats and Republicans to their party, who are opposed to unconditional repeal and who are advocating free coinage as a substitute, has been questioned. Mr. President, I can answer for myself, for in my own State it is known beyond question that I am and always have been a Republican, not only in name but in principle. We believe, and are willing to go before the people on our statement, that the friends of repeal have violated their party pledges, and that we have not. If the so-called silver Senators could reach the electors of our parties I am confident that we would be sustained, but this privilege is denied us. Believing that we are right, and that we represent a large majority of the people of this country and the true interests of the nation, we will retire from this contest with a clear conscience and clean hands, and with the conviction that we have manfully and with all the energy and ability we could command, defended one of the greatest resources of our country, the honor and integrity of the nation, and the interests of those we have the honor to represent.

Mr. President, discoveries yet made in Idaho do not leave us coal and iron fields equal to those of Colorado, hence our mining population can not turn its attention to those lines of development. Gold mining will of course continue to be a prosperous industry; but with lead-silver mining eliminated, thousands of miners will be thrown out of employment.

We do not admit that our agricultural resources are second to those of any State in the Union. But as much of our agricultural land requires irrigation, hence large investments of money, their development without national aid will necessarily be slow.

Our State debt is small—small in amount, and trifling in the light of our enormous resources. Every State obligation will be light of our enormous resources. Every state obligation will be paid to the utmost cent. But there are counties in the State devoted entirely to silver-lead mining to which the passage of this bill will be a staggering blow. It will be impossible for these counties to meet their obligations until the people are restored to power and invest their great industry with new life, a life that will carry with it happiness and prosperity to every mining and agricultural hamlet in the Republic. The passage of the pending amendment would enable these people to meet their financial obligations and bring prosperity to surrounding agricultural districts.

Our farmers living adjacent to mining districts are already suffering from the lack of industrial activity in the mines. Being far inland they have relied upon the local market for the sale of their produce. The Wilson bill, without the amendment proposed by the Senator from California, will destroy this mar-

Thus all of our people feel most keenly the calamity which will be thrust upon them by the passage of the bill referred to without the amendment.

I feel that we have done all that men could do. Our people are brave, accustomed to privation and disappointment, and possess a courage that never falters. The first shock over, they will welcome the contest which the appeal to the people will bring. Being deserted by their old allies, they are ready to carry bring. Being deserted by their old allies, they are ready to carry on the contest, nothing appalled by the apparent odds; for they believe that they are part and parcel of the whole people and that the masses of all sections must share with them the disasters which these sad days will certainly bring, and that with them they will enjoy the prosperity which will follow a victory bread for the reads. by and for the people.

Mr. President, my heart aches when I think of the utter desolation and distress that will follow unconditional repeal in many localities, not only in my State, but also inother Western States and Territories.

Mr. FAULKNER. I suppose we can have a vote now on the amendment of the Senator from Nevada to the amendment.

Mr. TELLER. Let the amendment to the amendment be read.

I have not heard what it is.

The Secretary again read Mr. STEWART'S amendment.
The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. STEWART] to the amendment of the Senator from California [Mr.

Mr. PEFFER. Before the vote is taken, as the Senator from Nevada is present, I should like to hear an explanation of his amendment as to how it would affect the pending amendment. I do not understand the two to be quite in harmony one with the other; and before I am ready to vote upon it I should like to have an explanation.

Mr. FAULKNER. I will state to the Senator from Kansas that the Senator from Nevada has made a full explanation of the amendment to the Senate. It is hardly fair to those of us who were here and who have staid here and listened to him to impose upon the Senator from Nevada the burden of a reëxplanation of his amendment.

What is the difficulty about my amend-Mr. STEWART. ment?

Mr. PEFFER. I wanted an explanation of the proposed amendment to the amendment so as to learn wherein it differs from the amendment offered by the Sen tor from California.

Mr. STEWART. It differs with it in the first section, where it revives the law of 1837, allowing subsidiary coin to be coined and to be a full legal tender the same as the dollar. As I explained, there is great difficulty in getting subsidiary coin under present system. If you go to any market place you will find great difficulty in finding coin enough to make change. It has not been supplied, and I think we had better return to the old method of allowing the owners of the bullion to deposit it for coining and let them have whatever kind of coin they want. they want dollars let them have dollars. If they want dimes let them have dimes. That is the first section.

Mr. PEFFER. If the amendment proposed by the Senator from Nevada to the amendment should be adopted, how will it

from Nevada to the amendment should be adopted, now with affect the 20 per cent reserve for seigniorage?

Mr. STEWART. It is the same.

Mr. PEFFER. It would leave it the same?

Mr. STEWART. The same. In this amendment the 20 per cent for seigniorage is retained. Of course I am opposed to any seigniorage. If a provision to allow the owners of silver bullion seigniorage. to take it to the mint and have it coined on any terms or at any price can be incorporated in the bill, I shall vote for it. though I think the seigniorage is unjust, I want to eliminate from this discussion the imputation that we are seeking to sell

our silver bullion. We are seeking to sustain the country by furnishing metallic money. Let the silver bullion be taxed as much as you please. Twenty per cent would reduce the price of an ounce of silver to about a dollar and three cents. As I suggested, I desire to have this proposition voted on, and I shall then try another proposition. Twenty-seven per cent would reduce the value of silver bullion to the valuation placed upon the rupee by the recentorder of the Indian commission when they demonstrated silver. Twenty per cent, of course, would make the silver in the silver dollar worth 80 cents, and 27 per cent would make it worth 73 cents. I want to get a vote on both those propositions; I desire to have it eliminated from any further interference with the currency which is contained in the proposition of the Senator from California. That amendment proposes a very radical difference in the currency. That is a matter which can be arranged afterwards; but want to put the proposition before the Senate whether our people shall be allowed to take silver bullion to the mint under any circumstances and have it coined. Although there would be such a seigniorage that probably it would close most American mines and limit the production very much, still if that should be done it would preserve the principle of coining silver for the benefit of the country.

I do not believe at all in the purchase of bullion by the Government. I never asked to have bullion purchased. It is had in principle. If silver is to be a money metal it should be coined as a money metal. I shall vote for it with these limitations upon I should like to have the yeas and nays on my amendment, which is eliminated from the retirement of smaller denominations contained in the other proposition. I do not know exactly how that would effect it. I do not like a limitation on silver. I do not like anything that looks like a limitation.

The second clause looks a little like relegating it to subsidiary coin and as if you wanted to make room for silver. Silver will make room for itself if we give it a chance. It will make room for the prosperity of this country, which does not exist and can not exist without it. To make room for silver is to make room for To drive silver out is to augment adversity, misprosperity. prosperity. To drive silver out is to augment adversity, misery, and degradation. I do not want to have anything in the bill that looks like an apology for using silver. I wish to test the sense of the Senate whether it will let silver go under any circumstances, if the miner is willing to be taxed to any degree, so that there shall be no excuse to sell silver bullion; and if the Senate will let it go on the bill, I shall be very thankful, I should like to have the yeas and mays on that proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. Stew-

ART | to the amendment proposed by the Senator from California

[Mr. PERKINS]

[Mr. Perkins].

Mr. STEWART. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HUNTON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. He is detained from the Chamber by the illness of his wife. If he were here he would vote "nay" and I should vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. Morgan], which I transfer to the Senator from Connecticut [Mr. Hawley], and vote "nay."

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL] who, if present, would I suppose, vote "yea" while I should vote "nay." The Senator I suppose, vote "yea" while I should vote "nay." The Senator from Missouri [Mr. Cockrell] is paired with the Senator from Iowa [Mr. ALLISON]. I suggest to the Senator from Missouri that we transfer our pairs so that the Senator from Iowa and the Senator from Oregon will stand paired and he and I can both vote. I vote "nay."
The roll call was concluded.

Mr. COCKRELL. I vote "yea."
Mr. GORMAN. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present he would vote "yea" and I should vote "nay."

Mr. PALMER. I am paired with the Senator from North

Dakota [Mr. Hansbrough]. I would vote present. How he would vote I do not know. I would vote "nay" if he were

Mr. GRAY (after having voted in the negative). The Senator from California [Mr. WHITE] left the city with the understanding that he is paired with me on all questions concerning the proposed financial legislation. I wish to announce that my pair has been transferred to the Senator from New Hampshire [Mr. CHANDLER]. I have voted.

Mr. PUGH. I desire to announce the pair of the senior Senator from Georgia [Mr. COLQUITT] with the Senator from Iowa

Mr. POGH. I desire to announce the pair of the senior Serator from Georgia [Mr. ColQuitt] with the Senator from Iowa [Mr. WILSON]. If the senior Senator from Georgia were present he would vote "yea."

Mr. PASCO. I desire to announce that the junior Senator

from Georgia [Mr. GORDON] has been called away from the city

on most urgent business and that he is paired with the Senator from South Dakota [Mr. Pettigrew].

Mr. PALMER. I transfer my pair with the Senator from North Dakota [Mr. HANSBROUGH] to the Senator from New Jersey [Mr. McPherson], who is not present, and vote "nay." The result was announced—yeas 29, nays 39; as follows:

	YI	EAS-29.	
Allen, Bate, Berry, Blackburn, Butler, Call, Cockrell,	Daniel, Dubois, George, Harris, Irby, Jones, Ark. Jones, Nev. Kyle,	Martin, Peffer, Perkins, Power, Pugh, Roach, Shoup, Stewart,	Teller, Vance, Vest, Walthall, Wolcott.
	N	AYS-39.	
Aldrich, Brice, Caffery, Camden, Carey, Cullom, Davis, Dixon, Doiph, Faulkner,	Frye, Gallinger, Gibson, Gray, Hale, Higgins, Hill, Hoar, Lindsay, Lodge,	McMillan, Manderson, Mills, Mitchell, Wis. Morrill, Murphy, Palmer, Pasco, Proctor, Quay,	Ransom, Sherman,* Smith, Squire, Stockbridge Vilas, Voorhees, Washburn, White, La.
	NOT	VOTING-17.	
Allison, Cameron,	Gorman, Hansbrough,	Mitchell, Oregon Morgan,	White, Cal. Wilson,

Gordon, Turple,

So the amendment to the amendment was rejected. The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from California [Mr.

Mr. PERKINS. I desire to have the amendment offered by me yesterday read by the Secretary for the information of the Senate, after which I desire to call for the yeas and nays upon the question.

The VICE-PRESIDENT. The amendment will be read.
The SECRETARY. Strike out all after line 13 in the amendment of the committee, already agreed to, and insert:

ment of the committee, already agreed to, and insert:

SEC. —. That the mints of the United States shall be open to the coinage of sliver of proved American production at the same ratio now existing between gold and sliver, with a minting or seigniorage charge of 20 per cent, which shall be paid into the Treasury of the United States.

SEC. —. That hereafter no gold pieces for circulation of a less denomination than \$10 be coined, and no more legal tender, national currency, or Treasury notes of a less denomination than \$5 be issued.

SEC. —. That the holder of any standard sliver dollars which have been or may hereafter be coined may deposit the same with the Treasurer or any assistant treasurer of the United States in any sum, and received therefor notes of denominations of five and ten dollars only, which notes shall have the same legal-tender quality as the coin for which they are exchanged. The coin deposited for or representing the said notes shall be retained in the Treasury for the payment of the same on demand.

SEC. —. That in order to protect the mints against imposition no silver shall be coined under this act except such as 1s produced by smelters or other saving devices situated in the United States, and shall be atamped, harked, or molded as directed by the Secretary of the Treasury, who is hereby authorized to appoint such officers or agents and fix their compensation and prescribe such rules and regulations as may be necessary to carry this act into effect.

SEC. —. That there shall be appointed a commission of five monetary experts, the members whereof shall not be otherwise connected with the Government, whose duty it shall be to keep Congress and the Executive advised on all necessary matters relating to the currency.

Mr. PERKINS. That the question may be voted upon with-

Mr. PERKINS. That the question may be voted upon without any corollary, on the straight proposition whether Congress protect American silver at the average American price at which it has prevailed for the past thirty years, I desire to strike out the last section, blank number, relating to the appointment of a monetary commission, as before stated.

Mr. FRYE (to Mr. PERKINS). You have a right to modify

your amendment.

Mr. HARRIS. The Senator from California has a right to Mr. HARRIS. The modify his amendment.

Mr. PERKINS. Then I desire to withdraw from my amendment the last five lines, 27 to 31, inclusive, relating to the appointment of a commission of five monetary experts.

The VICE-PRESIDENT. The amendment will be so modi-

Mr. PERKINS. Now, I desire to have the question taken on the amendment by yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded

to call the roll.

to call the roll.

Mr. QUAY (when Mr. CAMERON'S name was called). On this question my colleague [Mr. CAMERON] is paired with the Senator from Maryland [Mr. GORMAN]. If my colleague were present he would vote "yea."

Mr. COCKRELL (when his name was called). As announced on the previous vote, I have been paired with the senior Senator from Iowa [Mr. ALLISON], but that pair is transferred to the Senator from Oregon [Mr. MITCHELL], so that the Senator from Wisconsin [Mr. VILAS], and I will vote. I vote "yea."

Mr. GRAY (when his name was called). I have a general pair on this subject with the Senator from California [Mr. WHITE], which pair, as I have heretofore announced, has been transferred

which pair, as I have heretofore announced, has been transferred to the Senator from New Hampshire [Mr. CHANDLER]. I vote

Mr. HUNTON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were here he would vote "nay" and I should vote "yea."

Mr. PALMER (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. HANSBROUGH].

I should vote "nay" if he were present.

Mr. PETTIGREW (when his name was called). I am paired on this question with the Senator from Georgia [Mr. Gordon]. If he were present I should vote "yea."

Mr. GORMAN. I want to suggest to the Senator from South Dakota that he transfer his pair with the Senator from Georgia to the Senator from Pennsylvania [Mr. CAMERON], and he and I can both vote.

Mr. PETTIGREW. I have no objection to that arrangement.

Mr. PETTIGREW. I have no objection to that arrangement. I vote "yea."

Mr. QUAY (when his name was called). I again announce that my pair with the Senator from Alabama [Mr. MORGAN] has been transferred to the Senator from Connecticut [Mr. Haw-LEY]. I vote "nay."

Mr. VILAS (when his name was called). Under the announcement of the transfer of my pair with the Senator from Oregon [Mr. MITCHELL], to the Senator from Iowa [Mr. ALLISON], I am at liberty to vote, and vote "nay."

The roll call was concluded.

The roll call was concluded.

Mr.PASCO. Under the transfer of pairs announced, the Senator from Georgia [Mr. GORDON] stands paired with the Senator from Pennsylvania [Mr. CAMERON]; and at the request of the Senator from Georgia I wish to state that he would vote "nay" if present, and that he has been called away from the city upon urgent business. I shall not make the announcement again to-

The result was announced—yeas 30, nays 41; as follows:

١	A 43.73.5 00.				
The rest of the last of the la	Allen, Bate, Berry, Blackburn, Butler, Call, Cockrell, Coke,	Daniel, Dubois, Faulkner, George, Harris, Irby, Jones, Ark. Jones, Nev.	Kyle, Martin, Perkins, Pettigrew, Power, Pugh, Roach, Shoup,	Stewart, Teller, Vance, Vest, Walthall, Wolcott.	
l		NAYS-41.			
	Aldrich, Brice, Caffery, Camden, Carey, Cullom, Davis, Dixon, Dolph, Frye, Gallinger,	Gibson, Gorman, Gray, Hale, Higgins, Hill, Hoar, Lindsay, Lodge, McMillan, McPherson,	Manderson, Mills. Mitchell, Wis. Morrill, Murphy, Pasco, Peffer, Proctor, Quay. Ransom, Sherman,	Smith, Squire, Stockbridge, Turpie, Vilas, Voorhees, Washburn, White, La.	
		NOT VOTING-14.			
	Allison, Cameron, Chandler, Colquitt,	Gordon, Hansbrough, Hawley, Hunton,	Mitchell, Oregon Morgan, Palmer, Platt,	White, Cal. Wilson.	

So the amendment was rejected.

Mr. BERRY. I offer an amendment as a proviso to the bill.
The VICE-PRESIDENT. The amendment will be read.
The SECRETARY. Add to the amendment of the committee already agreed to the following proviso:

Provided, That the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," requiring the purchase monthly of not less than two million and not more than four million dollars' worth of silver bullion and the coining of the same as f st as purchased into standard silver dollars, be, and the same is hereby, revived and reënacted into full force and effect.

Mr. BERRY. Mr. President, the amendment that I have proposed, if the Senator from New Jersey [Mr. McPherson]

will give me his attention for a moment, simply provides that, when the Sherman law is repealed, or the purchasing clause of it, the Bland-Allison act of 1878, which was repealed at the time of the passage of the Sherman law, shall be revived and remain in full force and effect. That is the simple effect which the amendment would have upon the bill, if it became a part of it and was then passed.

and was then passed.

In offering the amendment, Mr. President, I desire to say that it is not what I prefer. It is not what I would rather have. If I could have my will in the premises, I would have an amendment adopted to the bill which would provide for the free and unlimited coinage of silver at the ratio of 16 to 1, and that that should become a part and parcel of the law of this land. In that I believe. But a majority of the Senate voted against this on yesterday. If there was any hope of securing that, I would not vote to revive the Bland-Allison act, because it contains provisions that I do not fully approve, but I offer this amendment in the nature of a compromise. I have offered it as a proposition that, it has seemed to me from the time this session began, all the Democrate at least could stand upon until such time as we could agree upon what should be the final policy of the party in regard to the finances of this country.

regard to the finances of this country.

The Senator from Delaware [Mr. GRAY] some weeks ago in a very able and a very fair speech made here, in construing the Democratic platform which was adopted at Chicago, and about which there has been so much dispute, stated on the floor of the Senate that the Democrats are agreed that there was a declaration in that platform in favor of the repeal of the Sherman law—the Sherman law, bear in mind—not one section or clause of it, but the entire law. I agree with the Senator from Delaware that the platform did so declare.

He admitted very fairly that the platform declared further that the Democratic party committed itself to bimetallism and the coinage of both gold and silver upon such terms as would cause each to circulate upon terms of equality, and that each would have the same purchasing power. I agree with the Senator from Delaware in that proposition. He furthermore said that the platform provided that this might be done either by international agreement or by legislation; that he and those with whom he was acting believe in doing it by international agreement, and others on this side of the Chamber, including myself, believe in doing it by legislation; and that at this particular juncture and time we can not settle that question.

In all of that I agree with him; but, Mr. President, while we are waiting for the time to come when that settlement shall be had, I ask him if it is fair to other Democrats that silver shall be demonetized altogether, and that no provision shall be made for the coinage of a single dollar of it.

I assert that if this law is to be repealed, and while we are waiting to agree upon legislation, it would be fair to all Democrats that we reinstate the conditions that existed at the time this obnoxious law was passed. Let us reënact the law which this one repealed, and let it stand as a law until Democrats agree whether the two metals shall be put upon an equality by international agreement or by legislation. That, it seems to me, would be fair dealing between members of the same party, all of whom aided in the election of a Democratic President; and if you are disposed to mete out justice to us, there ought to be no objection to it on this side of the Chamber.

Mr. President, those of us who have come from Southern States, who believe in free silver, who are committed to it, who believe that our party was committed to it, have sat here from day to day and week to week, and have seen ourselves denounced by so-called Democratic papers, denounced for every conceivable crime in the calendar because we have dared to vote our honest convictions, and as our people at home behind us demand that we shall vote. We have promised them upon a hundred stumps that we would stand by free coinage. We have kept our words. All weasked was that the party should carry out its party pledges, and for that we have been denounced again and again, and while we have submitted to this we have lost no opportunity to try to urge upon this side of the Chamber some measure upon which all Democrats can unite.

When we first came here we offered to go into a Democratic caucus, either of Democratic Senators or both Democratic Senators and Democratic Members of the House. That was indignantly and contemptuously refused us. When we staid here from week to week while the fight went on, remained in our seats and answered the roll call, and then twenty-two free silver Democrats on this side of the Chamber gave a written statement upon which we pledged our honor to go into a Democratic caucus of Senators and abide by and vote for whatever a majority of the Democratic Senators would say, that was refused us. Finally, in the interest of Democratic harmony, we, together with other Democratic Senators who did not agree with us, thirty-seven of us in all, twenty-one of whom were silver Democrats, signed a pro-

posed compromise which did not meet our views, in which we did not fully believe, in the hope that we might unite this side of the Chamber, so that we could all stand in harmony, if possible, with the Democratic Administration.

But every offer we have made has been refused; there has been no concession whatever made to us here. You seem determined that you will force this thing upon us as it is without a single letter of amendment. It may seem right to you, but I am compelled to say that it seems unfair and unjust to us. It will be a bitter lesson that goes to the people in the Southern land, men who have for twenty-five years through evil report and good report, through difficulties and dangers that no one who has not lived in that section can comprehend, stood by the Democratic party; who have supported such nominees from the East and the North as were selected for them to support, who have never faltered in their courage or in their devotion to Democratic principles. When we go back to them and we are compelled to tell them, "Your Democratic brethren from the North would make no concession, we could get nothing," it will be a bitter lesson to them.

Mr. President, I regret that it is so. I should be sorry to believe that there are any men on this side of the Chamber who take a pleasure in obtaining a victory over that class of men and over us, and especially when that victory is obtained under the leadership of the Senator from Ohio, backed by an overwhelming majority of the lifelong enemies of the Democratic party. But if you will not do it; if you are determined that we shall take it this way, and will make no concession, we can only make the record in accordance with our belief and cast our votes in favor of a proposition of compromise, of every amendment friendly to silver, and if all is refused then cast our votes against the bill.

silver, and if all is refused then cast our votes against the bill.

Mr. President, I regret that such is your determination: but
if you will have it so, I hope and trust and believe that the Democrats throughout the South will do in the future as they have
done in the past, rally around the Democratic banner and the
Democratic flag and fight it out inside of the lines of the Democratic party until we gain all that we thought was promised us
at Chicago.

at Chicago.
Mr. VOORHEES. Mr. President, my great respect for the Senator from Arkansas and something that I think is due to the situation impels me to say a few words at this time.

situation impels me to say a few words at this time.

There are many things which have been proposed, and will be again proposed on this floor in connection with the pending bill as amendments that under different circumstances would meet my approval. At this time I feel charged with a duty to have the bill passed if possible without any incumbrance at all. For ten weeks and more we have talked on that line. At this late hour, however much I might approve any amendment, I would not feel at liberty to support it in connection with this measure.

at liberty to support it in connection with this measure.

Senators seem to forget that there is a day beyond this. They seem to forget that there is a to-morrow, a next week, and a time besides the present to transact business and to lay down public policies. I do not expect financial legislation to expire with the present session. I do not expect the policy of the Government or of the present Administration to be circumscribed by one act. We undertook to repeal a bad law, a law that seemed to vitiate and taint the confidence in this country. Whether it did all that had been done I will not stop to inquire, but that it was charged with having done it, and that it was a pretext for breaking down public confidence is beyond question.

Whether it did all that had been done I will not stop to inquire, but that it was charged with having done it, and that it was a pretext for breaking down public confidence is beyond question.

Mr. HARRIS. Will the Senator from Indiana allow me?

Mr. VOORHEES. Certainly.

Mr. HARRIS. I wish to suggest to him that he is strong to-day because of allies over yonder; but as to those propositions which he could approve to-day but for his desire to pass this bill without amendment and without change, when he shall report or offer any one of them his allies there are gone; they are

in the camp of the enemy, and he will find himself powerless then, however potent he may be to-day.

Mr. VOORHEES. Mr. President, there are some men who are sufficiently wise to-day to be able to forecast the future. The Senator from Tennessee seems to know all things, not merely for now but for all time to come. He determines what will be done over yonder next week, or next month, or in December next. So far as allies or help over there is concerned I think he would

be about as weak without his allies over there as anybody I know. So I need not be reminded on that subject.

The strongest man in the whole camp—I salute him—is the Senator from Colorado [Mr. Teller]. I see that a splendid officer of the Government has been degraded because he saluted the flag of an insurgent. I salute the flag of the Senator from Colorado, who has surrendered to an inevitable force. I salute him with all the honors of war as he passes off the field. But as to the prediction of the Senator from Tennessee it passes me for naught. It was not for that that I rose; but I desire to say in the discharge of a duty which has fallen upon me as an humble

instrument of the public will and the Providence that reigns over us all, I shall ask this body to cumber the pending bill with nething.

My good friend, who sits on my right, the Senator from Kentucky [Mr. BLACKBURN], for whom I would go as far as I would for any living man, has an amendment to offer. I said to him a little while ago that it pains me to vote against anything he would offer upon this floor; but we have made our battle, and I desire to pass the bill in order to wipe from the statute books of this country a pernicious law. You all admit it is a pernicious law. The men who voted for it admit it. The distinguished author even, with a manliness that does him honor and credit, here today admits that the experiment failed which he had hoped might succeed. The friends of silver made a fatal mistake in fastening it upon the statute book.

ing it upon the statute book.

All I have undertaken is to clear the deck, as I have said before, for free action hereafter. And I do not intend to be bound by votes which I shall give here against amendments in regard to the merits of those amendments. I give my votes against them because they are amendments to a bill that ought to be passed without amendment; and then an opportunity will be given for freer, fairer, and more deliberate action than we can have in connection with a measure like this.

I have been induced to say this because of the great respect and affection I bear to the Senator from Arkansas, and for the kind of men whom he represents in the South.

While I am on my feet I may venture a few words more. I had thought not to say anything till the end, but I may as well say a few words now bearing upon the present situation.

I listened to the Senator from Ohio to-day with great interest,

I listened to the Senator from Ohio to-day with great interest, as I always do, not that I approve of his views very often; but inasmuch as his views expressed to day relate somewhat to the position I have taken in regard to this matter, I may be pardoned a word. He announced here to-day that I had opposed the amendment he contemplated offering to authorize the issue of Government bonds. I did. I said, however much I might approve such a measure, though not saying that I did approve it, I would disapprove it here and now.

I said the same thing to the Senator from South Carolina [Mr. BUTLER] in regard to his great amendment, an amendment looking to the rehabilitating and recognizing the banks in the States, taking away from great money centers their supreme control over the money questions. I believe that State banks, under proper circumstances, can be safely trusted in our monetary system. The Senator from South Carolina, with great ability, has argued that question upon this floor. He has an amendment pending here. I told him to-day (as I said from my place here on the 22d day of last August in opening this debate, when I elaborated the idea and discussed it in view of the decisions of the Supreme Court of the United States) that I am in favor of repealing the unconstitutional 10 per cent tax on State banks; yet that I shall have to vote against his amendment, which I heartily approve, because it is put in a connection that would be

I think it was Mr. Burke who said that statesmanship is the science of circumstances. Circumstances control men's votes and men's actions, and the circumstances of this bill warrant me, compel me to ask the friends of the measure to vote upon it straight and to vote down all amendments however just they might be as separate and independent measures. I see the press has announced that I said I regard motion to amend this bill as an unfriendly act to the bill. That is true. I said it. I say here now that an amendment offered to the bill and voted for to the bill, is an act of unfriendliness to the bill. Of course any Sen tor has the right to do it: and I have the right to speak of

Senutor has the right to do it: and I have the right to speak of it in this way, with entire respect to his voting.

A word or two more, Mr. President. I have not felt myself at liberty to volunteer measures of relief for the Treasury until I am notified that the Treasury needs assistance. I have profound respect and confidence for and in the Secretary of treasury. I have profound respect in the ability, the care, the prudence, the safety of judgment of the President of the United States and the Secretary of Treasury combined. They have asked for no assistance as yet; and I do not feel warranted in asking the Finance Committee of the Senate to volunteer something that is not asked, and something that might not be ap-

In the tirst place, Mr. President, I have had no note of alarm; I have seen no signal of distress put up over the Treasury building; and even if I had, I would then want to know in what shape assistance was needed. If signal guns were fired I would want to know from the head of that great Department in what form they desire the assistance of the legislative department. Until that is done, I say with great respect to the distinguished Senator from Ohio, I do not know how he or I can formulate a proposition to assist a condition we are not advised of officially.

I stood here last February and advocated a modification of existing law on the subject of the issuance of bonds, to the effect that the Secretary of the Treasury might be authorized to issue bonds of shorter date and lower rate of interest. I believe that the present law, the enactment of 1875, gives the authority today. The Secretary of the Treasury, than whom there is no better lawyer believes the same thing.

better lawyer, believes the same thing.

I happen to have known John G. Carlisle where others, perhaps, have not known him. I have known him in the courts, and he is a lawyer amongst lawyers; not a lawyer on the books, but a lawyer equipped; not a lawyer out of practice, not a lawyer long relieved from the trial of cases; and when he says to me that he believes he has authority under the act of 1875 to issue bonds, I believe him; yet I believe we ought, when we reach that question, to modify that law to the extent of authorizing a shorter bond and one of lower interest, and to do that, not in the interest of the bond buyers or bondholders, but in the interest of the public, in the interest of the taxpayers. I think the Senator from Ohio is right in many portions of his views. I understand him to occupy the position which I do, that if bonds are to be issued they should be issued for shorter terms and at a lower rate of interest, so that the people may take the bonds and deposit them in the savings banks, and that they shall not go into the hands of bankers as the foundation for national banking to the extent they are now doing.

But, sir, "sufficient unto the day is the evil thereof." We

But, sir, "sufficient unto the day is the evil thereof." We have no need to jump a ditch until we get to it. When this legislation is completed, when we are free from the incubus which rests upon the public confidence, when the national nightmare is removed, we can then take up the subject in a wholesome way and legislate upon it. Whether it then results in the adoption of the amendment offered by the distinguished Senator from Arkansas [Mr. Berry], or in any other measure, we can address ourselves to it fairly and well.

In the meantime, Mr. President, let me give this assurance, for I do not want to be upon the floor again in this debate: The public credit will be taken care of. Let no man gainsay the safety of our currency or of our obligations under this Administration in the very 1892.

tration in the year 1893.

The Democratic party is devoted to the honor of the country. Its honor is allied to and embedded in the integrity of its finances. Whatever may have been fashionable on the Republican sida heretofore, and on the stump in the way of debate, in showing that among the Democratic Senators are men from the South who had been leaders in the Confederate army, and who care not for the honor of the Government, its money, or its flag, it is not so, gentlemen. We have the courage and the patriotism to stand upon a high level, to protect every element of honor, of integrity, of safety, which has ever been known to this Government, and we shall not falter on the way.

Let the old notions of Republican leader pass away, for they

Let the old notions of Republican leader pass away, for they do not apply to the present condition; they never did apply; and less now than ever before.

There is not a Senator on this side of the Chamber—some of them sit around me with feet in the grave, some of them crippled, halting, coming here upon crutches; but there is not one of them whose fidelity to the national honor is not fully equal, beyond all question of debate or comparison, with that of any Senator who sits upon the other side of the Chamber; and I say it without the slightest hesitation or modification. The Republican party has no longer any monopoly on this subject, and when the Senator from Ohio [Mr. Sherman] sounds the note of alarm and says that something must be done to protect the national credit, I say to him the national credit is in safe hands at this time. Never was it in safer hands.

We may differ and divide amongst ourselves on this side of the Chamber, but we shall do so without acrimony; we shall do so without impugning each other's motives, and on the great touchstone question of national honor we shall come together at a mo-

ment's call.

Mr. President, I have been betrayed into saying more than I had expected to say, but I believe I can not dismiss the subject or the occasion without a few parting words to the Senators who come here from the great silver States.

come here from the great silver States.

We have fought a long contest. I have been criticised for my bearing to those men. Great esthetic journals, calling themselves journals of civilization, have criticised me because I have said no abusive words of those gentlemen. These journals have

said no abusive words of those gentlemen. These journals have said the time had come to say offensive and had things.

I opened this discussion, as I remarked a little while ago, on the 22d day of August, and I spoke here my sentiments then in regard to the silver States of this Union and their representatives. To-day, as this contest is closing. I wish to repeat by simple reference every word I said of them and to them at that time. They have fought their battle gallantly and well, held their ground; and now, in this parting hour, there is not a manly heart

but goes out to such utterances as we listened to last evening from the senior Senator from Colorado [Mr. Telles], and again this morning from the junior Senator from Colorado [Mr. Wol-

cort. Nobody who heard those utterances will feel any vain spirit of triumph in this hour.

I feel, Mr. President, and the men who have acted with me feel, that we have acted for the best interests of the country. On that point others differ from us, but we feel with them, and in the hour of triumph we have nothing but respect for those on this side of the Chamber and on the other side of the Chamber who have held different views

This much, Mr. President, I thought it was becoming in me

to say.

Mr. McPHERSON. Mr. President, I have no desire to prolong this discussion; but, unfortunately last evening, in my contention with the honorable Senator from Nevada [Mr. JONES], in my desire to convert him from the error of his ways, I was almost put in the position of an obstructionist. I do not propose to repeat that experiment. There seems to be a desire on all sides of the Chamber to proceed to a vote. We have now been here for nearly three months discussing this question; and as the Senate has expressed a desire to vote, and while the spasm

the Senate has expressed a deare to vote, and wante the spasm lasts, I do not intend to offer anything by way of delay.

I wish to say, however, in answer to the honorable Senator from Arkansas [Mr. Berry], who has just addressed the Senate, that I want no Illusions upon this question and no deception when the vote shall have been taken. I differ with the honorable Senator that either the Democratic convention, the President, or the friends of repeal in this Chamber have ever advocated the policy of the absolute and unconditional repeal of the Sherman law in its entirety. To repeal the Sherman law in

its entirety means-Mr. BERRY. V Will the Senator permit me to ask a question? Mr. McPHERSON. In a moment, when I get through with

this sentence To repeal the Sherman law in its entirety means that one hundred and fifty millions of Treasury notes shall be left without a redeemer either in gold or silver. To do such an act as this would leave the Democratic party more in need of a redeemer than the Treasury notes themselves. Mr. BERRY. Will the Senator now permit me to ask a ques-

Mr. McPHERSON. Yes.
Mr. BERRY. The Senator said he denied that the national Democratic convention ever declared in favor of the repeal of the Sherman law. I assert that that declaration has been read fifty times, or at least a large number of times, on the floor of the Senate and from the desk; and there is not one word in the Democratic platform about the purchasing clause of the Sherman

The Senator says the repeal of the Sherman law in its entirety would leave \$150,000,000 of Treasury notes unprovided for. I assert that that \$150,000,000, if that law be repealed, would be as much provided for as the greenback currency is to-day. They stand precisely on the same footing. The Senator's statement that the \$150,000,0 0 of Treasury notes would be unprovided for is, I think, not justified by the law.

repeat that the Democratic platform declared in favor of repealing the Sherman law, and said nothing about the purchasing clause of that law. If the Senator from New Jersey does know that he certainly ought to know it.

Mr. McPHERSON. I do not know it, and I do not think there is a man in this country who does know it, in the sense the Senator now states it, which is in effect to issue one hundred and fifty millions of new paper with no promise of redemption.

Mr. BERRY. If the Senator will read that plank in the Democratic platform he will find that I am correct.

Mr. McPHERSON. It was not the intention of the Democratic convention, or the intention of the friends of repeal upon this side of the Chamber, to imperil in any way, shape, or form the notes issued to the amount of \$150,000,000, except by some other coin redemption.

Mr. BERRY. Will the Senator permit me there?
Mr. McPHERSON. Not at present.
Mr. BERRY. Will the Senator permit me to read from the
Democratic platform?

Mr. McPHERSON. I want to say, if the Senator will permit

me to finish my sentence Mr. BERRY. All rig

Mr. BERRY. All right.
Mr. McPHERSON. The Democratic platform was a general enunciation of principles. The Democratic platform certainly did not and could not declare a policy which would, after the issue of \$150.000,000 of Treasury notes, leave them unprotected by any coin redemption whatever; and I do not want the Democratic platform. eratic party committed to any such policy. I will now hear the Senator.

Mr. BERRY. If the Senator will permit, as he has made a square issue of fact with me as to what the Democratic platform declares, and puts such a construction as he sees proper and which was never intended to be put upon the declaration made by the Democratic convention at Chicago, I shall read it:

SEC. 7. We denounce the Republican legislation known as the Sherman act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal:

That is all that relates to the repeal of the Sherman law. have heard most remarkable statements made by the Senator from New Jersey on this floor in regard to finances, and they have been usually matters of opinion. This, however, is a question of fact as to the language employed. How can the Senator assert that the Democratic platform declared in favor of the repeal of the purchasing clause of the Sherman act, when it says in plain language which can not be mistaken:

We denounce the Republican Jerislation known as the Sherman act of 1800.

Mr. McPHERSON. Very well. My answer to the Senator is simply this, that necessarily all platforms of political parties are general enunciations of the principles of the parties. The Democratic convention, after the Sherman law had been three years upon the statute books and after \$150,000,000 of Treasury notes had been issued under that law upon deposits of silver bul lion, could not, for a single moment, have believed or thought that it was proper to repeal the whole Sherman law and leave those notes entirely without any protection except a mass of silver bullion and no power even to sell it; and the Democratic convention and no power even to sell it; and the Democratic convention had no such idea. I have never heard such an argument made on this side of the Chamber by the friends of repeal as has been urged by the Senator from Arkansas, that that was the policy of the Democratic party.

Mr. HOAR. I should like to ask the Senator from New Jersey if it is not barely possible that the person who wrote that sentence in the Democratic platform did not know what he was writing about and did not work that the person who was the senator and did not know what he was

writing about and did not mean anything? [Laughter.]
Mr. McPHERSON. No; I will not say that. That is no argument, let me say to the Senator, and yet it is quite as reasonable as some other statements here made.

Mr. PASCO. I should like to ask the Senator from New

Jersey if the statement which he has just made is not an argument against the unconditional repeal of the Sherman act?

Mr. McPHERSON. Not at all. The unconditional repeal of the Sherman law, as we find it in the Senate to-day, is as to the purchase of sliver bullion, and the safety of the Treasury notes we have already issued on the purchases of silver. The Demo-cratic party would be unfaithful to every pledge made to the people, and it would be unfaithful to itself, and surely the Democrutic party did not mean when it made the platform it did in Chicago, that they were to imperil the parity between gold and silver in this country, and leave \$150,000,000 of Treasury notes. if the Sherman law had been unconditionally and absolutely repealed, without even a provision which would provide for them

a redeemer in silver coin, not to speak of gold coin.

Mr. BUTLER. May I not suggest to the Senator from New
Jersey that when that provision was put in the Democratic platform the convention might have contemplated some provision of law which would have taken care of that \$150,000,000 of Treasury notes?

Mr. McPHERSON. It contemplated nothing except what it said, that the party favored repeal of the Sherman law. does that mean

Mr. BUTLER. If that is the case, the Senator from Arkansas

is right.

Mr. McPHERSON. It means that the purchases of silver bullion under the Sherman law shall be stopped.

Mr. VANCE. Will my good friend from New Jersey allow me to say a word to him?

Mr. McPHERSON. Certainly.

Mr. VANCE. The Chicago platform does not declare for either the repeal, partially or totally, of the Sherman law. It only declares that that law is fraught with such possibilities of danger and such mischiefs in the future that its author ought to

denger and such mischiefs in the future that its author ought to be ashamed of himself. [Laughter.] Mr. McPHERSON. I think we have ocular proof that its author is ashamed of himself. It has been charged on the floor of the Senate that it was perhaps owing to a suggestion made by the Senator from Ohio, in an interview last fill in the State of Ohio, that the President of the United States had been induced to recommend the repeal of the purchasing clause of the Sherm nlaw.

Now, I wish to say to the honorable Senator from Ohio, that if he has been the cause of this beneficent legislation, if he has fathered it, I hope when history makes up its final and impartial judgment it will exactly divide the honors between the Presi-

dent of the United States and the honorable Senator from Ohio, because, certainly the Democratic platform, if construed in the light of reason, provided for nothing except that we should discontinue the purchases of silver. To say in the presence of 67,000,000 of people in this country, that the Democratic party was so wanting in intelligence, was so wanting in common honesty, that they had incorporated in their platform a provision which required that \$150,000,000 of paper money which had been issued should have no redeemer whatever provided for them, is absurd and ridiculous. The Democratic platform left to Congress the express of the legislative powers reconstructed. and ridiculous. The Democratic platform left to Congress the exercise of the legislative powers necessary to enforce the general principles therein enunciated. The intelligence and patriotism of a Democratic Congress was thought quite sufficient to guard the country from such a calamity; and the present Congress is likely to prove equal to the occasion.

Mr. HILL. There seems to be a dispute as to how much the Senate knows in regard to the silver question. If, after three exercities departs are described as the property of the silver question.

months' debate, we do not know all that is to be known on the subject, I think we labor under a grave imputation. In my judgment, we know enough to-day to be able to vote upon this question, and the sooner we take the vote the better. We shall

question, and the sooner we take the vote the better. We shall never know any more about the question than we do now.

Mr. BUTLER. I suggest that if the Senator from New Jersey [Mr. MCPHERSON] does not stop his obstructive tactics I shall have to call upon the Senator from New York [Mr. HILL] to apply the cloture. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. BERRY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OULAY (when Mr. CAMERON'S name was called). Mycol-

Mr. QUAY (when Mr. CAMERON'S name was called). My coleague [Mr. CAMERON] is paired with the Senator from Georgia

Mr. HUNTON (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present he would vote "nay," and I should vote "yea."

Mr. PALMER (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. HANSBROUGH].

my pair with the Senator from North Dakota [Mr. HANSBROUGH]. If he were present, I should vote "nay."

Mr. QUAY (when his name was called) I desire to state that my general pair with the Senator from Alabama [Mr. MORGAN] has been transferred to the Senator from Connecticut [Mr. HAW-LEY], and I vote "nay."

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. I suggest to the Senator from Missouri [Mr. COCKRELL], who is paired with the Senator from Iowa [Mr. ALLISON], that we transfer our pairs, so that the Senator from Iowa will stand paired with the Senator from Oregon, and the Senator from Missouri and I will be at liberty to vote.

at liberty to vote. Mr. COCKRELL. That is satisfactory to me.

Mr. COCKRELL. I vote "nay."

Mr. COCKRELL. I vote "yea." I presume the Senator from Iowa [Mr. Allison], if present, would vote "nay," although this amendment proposes to reënact the law, partly bearing his

mane. [Laughter.]

Mr. PERKINS (when the name of Mr. WHITE of California was called). My colleague [Mr. WHITE of California] is paired upon this question with the Senator from Delaware [Mr. GRAY]; but that pair has been transferred to the Senator from New Hampshire [Mr. CHANDLER]. My colleague if present would vote "yea" on this question, and I am informed the Senator from New Hampshire would vote "nay."

The roll call was concluded. Mr. PUGH. I wish to announce that the Senator from Georgia [Mr. Colquitt] would vote "yea" if he were present and not paired with the Senator from Iowa [Mr. WILSON].

The result was announced—yeas 33, nays 37; as follows:

	Y	EAS-38.	
Allen, Bate, Berry, Blackburn, Butler, Call, Cockrell, Coke, Daniel,	Dubois, Faulkner, George, Harris, Irby, Jones, Ark. Jones, Nev. Kyle. Martin,	Pasco, Peffer, Perkins, Pettigrew, Power, Pugh, Roach, Shoup, Squire,	Stewart, Teller, Vance, Vest, Walthall, Wolcott.
	N	7AYS-37.	
Aldrich, Brice, Caffery, Carey, Cullom, Davis, Dixon, Dojph.	Gibson, Gorman, Gray, Hale, Higgins, Hill, Hoar, Lindsay,	McPherson, Manderson, Mills, Mitchell, Wis. Morrill, Murphy, Proctor, Onav	Smith, Stockbridge, Turple, Vilas, Voorhees, Washburn, White, La.

Frye, Gallinger,

NOT VOTING—15.				
Allison, Camden, Cameron, Chandler,	Colquitt, Gordon, Hansbrough, Hawley,	Hunton, Mitchell, Oregon Morgan, Palmer,	Platt, White, Cal. Wilson.	

So the amendment was rejected. Mr. ALLEN. I offer the amendment which I send to the

The VICE-PRESIDENT. The amendment will be stated. The SECRETARY. It is proposed to add after the word "repealed," in line 13, the following:

pealed," In line 10, the lollowing.

Provided, That hereafter standard silver shall be coined at the several mints of the United States into dollars, half dollars quarter dollars, and dimes, at the present ratio of legrains of standard silver to 1 grain of standard gold, under the same conditions as to mintage and other charges that are now or may hereafter be in force with reference to the coinage of gold. And it shall be the duty of the Secretary of the Treasury, without necessary delay, to cause all uncoined silver bullion owned by the Government of the United States to be coined into standard silver dollars. All money coined under the provisions of this act shall be a full legal tender for all debts, public and mylvate. lic and private

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. ALLEN. I ask for the yeas and nays on the amendment.

Mr. ALLEN. I ask for the yeas and nays on the amendment. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. QUAY (when Mr. CAMERON'S name was called). I again announce the pair of my colleague [Mr. CAMERON] with the Senator from Georgia [Mr. GORDON].

Mr. COCKRELL. I announce for the day that my pair with the senior Senator from Iowa [Mr. ALLISON] has been transferred to the Senator from Oregon [Mr. MITCHELL]. That leaves the Senator from Wisconsin [Mr. VILAS] and myself free to vote. I vote "yea."

Mr. PALMER (when his name was called). I again announce my pair with the senior Senator from North Dakota [Mr. HANSBROUGH]. If he were present I should vote "nay."

Mr. QUAY (when his name was called). My pair with the Senator from Alabama [Mr. MORGAN] having been transferred to the Senator from Connecticut [Mr. HAWLEY] I vote "nay."

This arrangement is to extend throughout the session to-day.

The roll call having been concluded, the result was announced—yeas 31, nays 41; as follows:

yeas 31, nays 41; as follows:

	Y	EAS-31.	
Allen, Bate, Berry, Blackburn, Butler, Call, Cockrell, Coke,	Daniel, Dubols, George, Harris, Hunton, Irby, Jones, Ark. Jones, Nev.	Kyle, Martin, Pasco, Peffer, Pettigrew, Power, Pugh, Roach,	Shoup, Stewart, Teller, Vance, Vest, Walthall, Wolcott,
	N	AYS-41.	
Aldrich, Brice, Caffery, Carey, Cullom, Davis, Dixon, Dolph, Faulkner, Frye, Gallinger,	Gibson, Gorman, Gray, Hale, Higgins, Hill, Hoar, Lindsay, Lodge, Manderson, McMillan,	McPherson, Mills, Mitchell, Wis. Morrill, Murphy, Perkins, Platt, Proctor, Quay, Ransom, Sherman,	Smith, Squire, Stockbridge, Turpie, Vilas, Voorhees, Washburn, White, La.
	NOT	VOTING-13.	
Allison,	Colquitt,	Mitchell, Oregon	Wilson.

Chandler,	Hawley,	White,	Cal.
So the am	endment was re	jected.	
Mr. PASC	O subsequeatly	said: The	Senator from West Vir-
ginia [Mr. C	AMDEN was un	expectedly	called from the Chamber
a short time	ago and I had	arranged t	o be paired with him, but
forgot it in	he excitement	attendant	upon the last two votes. I
now desire t	o have unanimo	us consent	to be allowed to withdraw

my vote.
The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida to be allowed to withdraw his vote? The Chair hears none.

I desire to submit an amendment, which Mr. BLACKBURN. is on the Secretary's desk. I ask that it may be now read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add to the bill the follow-

ing:
SEC. 2. That on and after the 1st day of January, 1894, any mine owner or smelter producing silver which is derived exclusively from mines situated in the United States or its Territories, and which is of the required fineness, may present the same at any of the mints of the United States, and the same shall be coined free into silver dollars of the present standard, except the seigniorage hereinafter provided for, if presented in sums not less than \$100.
SEC. 3. That on the ist day of each mouth the Secretary of the Treasury shall establish the seigniorage for each following month.
SEC. 4. That the seigniorage for each following month.
SEC. 4. That the seigniorage for each of lowing month.
SEC. 5. That the seigniorage for the coining silver shall be the difference between the market price of silver builton and the minted value after coined, which seligniorage shall not be coined but shall be sold by the Secretary of the Treasury in open market, at home or abroad, at the highest price for

gold, which gold shall be held in the Treasury and used only for the purpose of maintaining parity between the two metals.

SEC 5. That in fixing or establishing the seignlorage the average price of silver sold by him the month preceding shall control, when he has sold any; otherwise the average price in the cities of London and New York.

SEC 6. That in order to protect the mints against imposition no silver shall be coined under this act except such as is produced by smelters situated in the United States, and shall be stamped, marked, or molded as directed by the Secretary of the Treasury, who is hereby authorized to appoint such officers or agents and fix their compensation and prescribe such rules and regulations as may be necessary to carry this act into effect. SEC 7. That the silver bullion sold as heretofore provided shall have its carmarks removed and shall, after sale, loss its privilege.

Mr. BLACKBURN. Mr. President, I shall offer this amendment, not as a substitute for that portion of the pending bill which it proposes to strike out, but to come in as additional to the bill, should it be agreed to by the Senate.

the bill, should it be agreed to by the Senate.

Mr. President, during the long debate which has occurred here over this measure, I am sure the RECORD bears me out in the assertion that I have taken up but very little of the time of the Senate. For many weary weeks I have been persistently engaged in trying to get this matter to a vote, and to get it disposed of and settled. I do not intend to ask the indulgence of the Senate in the discussion of the proposed amendment. It has been printed and upon the desks of Senators for three weeks past. I only wish to say that if the right of coinage is to be given to the silver metal at all, I believe that the amendment now submitted guards the Government and its Treasury as carefully as may be done in the process of the mintage of the metal. may be done in the process of the mintage of the metal.

The one feature of the amendment to which I ask the atten-

The one feature of the amendment to which I ask the attention of the Senate is the determination of the seigniorage, my effort being to establish a self-adjusting process. The seigniorage proposed in the amendment consists of the difference between the bullion value and the coin value of the silver metal, that difference to be determined by the Secretary of the Treasury upon the first day of each month. If the silver metal shall appreciate in value, the seigniorage, of course, depreciates in amount, but if the parity of value between the two metals is what is sought for, that is absolutely secured, because the seigniorage is not fixed arbitrarily at 10 per cent, as heretofore, nor 20 per is not fixed arbitrarily at 10 per cent, as heretofore, nor 20 per cent, nor 25 per cent, but the seigniorage is the difference in value to be established every month by the Secretary of the Treasury between the bullion value of the metal and the value after it has been coined.

I believe that, if Senators will examine the amendment, they will find that every safeguard is thrown around the mint to protect it from imposition. The purpose and object of the amendment is to give unlimited coinage to silver metal, the product of American mines, and to fix the seigniorage on the basis indi-cated. To that proposition I invite the attention of the Senate. There is but one other salient feature in this amendment, and

There is but one other salient feature in this amendment, and that is that the seigniorage is to be sold in the open markets of the world for the highest price in gold, and that gold is to be held as a reserve fund in the Treasury for no purpose except to maintain the parity in value between these two metals.

Mr. STEWART. Mr. President, I am very anxious to vote upon any proposition looking to retaining silver in any form in our circulation, but I see serious objection to this amendment in this: That the Secretary of the Treasury is authorized to sell the bullion in open market, and that he is also authorized to fix the market price. My experience with Secretaries of the Treasury is such that I think a law of this kind would not only be futile—

Mr. BLACKBURN. If the Senator from Nevada will permit me simply to correct his statement there, I will say that the provision of the proposed amendment is, not that the Secretary of the Treasury shall fix the market price of the silver bullion, but that it shall be determined on the first day of each month by the average price paid the preceding month, and if no sale has been made during the month preceding, then the value shall be fixed from the average prices ruling in the London and New York

markets for the preceding thirty days.

Mr. STEWART. The Secretary of the Treasury has too much to do with it. I know the power of the Secretary of the Treasury to abrogate laws. If the Secretary happens to be a gold man he will dump the bullion on the market and smash it. I think this would be trifling with the question. I do not wish to argue about the matter; but I am afraid of the Secretary of the Treasury since the failure of the Department to execute the Bland-Allisonact and the Sherman act. The Secretary has too much power son act and the Snerman act. The Secretary has too much power in throwing bullion upon the market. I am afraid he will be speculating with it, and fooling with it, and making a lot of money by bulling and bearing the market. I think we had better not adopt this amendment. I regret very much to vote against it, but I do not think it will do.

M. WASHBURN. I call for the yeas and nays on the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. QUAY (when Mr. CAMERON'S name was called). announce the pair of my colleague [Mr.CAMERON] with the Senator from Georgia [Mr.GORDON], and desire that this announcement shall be taken as continuing during the remainder of the

Mr. PALMER (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. HANSBROUGH]. If he were present I should vote "nay."

The roll call was concluded.

Mr. CULLOM. The pair of the Senator from Iowa [Mr. ALLI-SON] with the Senator from Missouri [Mr. COCKRELL] has been transferred to the Senator from Oregon [Mr. MITCHELL]. If present the Senator from Iowa would vote "nay."

The result was announced-yeas 28, nays 42; as follows: VEAS _98

	A. 1	Select Market Selection	
Allen, Bate, Berry, Blackburn, Butler, Call, Daniel,	Dubois, Faulkner, George, Hunton, Irby, Jones, Nev. Kyle,	Martin, Pasco, Perkins, Pettigrow, Power, Pugh, Roach,	Shoup, Squire, Teller, Vance, Vest, Walthall, Wolcott.
	N.	AYS-42.	
Aldrich, Brice, Caffery, Camden, Carey, Coke, Cullom, Davis, Dixon, Dolph, Frye,	Gallinger, Gibson, Gorman, Gray, Hale, Harris, Higgins, Hill, Hoar, Lindsay, Lodge,	McMillan, McPherson, Manderson, Mills, Mitchell, Wis, Morrill, Murphy, Peffer, Platt, Proctor, Quay,	Sherman, Smith, Stewart, Stockbridge Turpie, Vilas, Voorhees, Washburn, White, La.
	NOT	VOTING-15.	
Allison, Cameron, Chandler, Cockrell,	Colquitt, Gordon, Hansbrough, Hawley,	Jones Ark. Mitchell, Oregon Morgan, Palmer,	Ransom, White, Cal. Wilson.

So the amendment was rejected. Mr. STEWART. I offer the amendment which I send to the desk as an additional section to the bill.

The VICE-PRESIDENT. The amedment will be stated.

The SECRETARY. It is proposed to add to the bill the follow-

Ing:
SEC.—. That the President of the United States be, and he hereby is, authorized and directed to invite the several Governments of the Republics of Mexico, Central and South America, Haiti, and Santo Domingo to join the United States in a conference to be held in Washington, in the United States, within nine months from the passage of this act, for the purpose of the "adoption of a common silver coin to be issued by each government, the same to be a legal tender in all commercial transactions between the citizens of all the American States" represented in the conference; and when such common coin shall have been agreed upon by the majority of the governments so invited and participating in such conference shall have been opened to the free and unlimited coinage of the common silver coin so agreed upon by the conference for the benefit of depositors of silver builion, the United States will also open its mints to the free and unlimited coinage of such common silver coin.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada.

Mr. STEWART. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded

Mr. PALMER (when his name was called). On this question I am paired with the Senator from North Dakota [Mr. HANS-BROUGH], and therefore withhold my vote.

The roll call having been concluded, the result was announced— On this question

yeas 32, nays 41; as follows:

		Y	EAS-32.	
	Allen, Bate, Berry, Blackburn, Butler, Call. Cockrell, Coke,	Daniel, Dubois, George, Harris, Hunton, Irby, Jones, Ark. Jones, Nev.	Kyle, Martin, Peffer, Perkins, Pettigrew, Power, Pugh, Roach,	Shoup, Squire, Stewart, Teller, Vance, Vest, Walthall, Wolcott.
Į.		NA	AYS-41.	
	Aldrich, Brice, Caffery, Camden, Carey, Cullom, Davis, Dixon, Dolph, Faulkner, Frye,	Gallinger, Gibson, Gorman, Gray, Hale, Higgins, Hill, Hoar, Lindsay, Lodge, McMilian,	McPherson, Manderson, Mills, Mitchell, Wis. Morrill, Murphy, Pasco, Platt, Proctor, Quay, Ransom,	Sherman, Smith, Stockbridge, Turple, Vilas, Voorhees, Washburn, White, L2.
		NOT	VOTING-12.	
	Allison, Cameron, Chandler,	Colquitt, Gordon, Hansbrough,	Hawley, Mitchell, Oregon Morgan,	Palmer, White, Cal. Wilson.
	So the ame	endment was reje	ected.	

Mr. SQUIRE. I offer the amendment of which I heretofore

gave notice, and ask that it may be read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

acting clause of the bill and insert:

That hereafter any owner of silver bullion, the product of mines or refineries located in the United States, may deposit the same at any mint of the United States, to be formed into standard dollars of the present weight and tineness, for his benefit, as hereinafter stated; but it shall be lawful to refuse any deposit of less value than \$100, or any bullion so base as to be unsuitable for the operation of the mint: Provided, however. That there shall only be delivered or pild to the porson depositing said silver bullion such number of standard silver dollars as shall equal the commercial value of said silver bullion on the day of deposit, as ascertained and determined by the Secretary of the Treasury; the difference, if any, between the mint or coin value of said standard silver dollars and the commercial value of the silver bullion that deposited shall be retained by the Government as seignforage, and the gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury: Provided, That the deposite of silver bullion for coinage into silver dollars under the provisions of this act shall not exce d the sum of \$2.000,000 per month. The amount of such seigniorage of gain shall be retained in the Treasury as a reserve fund in silver dollars, or such other form of equivalent lawful money as the Secretary of the Treasury may from time to time direct, for the purpose of maintaining the parity of value of every silver dollar, issued under the provisions of this act, with the gold dollar issued by the United States: Provised further, That when the number of standard silver dollars shall be a legal tender in all payments at their nominal or coin value.

of this act, with the gold dollar issued by the United States: Provided Jurtens: That when the number of standard sliver dollars coined under the foregoing provision shall reach the sum of \$100,000,000 then all further coinage of silver dollars shall cease.

SEC 2. That the said silver dollars shall be a legal tender in all payments at their nominal or coin value.

SEC 3. That no certificate shall be issued to represent the silver dollars coined under the provisions of this act.

SEC 4. That so much of the act approved July 14, 1890, entitled "An act directing the purchase of silver buillion and the issue of Treasury notes thereon, and for other purposes," as directs the Secretary of the Treasury to purchase from time to time silver buillion to the aggregate amount of 4,800, 000 ounces, or so much thereof as may be offered in each month at the market price thereof, not exceeding \$i\$ for \$71.25\$ grains of pure silver, and to issue in payment for such purchases Treasury notes of the United States, be, and the same is hereby, repealed.

SEC 5. That the Secretary of the Treasury is hereby authorized to issue, sell, and dispose of, at not less than par in coin, bonds of the United States bearing interest not to exceed \$i\$ per cent per annum, payable semiannually, and redeemable at the pleasure of the United States after five years from their date, with like qualities, privileges, and exemptions provided for the bonds at present authorized, to the extent of \$200,000.00, and to use the proceeds thereof for the purpose of maintaining all the money of the United States at par with the gold dollar.

SEC 6. That hereafter national banking associations shall be entitled to receive from the Comptroller of the Currency, upon compliance with all other terms and requirements of law therefor, circulating notes of different dencainations, in blank, registered and countersigned as required by law, to the value at par of the United States bonds on deposit with the Treasurer in trust for the association. Provided. That the aggregat

Mr. SQUIRE. I propose to make a change in two places in the text of the amendment in regard to the rate of interest on the bonds and the time for which they shall run. I would modify the amendment by making the rate of interest 3 per cent, and the number of years for which the bonds shall run three instead of five, and I ask the Senate to take a vote on the first two sections of the amendment separately, not including the questions of bonds or the additional national-bank circulation; and then I shall ask for separate votes on the bind section and the section authorizing national-bank circulation.

The VICE-PRESIDENT. The Senator from Washington desires his amendment to be divided.

Mr. SQUIRE. I do not desire to go into any long discussion, and shall not occupy more than a minute or two. I simply wish to state to the Senate that in drafting the amendment originally I consulted with leading men on both sides of this Chamber, irrespective of party. I consulted with the advocates of free silver, and particularly with the leading authority on that side of the question, who has been a sort of guide, philosopher, and friend to me for many years. I re'er to the Senator from Colorado [Mr. Teller]. As I then understood, the amendment then met with his approval. I also submitted it to the man whom we all reverence as a great financier on the conservative side of this question, the great Senator from Ohio [Mr. SHERMAN], though Ohio has also another great Senator on this floor. While I do not wish to state that either of the Senators I have

named have committed themselves to vote for the amendment, yet I understood them to approve of my offering it.

My object in working with reference to the production of this amendment was to get to a result which at that time it did not seem we should be able to do, and to secure from the silver men all the concessions they were disposed to make and from the gold men, if I may call them such, all the concessions they might be willing to make, so that we could unite upon something which

would be fair, honorable, just, and practicable.

Mr. BERRY. I should like to ask the Senator a question.

Mr. SQUIRE. I will be glad to answer the Senator.

Mr. BERRY. Do I understand the first two sections, on which the Sen iter asks a vote, do not contain any provision for bonds?

Mr. SQUIRE. No provision for bonds. At the suggestion of

the Senator from Colorado, I stopped at the first and second sec tions. I should prefer that the third section should also be adopted, which provides that no certificates shall be issued to represent the silver dellars coined under the provisions of this act; but I stopped short of that. I do not wish to embarrass the question by including that at this time.

I ask the Senate to vote on the first two sections; and on that

Task for the yeas and nays.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

Mr. HOAR. Let it be read again.

Mr. SQUIRE. The Senator from Massachusetts asks that the

amendment be read again.

Mr. MILLS. The two sections to be voted on.
Mr. SQUIRE. Let the Secretary read the two sections to be voted on

The VICE-PRESIDENT. The first and second sections of the amendment proposed by the Senator from Washington will be

The Secretary read as follows:

That hereafter any owner of silver bullion, the product of mines or refineries located in the United States, may deposit the same at any mint of the United States, to be formed into standard dollars of the present weight and theness, for his benefit, as hereinafter stated; but it shall be lawful to refuse any deposit of less value than \$100, or any bullion so base as to be unsultable for the operation of the mint: Provided, however, That there shall only be delivered or paid to the person depositing said silver bullion such number of standard silver dollars as shall equal the commercial value of said silver bullion on the day of deposit, as ascertained and determined by the Secretary of the Treasury; the difference, if any, between the mint or coin value of said standard silver dollars and the commercial value of the silver bullion thus deposited shall be retained by the Government as seigniorage, and the gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury: Provided, That the deposits of silver bullion for coinage into silver dollars under the provisions of this act shall not exceed the sum of \$2,000,000 per month. The amount of such seigniorage or such other form of equivalent lawful money as the Secretary of the Treasury from time to time direct, for the purpose of maintaining the parity of value of every silver dollars, issued under the provisions of this act, with the gold dollar issued by the United States: Provided further. That when the number of standard silver dollars coined under the foregoing provision sail reach the sum of \$400,000,000 then all further coinage of silver dollars shall be a legal tender in all navneurs. That hereafter any owner of silver bullion, the product of mines or refineries

SEC. 2. That the said silver dollars shall be a legal tender in all payments

at their nominal or coin value

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. SQUIRE], on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GRAY (when his name was called). On this and all kindred questions I am paired with the Senator from California Mr. WHITE, and I make the announcement for the last time to-day that my pair has been transferred to the Senator from New Hampshire [Mr. CHANDLER]. I vote "nay."

The roll call having been concluded, the result was announced-

eas 20, nays 42; as follows:

	YE.	AS-20.	
Bate, Berry, Blackburn, Butler, Call,	Coke, Daniel, Faulkner, George, Harris,	Hunton, Irby, Martin, Pasco, Perkins,	Pugh, Squire, Vance, Vest, Walthall.
	NA.	YS-42.	
Aldrich, Allon, Brice, Caffery, Camden, Carey, Cuilom, Davis, Dixon, Dolph, Frye,	Gallinger, Gibson, Gorman, Gray, Hale, Higgins, Hill, Hoar, Kyle, Lindsay, Lodge,	McMillan, McPherson, Manderson, Mills, Mitchell, Wis. Morrill, Murphy, Peffer, Platt, Proctor, Quay,	Ransom. Shermau, Smith, Stockbridge, Turpie, Vilas, Voorhees, Washburn, White, La.
	NOT VO	TING-23.	
Allison, Cameron, Chandler, Cockrell, Colquitt, Dubois,	Gordon, Hansbrough, Hawley, Jones, Ark, Jones, Nev. Mitchell, Oregon	Morgan, Palmer, Pettigrew, Power, Rosch, Shoup,	Stewart, Teller, White, Cal. Wilson, Wolcott.

So the amendment was rejected.

Mr. SQUIRE. Mr. President, the vote on this proposition has only emphasized the fact that the remarks of the Senator from Indiana were entirely correct when he said that no matter what merit there might be in separate propositions, he did not pro-pose to have any amendment made; and I may say that in private conversation he made to me the remark that not even if the Ten Commandments were proposed as an amendment, or anything as affirmatively good as they are believed to be, would there be an adoption of any such amendment.

Two days ago I had the honor of speaking to the Senate in advocacy of this amendment as a whole, and I dweltat some length

on the subject of the national credit and the necessity that exists, in my judgment, for giving the Secretary of the Treasury authority to issue and dispose of the bonds of the United States Government. At that same time I then discussed earnestly the propriety of authorizing an extension of the national-bank circulation up to the par value of the United States bonds held by these institutions for that purpose. Mr. WOLCOTT. I rise to ask what is before the Senate?

Mr. SQUIRE. My proposed amendment, and I wish to withdraw it. This remark is preliminary to that request. I am explaining the amendment.

Mr. HARRIS. I rise to a question of order. The VICE-PRESIDENT. The Senator from Tennessee will

The VICE-PRESIDENT. The Senator from Tennessee will state his question of order.

Mr. HARRIS. The Senator from Washington offered an amendment consisting of several propositions. He asked for a division. There were only two sections of his amendment voted upon. I voted for two sections. There are other features that I do not intend to be committed to. I would not have voted for his whole amendment. The rest of his amendment remains to be disposed of.

be disposed of. Mr. SQUIRE. Mr. President, that is what I was about to explain, that I propose now under these circumstances to withdraw the subsequent sections. I ask leave of the Sen ite to withdraw the remainder of the amendment for the reason that no matter what the merit may be regarding the bond proposition or that relative to authorizing the extension of the national-bank circulation to the par value of the bonds, I do not think the spirit and temper of the Senate are such at this time that the spirit and temper of the Senate are such at this time that the vote would be indicative of the opinion of Senators as to the merits of the real questions involved in each of those sections. Therefore, with the leave of the Senate, I shall withdraw the latter portions of my amendment. At a later date these questions will come up and be considered. I do not wish now to obstruct action upon the main question by reason of debating any question sub-dilary to the main issue. It is not opportune.

Mr. WOLCOTT. I object.

Mr. STEWART. I object to withdrawing it after the Senate has acted on a part of the amendment. I rise to a point of order. The Senator from Washington has no right to withdraw his

The Senator from Washington has no right to withdraw his

amendment.

Mr. COCKRELL. Let us vote on it.

Mr. BUTLER. We can settle it very quickly by having a vote

Mr. SQUIRE. Very good; If it is not in order to withdraw it. Mr. MORRILL (to Mr. SQUIRE). You have a perfect right to withdraw it

The VICE-PRESIDENT. The question is upon agreeing to the remaining sections of the amendment proposed by the Senator from Washington.

Mr. SHERMAN. The Senator from Washington can withdraw it if he desires to do so. Have the yeas and nays been or-

dered upon it?
The VICE-PRESIDENT. The yeas and nays have not been

ordered.
Mr. SHERMAN. The Senator from Washington has a right to withdraw his amendment, I submit.
The VICE-PRESIDENT. The Chair thinks the Senator has a right to withdraw the amendment. The Chair was unable to hear from the Senator from Washington his request in the mat-

Mr. SQUIRE. I endeavored to state that my object was to withdraw the remaining portion of my proposed amendment.
Mr. SHERMAN. He can do that.
Mr. SQUIRE. And I do so.
Mr. BERRY. I rise to a question of order. My understanding

is that the yeas and nays were ordered upon the entire amend-

Mr. CULLOM. Not at all.
Mr. BERRY. And thereafter the Senator from Washington asked for a division of the question. If the yeas and nays were ordered upon the entireamendment he can not withdraw it without unanimous consent.

The VICE-PRESIDENT. The Chair will state to the Senator from Arkansas that the yeas and nays were ordered upon the first and second sections of the amendment, and the vote was

then taken upon those two sections.

Mr. BERRY. Only on the first two sections?

The VICE-PRESIDENT. That is the understanding of the

Mr. BERRY. I understood that the yeas and mays had been ordered on the entire amendment, and then there was a division

Mr. HARRIS. If the Senator from Arkansas will allow me I will state that there was but one question presented to the Senate after the division was demanded, as the Senator had a right

to demand a division, and that was whether the Senate would agree to the first and second sections; and the year and nays were ordered upon that question, and upon no other question than

The VICE-PRESIDENT. The Chair so stated to the Senator

from Arkansas

Mr. BERRY. Very well; I was mistaken. The proposition, then, I understand is withdrawn. The Senator from Washington declines to bring that to a vote?

Mr. SQUIRE. Certainly: the bond proposition is withdrawn,

and also the proposition relative to the increase of national-bank circulation.

The VICE-PRESIDENT. The Senator from Washington has

withdrawn the remaining sections of his amendment.

Mr. ALLEN. I desire to appeal from the ruling of the Chair in permitting the Senator from Washington to withdraw his

The VICE-PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HOAR. I move to lay the appeal on the table. The motion was agreed to.

Mr. BUTLER. I gave notice of an amendment to the bill—the amendment providing for the repeal of what is known as the 10 per cent tax on State bank circulation. After consultation with the Senator from Indiana and other Senators favorable to the amendment, I have concluded not to press it upon the pending bill. I am assured by the Senator from Indiana that the Committee on Finance will give it prompt consideration as a separate measure, and report it to the Senate. Inasmuch as the

indications are that it would be defeated here, possibly by the votes of some Senators who are in favor of it, I shall not insist upon it at this time, and ask leave to withdraw it.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. PEFFER. I move an amendment to be inserted immediately.

diately after the repealing clause.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add after the word "repealed" in line 13 of the amendment of the committee already agreed to:

of the amendment of the committee already agreed to:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be prepared immediately Treasury notes to the amount of \$250,000,000, said notes to be in form, dimensions, and general appearance similar to those which have been prepared under the provisions of the act of July 14, 1890. They shall be of the denominations of 18, 22, 25, 30, and \$20, one-fifth part in value of the total issue to be in each of said denominations; they shall be made payable in lawful money; they shall be received by the Governmen of the United States, and the officers thereof. for taxes and all public dues, and they shall be lawful money and legal tender, at their face value, in payment of debts to any amount whatever.

Sec. 3. That said notes shall be printed on paper of the same character quality, and grade as that now used for United States notes; they shall be prepared in accordance with laws, rules, and regulations now in force applicable to such work, and as fast as they are ready for delivery they shall be deposited in the Treasury and treate I as so much available cash, and they shall be paid out the same as other public moneys.

Sec. 4. That when any of said notes are received in the Treasury in the course of business, they shall be reissued and thus kept in circulation.

Sec. 5. That this act shall take effect immediately after its passage.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. PEFFER. Mr. President, the Senate will see from the language of the amendment that it simply proposes the issue of \$250,000,000 of Treasury notes payable in lawful money, and that the notes shall be receivable for taxes and all public dues, and shall be legal tender in the payment of all debts to whatever

amount.

Mr. BATE. We can not hear a word on this side.

Mr. PEFFER. The amendment provides for the issuance of \$250,000,000 of Treasury notes in the denominations mentioned in the amendment, payable in lawful money, and it provides that they shall be receivable for taxes and all public dues and be legal tender in the payment of debts to any amount whatever. Whenever they are received in the Treasury in the regular course of business the amendment provides that they shall be reissued and kept in circulation; in other words, that they shall be placed as nearly as possible upon the plane of the greenbacks which are now in circulation.

Mr. HOAR. May I ask the Senator a question? Do I understand him to say that when these notes are issued they will them-

selves be lawful money?

Mr. PEFFER. Yes, sir.

Mr. HOAR. Then if one of these notes, say a twenty-dollar Mr. HOAR. Then it one of these notes, say a twenty-dollar note, be presented to the Treasury it will be redeemable in other notes of the same kind?

Mr. PEFFER. In lawful money.

Mr. HOAR. A twenty-dollar note issued under this amendment would be redeemable in the Treasury in ten-dollar notes,

or five-dollar notes of the same issue.

Mr. PEFFER. Or anything that is lawful money.

Mr. HOAR. The Senator understands then that these notes

being a legal tender-

Mr. COCKRELL. I ask the Senator to speak louder; we can

Mr. HOAR. I want to understand the financial theories of the Senator from Kansas. The Senator understands then that these notes are to be lawful money, as he has said, and therefore if one of them is presented to the Treasury, say a twenty-dollar note, it may be redeemed by the Treasury in ten-dollar, or five-dollar, or one-dollar notes of the same issue, as lawful money. Is that the Senator's purpose?

Mr. PEFFER. It may be paid in lawful money, whatever kind of lawful money the Treasury has on hand, which can be used for any purpose, no matter whether it be gold, silver, or

Mr. HOAR. Or paper?
Mr. PEFFER. Or paper.
The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. COCKRELL. Let it be read again.

Mr. BATE. On this side of the Chamber we could not hear the explanation of the Senator from Kansas, and it is impossible to understand his amendment as read at the desk. We are called upon here to vote upon a proposition to issue \$250,000,000, and I demand that we shall understand it before we act upon it. It has not been printed and laid on our tables. It seems to me we are legislating in the dark. This is a very important question. It has not been submitted to us in print, and I think it ought to be discussed. I suggest that it be printed and go over until Monday so that we may understand it. I make a motion to that

Mr. VOORHEES. Mr. President-

The VICE-PRESIDENT. The Chair was unable to hear the

Senator from Tennessee.

Mr. BATE. I ask permission of the Senator from Kansas, who has introduced the amendment, to let it go over until Monday, and in the meantime have it printed that we may understand it. We have not been able to hear it on this side of the

Chamber. I shall not vote on a measure involving \$250,000,000 unless I understand it; and we have a right to understand it.

Mr. VOORHEES. The suggestion of the Senator from Tennessee calls for a statement from me which I have been thinking

of making at intervals this afternoon.

I should like to get the amendments behind us this afternoon if we can, running on to a reasonable, not an unreasonable hour this evening, voting upon amendments and disposing of them. I should not like to have amendments go over until Monday. Though it may be that one or two may do so, I would rather not.

Though it may be that one or two may do so, I would rather not. I desire to state, not by way of asking for an agreement (for I understand there are Senators on the floor who do not wish to seem to be a party to any agreement as to the time to vote), that I expect and hope and shall ask for a vote at 2 o'clock on Monday upon the main bill. I give this notice so that Senators may govern themselves accordingly as to their presence here, and as to what they may want to do in regard to the measure.

But in the meantime and until an hour or so hence I should

But in the meantime, and until an hour or so hence, I should be glad to dispose of all the amendments we can, so that they shall not be in our way on Monday. I think we can very reasonably expect to dispose of the bill Monday afternoon, and I mention Monday at 2 o'clock as a reasonable time. It might run along until 4. I shall earnestly expect and ask for a vote on Monday afternoon upon the bill, so that we may have it be-

Mr. MILLS. Let us vote on the pending amendment now.
Mr. FRYE. Yes; let us vote on the amendment.
Mr. VOORHEES. I hope a vote will be taken now.
The VICE-PRESIDENT. The question is on the amendment Mr. MILLS. Mr. FRYE.

proposed by the Senator from Kansas.

Mr. PEFFER. The request made by the Senator from Tennessee to have the amendment laid over until Monday morning and in the meantime printed I think is a very proper one. I do not believe that it will delay the proceedings at all, for I think that if it is printed so that Senators can have a little time to read it they will be prepared to vote upon it without a moment's discussion, and I shall have nothing whatever to say. I hope that the request of the Senator from Tennessee will be granted.

Mr. HARRIS. I want to ask the Senator if his amendment is not already in print? [Exhibiting acopy of S. 595, introduced by Mr. Peffer.] Has he modified it or changed it since it was

Mr. PEFFER. No, I do not think it has been modified. Since the Senator calls my attention to it, it is in print, so that the Senator from Tennessee [Mr. Bate] can have it by asking a page to go for it. I had forgotten about it.

Mr. HOAR. I do not desire to prolong the debate, and I do not intend to do so; but I think it is important, after the part the Senator from Kansas has taken in the various discussions,

that we should understand and the country should understand

the financial theory which he represents.

This is a proposition to issue \$250,000,000 of currency, to be legal tender for all debts, past and future, which is to be redeemable in itself. The Government is to be under no obligation, if a \$20 bill of this currency so issued be taken to the Treasury for redemption, to redeem it in anything except two \$10 bills, or four \$5 bills, or twenty \$1 bills of the same issue, the same kind of money

So it is irredeemable money, pure and simple. It differs from the greenbacks of the war (which it was intended to redeem when the Government had the power), by declaring on its face in substance that it is never to be redeemed, that is, unless the Government please; that there shall never be any obligation to redeem it. I think it important (as I have put the question to redeem it. I think it important (as I have put the question to the Senator whether that is his meaning and he has answered that it is) that his views should be understood.

Mr. PEFFER. In answer to the Senator from Massachusetts, I will state to him and to the Senate that my views are precisely the same as those of Mr. Secretary Chase, Mr. President Lincoln and all the greatmen of that time who were the fathers of the kind of currency of which I hold a sample in my hands. I read upon the face of it as follows:

The United States will pay to bearer one dollar.

Nothing more; nothing less. That is my theory; that is my

Mr. HOAR. If the Senator will pardon me, his proposition is in substance that the United States will not pay to bearer \$1.

Mr. PEFFER. Then this is a lie on the greenback, Mr.

President President.

Mr. DOLPH. The position of the Senator from Kansas is that the Government shall issue its promissory note, and when it is presented for payment it shall be paid by giving another promissory note of the same kind, the same tenor, issued at the same time; that it shall be its promise to pay money by making another promise or renewing its note. But I think the Senator from Kansas is getting inconsistent with himself. If I have understood his argument during this long discussion, it has been that the stamp of the Government and the legal-tender been that the stamp of the Government and the legal-lender quality of money are what give it value, and it is not necessary that it shall be redeemable at all. Why he should put in here a provision for redemption if he is going to have the promise the Government issued to serve as money I can not understand.

Mr. STEWART. Mr. President, this is the legitimate fruit of the destruction of one of the precious metals. It presents an issue which you can not avoid, and an issue which has been accepted by which you can not avoid, and an issue which has been accepted by other countries. It is irredeemable paper or no money. When you destroy the money of redemption the people must have money and they are forced to accept irredeemable money. Russia has irredeemable money. She circulates no gold and very little silver, but issues irredeemable paper, and has prosperity. The English Government has undertaken to have between \$1,000,000, 000 and \$1,200,000,000 of irredeemable money in India. body knows that after having destroyed silver as a value money there is nothing in which to redeem the rupees and rupee paper of India except the rupee paper and rupees of India. It is irre-deemable in anything but itself; and all of the discussion in regard to the redemption of the rupee has been to the effect that it was impossible for them to get gold and put it behind the circulating medium of India.

We have agreed to dispense with silver. There is now no way of giving the people money except to create paper money of ultimate payment; in other words, paper money which is not a promise or a debt, but is itself money; and that is the issue before the The people will not submit to putting out paper, which tis a promise to redeem, when there is nothing with which to redeem it. In this Hall we hear to-day of buying gold to redeem both paper and silver, to enrich the few and enslave the many. That has been the song all along. That is the song of the speculator who has gold to sell or has bonds payable in gold, which are gold futures. His object is to make money scarce and dear. But the American people will have money. You have destroyed the kind of money in which paper was redeemable; and it is idle to talk about redeeming it in something that does not exist or can not be procured.

It has been admitted by all the financiers for years that there was not gold enough. Your Secretaries of the Treasury have admitted that. Nearly every man who has spoken has admitted that there is not gold enough for the purposes of redemption. Then why talk of redemption when you have no material in which to redeem? You have destroyed your material of redemption, and the only logical result is to let the paper redeem itself. We

This is the legitimate offspring of the demonstization of silver. The only use of gold and silver is limitation of quantity. We

have relied for thousands of years upon rude nature to limit the nave relied for thousands of years upon rude nature to limit the quantity of gold and silver to prevent excessive circulation and inflation. Rude nature has contracted it enough, but latterly the ingenuity and greed of man has doubled that contraction and destroyed the automatic theory by demonetizing silver.

Why were gold and silver supposed to be better than paper? Simply because their quantity is limited by the rude forces of nature, and not by the caprice of legislation. If legislation must regulate the quantity of metallic money, by rejecting either of the precious metals in the interest of money changers, why may not legislation regulate the quantity of paper money in the interest of the people? When you have destroyed the limitation which nature decrees by striking down silver, you have proved that there is nothing sacred in the precious metals; that either or both may be dispensed with by legislation.

Because we in the mountains are compelled to abandon silver mining, we do not want to see the rest of the country suffer as we suffer. But they must suffer equally with us if they are denied money. There is no other kind of money left when silver is destroyed but paper redeemable in itself, and in nothing else, for there is nothing else in which to redeem it.

there is nothing else in which to redeem it.

The amendment of the Senator from Kansas is the only legical result of the vote just taken against the free coinage of silver. I shall vote with pleasure for his amendment, because I believe that the people must have money or be destroyed. I shall vote for his amendment as the logical result of the repeal of the purchasing clause of the Sherman act. If silver can not be restored,

gold must be demonstized, and paper money of ultimate payment substituted for coin to preserve civilization.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PEFFER].

Mr. DOLPH. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded

Mr. CULLOM (when Mr. ALLISON'S name was called). The Senator from Iowa [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. The Senator from Iowa would

vote "nay" if present.

Mr. BATE (when his name was called). What became of the motion I made?

The VICE-PRESIDENT. The Chair was unable to hear the Senator from Tennessee if he made a motion.

Mr. BATE. I moved the postponement of the amendment un-

Mr. BATE. I moved the postponement of the amendment until Monday, that it might be printed. The proposition I made was accepted by the Senator from Kansas.

Mr. CULLOM and others. Too late.

Mr. FAULKNER. It strikes me the suggestion of the Senator from Tennessee is out of order. As long as the amendment was pending it had to come to a vote unless it was withdrawn. It was not withdrawn, and consequently we are now in the proc-

ess of voting upon it.

Mr. CULLOM. Let the roll call proceed.

Mr. BATE. My motion was made before the vote commenced.

I understood the Senator from Kansas to agree to my proposition. He agreed that the amendment should be withdrawn

until Monday, and desired it.

The VICE-PRESIDENT. The Chair will state to the Senaator from Tennessee that he did not hear the motion of the Senabut the motion would not have been in order.

Mr. BATE. Then I ask the Senator from Kansas now to withdraw the amendment until Monday, and let it be printed.
Mr. CULLOM and Mr. FRYE. Too late.
Mr. BATE. The Senator from Indiana says he is willing that we shall have Monday for the purpose of presenting amend-

The VICE-PRESIDENT. The amendment had already been proposed and was before the Senate at the time, and the yeas and nays have been ordered. The roll call will proceed.

The Secretary resumed and concluded the calling of the roll. The result was announced—yeas 7, nays 58; as follows:

		YEAS-7.	
Allen, Call,	Irby, Kyle,	Peffer, Pettigrew,	Stewart.
		NAYS-58.	
Aldrich, Bate, Bate, Berry, Blackburn, Brice, Butler, Caffery, Camden, Carey, Cockrell, Coke, Cullom, Daniel, Davies	Dolph, Dubois, Faulkner, Frye, Gallinger, George, Gibson, Gorman, Gray, Hale, Harris, Hill, Hoar, Hunton,	Lodge, McMillan, McPherson, Manderson, Mills. Mitchell, Wis. Morrill, Murphy, Pasco. Perkins, Platt, Proctor, Qusy, Ransom,	Sherman, Shoup, Smith, Squire, Stockbridge, Turpie, Vance, Vest, Vins, Voorhees, Walthall, Washburn, White, La.

NOT VOTING -20

	Allison, Cameron, Chandler, Colquitt,	Hansbrough, Hawley, Higgins, Jones, Ark.	Martin, Mitchell, Oregon Morgan, Palmer,	Pugh, Teller, White, Cal. Wilson,
	Gordon.	Jones, Nev.	Power,	Wolcott.

So the amendment was rejected.
Mr. ALLEN. I submit the amendment which I send to the

The VICE-PRESIDENT. The amendment will be read.
The SECRETARY. Add to the bill the following additional

The SECRETARY. Add to the bill the following additional sections:

Sections:

Section 1. That from and after the date and passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412 grains of standard silver, or 25.8 grains of standard gold; and the said coin shall be legal tender for all debts, public and private. That hereafter any owner of silver bullion may deposit the same at any mint of the United States, which deposit, less 20 per cent, which shall be deducted therefrom as seigniorage, shall be coined into standard dollars for his benefit and without other charge for coinage than said deduction as seigniorage; which seigniorage shall be coined into standard dollars and covered into the Treasury; but it shall be lawful to refuse any deposit of less value than \$100, or any bullion so base as to be unsuitable for the operation of the mint.

SEC. 2. That the provision of section 3 of "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," which became a law February 28, 1878, is hereby made applicable to the coinage in this act provided for.

SEC. 3. That the certificates provided for in the second section of this act shall be denominations of not less than one nor more than one hundred dollars, and such certificates shall be receemable in coin of standard value. A sufficient sum to carry out the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 4. That the certificates provided for in this act and all silver and gold certificates issued, shall be receivable for all taxes and dues to the United States of every description, and shall be a legal tender for the payment of all debts, public and private.

SEC. 6. That on the passage and approval of this act, an act entitled "An act, and such bullion shall be subsequently coined.

SEC. 6. That on the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," approv

if I were not paired.

The result was announced-yeas 28, nays 42; as follows:

Dubois

YEAS-28. Kyle, Martin,

Blackburn, Call, Cockrell, Coke,	Harris, Hunton, Irby, Jones, Nev.	Pettigrew, Power, Pugh, Roach,	Vance, Vest, Walthall, Wolcott.
	N	TAYS-42.	
Aldrich, Brice, Caffery, Camden, Carey, Cullom, Davis, Dixon, Dolph, Faulkner,	Gallinger, Gibson, Gorman, Gray, Hale, Hill, Hoar, Lindsay, Lodge, McMillan, McPharson	Manderson, Milis, Mitchell, Wis. Morrill, Murphy, Pasco, Peffer, Platt, Proctor, Quay,	Sherman, Smith, Squire, Stockbridge, Turpie, Villas, Voorhees, Washburn, White, La.

NOT VOTING-18

Allison, Butler.	Colquitt, Gordon.	Higgins, Jones, Ark.	Palmer, White, Cal.
Cameron,	Hansbrough,	Mitchell, Oregon	
Chandler.	Hawley.	Morgan	

So the amendment was rejected.

Mr. PEFFER. I offer an amendment and ask that it may come in after the repealing clause.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "repealed," in line 13 of the amendment already agreed to, insert:

SEC. 2. And beit further enacts. That all coins and paper now classication.

SEC. 2. And be it further enacts, That all coins and paper now circulating among the people as currency, including gold coin, silver coin, gold certificates, silver certificates, United States notes, Treasury notes, and national currency shall, according to their several denominations, be of equal exchangeable value and purchasing power; they shall be receivable for taxes and all public dues, and they shall be lawful money and legal tender in payment of debts to any amount whatever.

Mr. PEFFER. Mr. President, this amendment proposes to incorporate in the law the declarations of both of the old polittical party platforms, to make every dollar of our currency, whether it be gold, silver, or paper, equal with every other dollar. In order that there may be no mistake about it in the future and that we shall not have any discussions upon the meaning of the platforms, I propose to incorporate their language into the law. That is what is proposed in this amendment and noth-

ing more.
Mr. McPHERSON. I wish to call attention to the fact that the very proposition the Senator from Kansas now offers is twice repeated in the amendment reported by the Senator from Indiana f. om the Committee on Finance, which has been agreed to.

Mr. PEFFER. Very well, let it be repeated again, if the Senate wishes to do it. I ask for the yeas and nays upon agreeing to the amendment.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. Peffer].

The amendment was rejected.

Mr. HARRIS. I believe I will ask the Secretary to read an amendment that I gave notice I would offer, but I do not think I shall ask the Senate at this late hour to vote upon it. It is an amendment that I prepared in a broad spirit of compromise, not even satisfactory to myself, but I want to put it on record.

The VICE-PRESIDENT. The Secretary will read as re-

The SECRETARY. Strike out all from line 14, page 2, to line 26, inclusive, and insert the following:

That the seigniorage or profit fund which has resulted from the purchase or coinage of sliver bullion shall be coined into sliver dollars of standard weight and fineness, with full legal-tender quality, at the rate of not less than \$5,000,000 per month, and such dollars shall be covered into the Treas-

than \$3,000,000 per month, and such dollars shall be covered into the Treasury.

SEC. 2. That when all the seigniorage or profit-fund bullion shall have been coined as required by the first section of this act, it shall be the duty of the Secretary of the Treasury to purchase each month sliver bullion at the market value in quantities sufficient to coin not less than — dollars each and every month: and he is he eby directed to coin the said bullion monthly, as fast as purchased, into standard sliver dollars, and a sum sufficient to carry into effect the provisions of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That when any papercirculating notes or certificates of whatsoever character, of denominations less than \$10, issued under authority of the United States, except national-bank notes or certificates redeemable only in silver dollars, shall be received at the Treasury or any subreasury, they shall not be reissued, but shall be assorted, counted, and recorded, and immediately destroyed in accordance with existing provisions of law; and a rapidly as said notes or certificates are destroyed they shall be replaced by an equal amount of like notes or certificates of denominations not less than \$10.

SEC. 4. That hereafter no national-bank note shall be issued of a less de-

an equal amount of like notes or certificates of denominations not less than \$10.

SEC. 4. That hereafter no national-bank notes shall be issued of a less denomination than \$10, and all such national-bank notes, when received at the Treasury or any subtreasury, shall be destroyed in accordance with law; and the national banking associations whose notes are destroyed under the provisions of this section shall be respectively required to substitute notes of denominations not less than \$10 in lieu of those dest oyed.

SEC. 5. That from and after the passage of this act the coinage of the two and one-half dollar gold piece and the five-dollar gold piece is hereby prohibited, and the coins above-named shall not be struck or issued by the Mint of the United States; and such coins when received at the Treasury or any subtreasury shall be withdrawn from circulation and received into eagles and double eagles, in accordance with law.

SEC. 6. That the holder of any standard silver dollars which have been may be coined may deposit the same with the Treasurer or any assistant treasurer of the United States in any sum, and receive therefor notes of denominations less than \$10 only, which notes shall have the same legal-tender quality as the coin for which they are exchanged. The coin deposited for or representing the said notes shall be retained in the Treasury for the payment of the same on demand.

Mr. HARRIS. I left the blank as to the amount of silver that should be monthly purchased and coined in order that any or every Senator might test the sense of the Senate as to such amount. But knowing as I know now that the decree has been entered that no amendment of any character is to be made to the bill, I will not subject the Senate to a vote upon my amendment or any phase of it. I decline to offer it or to ask a vote upon it, but simply desire to put it upon record as an amendment sug gested in a broad spirit of compromise on a question about which there are very honest differences of opinion. It is not entirely satisfactory to myself, and I suppose would not be entirely satis-

factory to any other Senator.

The VICE-PRESIDENT. If there is no further amendment as in Committee of the Whole the bill will be reported to the

Senate.

Mr. STEWART. I hope that will not be done. The Senator from Indiana does not propose to take a final vote on the bill to-

Mr. VOORHEES. No, but let me suggest to the Senator from Nevada that it be reported to the Senate, and it will be amendable in the Senate just as much as now. Let it be reported to

able in the Senate just as much as now. Let it be reported to the Senate, and then we will go on with it Monday morning.

Mr. STEWART. Very well.

Mr. FAULKNER. I suggest to the Senator from Nevada, that if there is no objection, it would be well to let the amendment made as in Committee of the Whole be concurred in in the Senate and then stop there, so that it will be open fully to amend-

ment on Monday.

Mr. STEWART. And stand as the original bill?

Mr. VOORHEES. That is right

Mr. PASCO. I have an amendment to submit which I desire to have printed, and I shall offer it on Monday morning. I have no objection to the arrangement suggested by the Senator from Indiana.

Mr. VOORHEES. Let it be printed. The VICE-PRESIDENT. The amendment will be printed.

Mr. PASCO. I send the amendment to the desk and ask that it be printed.
Mr. VOORHEES.

It need not be read.

The VICE-PRESIDENT. Does the Senator from Florida desire to have the amendment read?

Mr. PASCO. No; I do not ask to have it read. Let it be printed also in the RECORD.

The amendment intended to be proposed by Mr. PASCO is as

The amendment intended to be proposed by Mr. PASCO is as follows:

Strike out all after the enacting clause and insert:

"SECTION! That a commission, to be composed of three citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, to ascertain and determine by the lat day of January next the fair and just ratio between the actual and intrinsic values of silver and gold, as a basis for the future colonage of silver, as hereind vided, without discrimination against either metal or charge for colonage silver and gold, as a basis for the future colonage of silver, as hereind actual and intrinsic value. And the said commission shall report to the Secretary of the Treasury the result reached by them as soon as practicable after the date hereinbefore named, and he shall thereupon fix and determine the weight of pure and standard silver to be contained in the silver dollar, suthorized to be coined by this act, according to the said report; and the said silver dollars so authorized and thereafter coined shall be of the standard and weight thus fixed and determined by the Secretary of the Treasury.

"Sec. 2. That the colons mentioned in the previous section shall have on them the devices and superscriptions provided for coins of like denomination now coined, and shall be legal tender at their nominal value for all debts contract; under the previous section shall have on them the devices and superscriptions provided for coins of like denomination now coined, and shall be legal tender at their nominal value for all debts contract; under the provision of the same at the mint of the United States to of sliver bullion may deposit the same at the mint of the United States to of sliver bullion may deposit the same at the mint is contract; under the provision of the same with the Treasury of the fundamental provision of the same with the Treasury of the Just and private and the reposition of the same on demand. Said certificates shall be received to the limit of one sh

The bill was reported to the Senate as amended.

The VICE-PRÉSIDENT. The amendment made as in Committee of the Whole will be considered as concurred in if there

be no objection.

Mr. HARRIS. Let the vote be taken upon concurring in the amendment

The VICE-PRESIDENT. The Chair will state that the bill is in the Senate, and the question is upon concurring in the amendment made as in Committee of the Whole.

Mr. VOORHEES. Which was the report of the Finance Com-

The VICE-PRESIDENT. Which was the report of the Finance Committee.

The amendment was concurred in.

EXECUTIVE SESSION.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to: and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o clock and 35 minutes p. m., Saturday, October 28) the Senate, on motion of Mr. VOORHEES, took a recess until Monday, October 30, 1893, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate October 28, 1893. CONSULS.

Jacob E. Dart, of Georgia, to be consul of the United States at Guadeloupe, West Indies, to fill a vacancy.

Charles Belmont Davis, of Pennsylvania, to be a consul of the United States at Florence, Italy, vice James Verner Long, recalled

John R. Meade, of New London, Conn., to be consul of the United States at Santo Domingo, vice Campbell L. Maxwell, recalled.

Henry C. Morris, of Illinois, to be consul of the United States at Ghent, Belgium, vice John B. Osborne, recalled.

Doctor H. Sommer, jr., of Pennsylvania, to be consul of the United States at Bombay, British India, vice Henry Ballantine,

POSTMASTERS.

Benjamin F. Howard, to be postmaster at Tuskegee, in the county of Macon and State of Alabama, in the place of Morgan

S. Russell, removed.

Thomas W. Buldwin, to be postmaster at Argenta, in the county of Pulaski and State of Arkansas, in the place of William

L. Paine, resigned.
Fannie T. McMillan, to be postmaster at Arkadelphia, in the county of Clark and State of Arkansas, in the place of Dora

Clow, removed.

Bright B. Nunnally, to be postmaster at Marianna, in the county of Lee and State of Arkansas, in the place of Jacob Shaul,

Charles I. Haskell, to be postmaster at Virginia, in the county of Cass and State of Illinois, in the place of Reuben Lancaster, removed.

Reuben J. Rushing, to be postmaster at Pinckneyville, in the county of Perry and State of Illinois, in the place of Harrison M. Pursell, removed.

Lucius O. Bishop, to be postmaster at Clinton, in the county of Vermilion and State of Indiana, in the place of Marietta

Blythe, removed.
Silas J. Brandon, to be postmaster at Auburn, in the county of De Kalb and State of Indiana, in the place of George W. Gordon, resigned

Patrick Dillon, to be postmaster at Haughville, in the county of Marion and State of Indiana, in the place of John F. Craig,

John L. Comstock, to be postmaster at Sac City, in the county of Sac and State of Iowa, in the place of Joseph W. Garrison, removed.

Matthew M. Lenon, to be postmaster at Panora, in the county of Guthrie and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the Presi-dent on and after October 1, 1893.

dent on and after October 1, 1893.

Henry Moore, to be postmaster at Sioux Rapids, in the county of Buena Vista and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

John T. S. Williams, to be postmaster at Ogden, in the county of Boone and State of Iowa, in the place of Earl Billings, removed.

Minnie Pulford, to be postmaster at Opelousas, in the parish of St. Landry and State of Louisiana, in the place of Jules L.

Chachere, removed.

William R. Ker, to be postmaster at Calais, in the county of Washington and State of Maine, in the place of Willard H. Pike, resigned.

James B. Elder, to be postmaster at Emmitsburgh, in the county of Frederick and State of Maryland, in the place of Samuel N. McNair, removed.

Alphonso Brown, to be postmaster at Frankfort, in the county of Benzie and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

Thomas R. Kyle, to be postmaster at Tecumseh, in the county of Lenawee and State of Michigan, in the place of Albert D. Lawrence, removed.

rence, removed.

Joseph A. Black, to be postmaster at Carrollton, in the county of Carroll and State of Missouri, in the place of Thomas J. White-

man residued.

John Dailey, to be postmaster at Monett, in the county of Barry and State of Missouri, in the place of Edward J. Day, re-

James R. McAlister, to be postmaster at Bowling Green, in the county of Pike and State of Missouri, in the place of Frank L. Wilson, resigned.

Sloan M. Young, to be postmaster at Savannah, in the county

of Andrew and State of Missouri, in the place of Frank Knicker-

bocker, resigned.

Daniel F. Davis, to be postmaster at Columbus, in the county of Platte and State of Nebraska, in the place of Carl Kramer, reeigned.
Palmer K. Shankland, to be postmaster at Jamestown, in the

county of Chautauqua and State of New York, in the place of

Lathrop L. Hanchett, removed.

Duane E. Goer, to be postmaster at Ellendale, in the county of Dickey and State of North Dakots, in the place of Ferdinand H.

Hattie A. Lynch, to be postmaster at Oakes, in the county of Dickey and State of North Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January I, 1893, Jason B. Root, who was confirmed by the Senate February 18, 1893, as postmaster at this office, not having been commissioned.

Patrick J. Birmingham, to be postmaster at Girardville, in the county of Schuylkill and State of Pennsylvania, the appoint-ment of a postmaster for the said office having, by law, become vested in the President on and after October I, 1893.

William H. Todd, to be postmaster at Spearfish, in the county of

Lawrence and State of South Dakota, the appointment of a po master for the said office having, by law, become vested in the President on and after October 1, 1893. Mrs. Nora Boothe, to be postmaster at Del Rio, in the county

of Valverde and State of Texas, in the place of Charles S. Bredbent, removed.

John P. Ehlinger, to be postmaster at Lagrange, in the county of Fayette and State of Texas, in the place of George L. Sicbrecht, removed.

APPOINTMENTS IN THE ARMY.

Medical department.

To be assistant surgeons, with the rank of first lieutenant, to date from October 26, 1893;

William W. Quinton, of New York, vice Maus, promoted. Thomas S. Bratton, of South Carolina, vice Dunlap, resigned. Deane C. Howard, of Massachusetts, vice Turrill, promoted. Alexander S. Porter, of Maryland, vice Price, promoted. William H. Wilson, of Missouri, vice Taylor, promoted.

CALIFORNIA DÉBRIS COMMISSION.

Under the provisions of the act of Congress approved March 1, 1893, entitled "An act to create the California D. bris Commis sion and regulate hydraulic mining in the State of California," I nominate the following-named officers of the Corps of Engineers, United States Army, for appointment as members of the Commission, to date from May 3, 1833:

Col. George H. Mendell, Corps of Engineers,
Lieut. Col. William H. H. Benyaurd, Corps of Engineers.

Maj. William H. Heuer, Corps of Engineers.

CONSULS.

David N. Burke, of New York, now consul at Pernambuco, Brazil, to be consul of the United States at Malaga, Spain, to ill

a vacancy.

Robert P. Pooley, of Brooklyn, N. Y., to be consul of the United States at Sierra Leone, Africa, vice Bolding Bowser, recalled.

Hermann Schoenfeld, of Maryland, to be consul of the United States at Riga, Russia, vice Niels P. A. Bornholdt, recalled.

INDIAN INSPECTOR.

Thomas P. Smith, of the Indian Territory, to be an Indian inspector, vice Robert S. Gardner, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 21, 1893. ASSAYER.

William J. Puckett, of Colorado, to be assayer of the mint at Denver, Colo.

Executive nominations confirmed by the Senate October 28, 1893.

COLLECTOR OF CUSTOMS.

Charles Davis, of Texas, to be collector of customs for the district of Paso del Norte, in the State of Texas.

SPECIAL EXAMINER OF DRUGS, ETC.

C. A. Kern, of California, to be special examiner of drugs, medicines, and chemicals in the district of San Francisco, in the State of California.

PROMOTIONS IN THE NAVY.

Pay Inspector Thomas T. Caswell, to be a pay director.
Paymaster Robert W. Allen, to be a pay inspector.
Passed Assistant Paymaster Charles W. Littlefield, to be a pay-

Assistant Paymaster George W. Simpson, to be a passed assistant paymaster

Passed Assistant Surg. James E. Gardner, to be a surgeon.

Medical Inspector Benjamin H. Kidder, to be a medical direc-

Surg. George F. Winslow, to be a medical inspector. Passed Assistant Surg. Millard H. Crawford, to be a surgeon.

PROMOTIONS IN THE ARMY.

Infantry Arm.

First Lieut. Robert K. Evans, Twelfth Infantry, to be captain. Second Lieut. William G. Elliot, Ninth Infantry, to be first lieutenant.

First Lieut. Leonard A. Lovering, Fourth Infantry, to be captain.

Second Lieut. Dwight E. Holley, First Infantry, to be first lieutenant.

TO BE SECOND LIEUTENANTS.

Sergt. Allyn K. Capron, Troop B, Fourth Cavalry. Corpl. William H. Mullay, Troop B, First Cavalry. Sergt. Joseph R. Binns, Company D, Seventh Infantry.

Sergt. Maj. Frank E. Bamford, Second Infantry. First Sergt. Fredrik L. Knudsen, Company F, Thirteenth Infantry

Corpl. Frank H. Lawton, Company F, Fourteenth Infantry.

POSTMASTERS.

James H. Dodson, to be postmaster at San Pedro, in the county of Los Angeles and State of California.

Charles P. Jenness, to be postmaster at Barton, in the county of Orleans and State of Vermont.

Henry B. Lacey, to be postmaster at Okolona, in the county of Chickasaw and State of Mississippi.

Charles A. Bline, to be postmaster at Corydon, in the county of Harrison and State of Indiana.

Robert J. Gardner, to be postmaster at Aurora, in the county of Dearborn and State of Indiana.

E. L. Schwartz, to be postmaster at Worthington, in the county of Nobles and State of Minnesota.

David A. Clark, to be postmaster at St. Mary, in the county of Auglaize and State of Ohio.

Garrett Bassett, to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio.

Robert L. Lincoln, to be postmaster at La Grande, in the county of Union and State of Oregon. William E. Timmons, to be postmaster at Cottonwood Falls, in

the county of Chase and State of Kansas.

Thad. B. Preston, to be postmaster at Ionia, in the county of Ionia and State of Michigan.

Raby Shinkle, to be postmaster at Lockland, in the county of Hamilton and State of Ohio.

Robert Mooney, to be postmaster at Ontonagon, in the county of Ontonagon and State of Michigan.

Marcus D. Case, to be postmaster at Manchester, in the county of Washtenaw and State of Michigan.

Frank M. Chapline, to be postmaster at Peabody, in the county

of Marion and State of Kans is. William R. Kelley, to be postmaster at Texarkana, in the county of Miller and State of Arkansas.

George M. Floyd, to be postmaster at Malvern, in the county of Hot Springs and State of Arkansas.

Charles De Groff, to be postmaster at Tucson, in the county of Pima and Territory of Arizona.

Lysander D. Ramsey, to be postmaster at Rockport, in the county of Atchison and State of Missouri.

Reese W. Crockett, to be postmaster at Albany, in the county

of Gentry and State of Missouri.

John W. Puckett, to be postmaster at Rogers, in the county of Benton and State of Arkansas.

S. H. Horton, to be postmaster at Whitesboro, in the county of Grayson and State of Texas. A. L. Hamilton, to be postmaster at Comanche, in the county of Comanche and State of Texas.

John F. Haden, to be postmaster at Tyler, in the county of Smith and State of Texas.

William Macfarlan, to be postmaster at Merchantville, in the

county of Camden and State of New Jersey.

Hugh B. McCracken to be postmaster at Mannington, in the county of Marion and State of West Virginia.

P. E. Truly, to be postmaster at Ballinger, in the county of Runnels and State of Texas.

Amos Fox, to be postmaster at Atlanta, in the county of Fulton and State of County.

and State of Georgia. Emmet W. Elder, to be postmaster at Barnesville, in the county of Pike and State of Georgia.

John W. Garwood, to be postmaster at Monticello, in the county of Jefferson and State of Florida.

John O. Crown, to be postmaster at Berryville, in the county of Clarke and State of Virginia.

Robert M. Foster, to be postmaster at Marion, in the county

of Perry and State of Alabama.

Samuel M. Sullivan, to be postmaster at Covington, in the county of Newton and State of Georgia.

REJECTION.

Executive nomination rejected by the Senate October 28, 1803.

CONSUL.

John R. Mobley, of Waco, Tex., to be consul of the United States at Acapulco, Mexico.

SENATE.

MONDAY, October 30, 1893.

[Continuation of legislative proceedings of Tuesday, October 17, 1893.]

The Senate met at 11 o'clock a. m., at the expiration of the

The VICE-PRESIDENT. The Senate resumes its session. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

ENGROSSMENT AND ENROLLMENT OF BILLS.

Mr. GORMAN. I ask consent to report back from the Committee on Printing the concurrent resolution passed by the House of Representatives providing for the printing of bills and joint resolutions in lieu of engrossing the same. The resolution proposes a very radical change in the practice of the Senate so far as it relates to the engrossment of bills. It is a resolution which came from the Joint Commission to Inquire into the Status of the Laws Organizing the Executive Departments, etc. The Committee on Printing direct me to report back the resolution without recommendation.

Mr. HOAR. The Senator from Maryland is not heard on this

side of the Chamber. Mr. BATE. Mr. President, there is evidently no quorum present-only ten or twelve Senators; and I suggest the want of

The VICE-PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

llen,	Dubois,	Martin,	Ransom,
late.	Faulkner.	Mills,	Roach,
erry,	Frye,	Mitchell, Wis.	Sherman,
lackburn,	Gallinger,	Morgan,	Shoup,
utler,	Gorman,	Morrill,	Smith,
affery,	Gray,	Murphy,	Stockbridge,
all,	Hale,	Palmer,	Turpie,
ameron,	Hill,	Pasco,	Vance,
arey,	Hoar,	Peffer,	Vilas.
oke,	Hunton,	Perkins,	Voorhees,
ullom,	Kyle,	Pettigrew,	Walthall,
laniel,	Lindsay,	Power,	White, La.
avis,	McPherson,	Pugh,	Wolcott.
olph.	Manderson.	Quay,	

The VICE-PRESIDENT. Fifty-five Senators have answered their names. A quorum is present. The Senator from Maryto their names. A quorum is present. The Senator from Maryland has the floor, with a report from the Committee on Print-

ing. Mr. GORMAN. Mr. GORMAN. As I stated, there was referred to the Committee on Printing the concurrent resolution of the House of Representatives relating to the printing of bills and resolutions in lieu of engrossing the same, proposing a very radical change in this respect. The concurrent resolution originated with the commission appointed under an act at the last session of Congress, of which the senior Senator from Missouri [Mr. Cock-RELL] is chairman on the part of the Senate. The Committee on Printing simply report the resolution back to the Senate without recommendation, preferring that it shall be considered by the Senate. I ask that it be placed on the Calendar.

The VICE-PRESIDENT. The concurrent resolution will be

placed on the Calendar without recommendation.

PETITIONS AND MEMORIALS.

Mr. STOCKBRIDGE presented a petition of Typographical Union, No. 72, of Lansing, Mich., praying for the erection of a Government Printing Office to be built by day's work under the

direction of the Supervising Architect of the Treasury Department; which was referred to the Committee on Printing.

Mr. CULLOM. I present resolutions adopted by the Congregational Ministers' Union, of Chicago, Ill., consisting of 170 city and suburban ministers of the Gospel, respectfully and unani-mously praying for the repeal of the so-called Geary Chinese law. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. BUTLER. I present the memorial of C. T. Crook, W. H.
Windle, J. G. Smith, and 117 other citizens of Fort Mill, S. C.,
remonstrating against the unconditional repeal of the silver-purchasing clause of the so-called Sherman law, as being against the interests of the country. I move that the memorial lie on the

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 3627) granting certain lands to the Territory of Arizona, reported it without amendment.

Mr. GRAY. I am directed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 3687) to amend an act entitled, "An act to prohibit | the coming of Chinese persons into the United States," approved May 5, 1892, to report it without amendment. out amendment.

Mr. PERKINS. I desire that the bill may be made a special order for Wednesday next, after the morning business. My purpose for fixing that date for its consideration is that my colleague [Mr. WHITE] is coming to this city as fast as the loco-motive can bring him for the purpose of speaking upon the measure

Mr. GRAY. I suppose there will be no objection to the request of the Senator from California.

The VICE-PRESIDENT. Is there objection to the request of the Senator from California?

Mr. HOAR. I must object. I think this a bill of vast conse-

quence; or, rather, I will not say that; I will withdraw that statement and say that it relates to a subject of vast consequence. I do not know what the bill may contain; but in view of the fact that the Senate is concluding a heated debate, and the present subject is not yet out of the way, I think it better that the bill shall go to the Calendar. I will say to the Senator from California that it requires a two-thirds vote of the Senate to make a special order, while a majority of the Senate may take up a at any moment.

Mr. PERKINS. I have no objection to the suggestion of the Senator from Massachusetts. If there is any objection to my request, I withdraw it. I only desired to explain my reasons for making the request. The bill may go to the Calendar, and then I sha'l move to take it up later.

The VICE-PRESIDENT. If there be no objection that order will be made.

will be made.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. MILLS, from the Committee on the Library, presented the annual report of the Librarian of Congress for the calendar year 1892, and submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the annual report of the Librarian of Congress for the calendar year 1892 be printed, and that 500 extra copies, with covers, be printed for distribution by the Librarian.

BILL INTRODUCED.

Mr. BUTLER introduced a bill (S. 1136) to provide for a governmental telegraph system; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PRINTING OF CORRESPONDENCE ON SEIGNIORAGE.

Mr. SHERMAN. I ask an order to print the correspondence between myself and the Secretary of the Treasury in regard to seigniorage on silver. I think it is important. I move that the correspondence be referred to the Committee on Finance, and that it be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. LIVINGSTON, and Mr. CANNON of Illinois managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House

had signed the following enrolled bills and joint resolution; and

they were the routing enrolled of the Arabi they were thereupon signed by the Vice-President:

A bill (H.R. 1986) to amend section 6 of the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes;"

A bill (H.R. 3421) providing for the construction of a steam

revenue cutter for the New England coast; and A joint resolution (H. Res. 55) for the reporting, marking, and removal of derelicts.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask the Chair to lay before the Senate

Mr. COCKRELL. I ask the Chair to lay before the Senate the action of the House of Representatives on the deficiency appropriation bill which has just been received.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon. greeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist upon its

amendments and agree to the conference asked by the House of

Representatives.
The motion was agreed to. By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. Cock-RELL, Mr. GORMAN, and Mr. CULLOM were appointed.

PURCHASE OF SILVER BULLION.

The Senate resumed the consideration of the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury

notes thereon, and for other purposes."

Mr. HUNTON. Mr. President, I ask a few minutes' time of the Senate to explain briefly the position I have occupied, and do now occupy, on the pending bill to repeal the purchasing clause of the Sherman law.

I have not participated in the debate on this bill—the ablest I ever heard—because I felt it was in better hands, and because

I was unwilling to delay final action on the bill. I have attended punctually every session of the Senate to help make a quorum; sometimes when physical sufferings almost forbade it. I have discouraged filibustering in every form, and felt that final action should take place as soon as practicable.

Mr. President, I am a subscriber in good faith to the Chicago platform that demands this repeal and characterizes the law sought to be repealed as "a cowardly makeshift." The Democratic side of the Senate is in no sense responsible for this law. On its passage it received no vote from Democratic Senators. On its passage it received novote from Democratic Senators. It was a Republican measure, supported and passed by Republicans alone. It was signed by a Republican President. It was not only a "cowardly makeshift," but was passed to prevent the passage of a silver bill. This Sherman law is worse than a "cowardly makeshift." If not the cause of the panic through which the country has just passed, it has been a factor in bringing it about. It has certainly formed a pretext for the panic, which has destroyed more property rights in the United States than any dozen cyclones that have ever devasted this country. But more than this, it converted silver from a money metal to be an article of commerce, and in that way it has degraded one of the standard money metals of the Constitution. of the standard money metals of the Constitution.

It is not to be wondered that every Senator on this floor is in favor of the repeal of this most victous law. Even the distinguished Senator from Ohio, whose name is indelibly stamped upon the law as its author, now acknowledges that it is worse than a failure and is foremost among the advocates for its repeal.

I am and have been from the beginning in favor of repeal. But, Mr. President, I am equally a believer in the next succeeding clause of the Chicago platform, which declares for the remonetizing of silver. I am and always have been a firm believer in and an ardent supporter of bimetallism. I believe in silver as a money metal of the Constitution as firmly and as zealously as I do in gold. I believe no good financial system can be established on either one or the other of the two money metals of the Constitution.

The purchasing power of gold is already too great. Under the operations of the single gold standard the prices of the in-dustrial productions of the country have fallen so low that many will not pay the cost of production. Farming and planting interests, the great wealth-producing interests of the country, have languished till they are on the verge of ruin. It is to be greatly feared that unless there be a change in our financial system the farmers and planters, the finest portion of our population, will be utterly ruined.

Besides, we are warned here in burning words that the single gold standard will bring absolute ruin to several of our sister

No one could listen to the plaintive and eloquent appeals that have fallen from the Senators who represent what known as the silver States without the deepest and liveliest sympathy. I ask what Senator on this floor would have been less earnest in their efforts to protect his State if any single and important industry of his State was threatened with destruction by an act of Congres

These are some of the reasons epitomized that have led me to support the amendments that have been offered to this bill which have recognized silver as a money metal and remonetized silver, whether to a full or limited extent. I believed that the two declarations of the Chicago platform could be embodied in one bill as well if not better than in separate bills. Some one of these amendments may have gone a little too far, but I felt sure in voting for it that it would be carefully considered in felt sure in voting for it that it would be carefully considered in a committee of conference and result in some provision recognizing both gold and silver as money metals and to some extent remonetizing silver. I prefer a recognition of silver as a money metal, no matter to what extent, to a complete failure to make such recognition. If it gave too much silver or too little silver it could be easily corrected by future legislation. I am for a gound fine rotal system. sound financial system.

But, Mr. President, all the amendments that have been offered looking to silver as a money metal have been voted down. The

that no such amendment shall be adopted.

The naked question remains, Shall the purchasing clause of the Sherman law remain as a blot on our financial system or shall we repeal it, and trust to future and separate legislation in favor of silver?

Many of the friends of unconditional repeal, including the dis-tinguished head of our Finance Committee, have assured us that the passage of this bill for unconditional repeal shall be followed

by a bill for the remonetization of silver.

The President, our honored Democratic Chief Executive has assured us that he is in favor of a fair silver bill. Under these circumstances, Mr. President, I shall vote for the bill repealing unconditionally the purchasing clause of the Sherman law and stand ready to join our silver friends in a fight for silver, and shall strive earnestly and manfully for victory.

Mr. CAMERON. Mr. President, before the final vote is taken,

I consider it my duty, coming as I do from an Eastern State, and standing alone from my section in the advocacy of what I consider honest money, the money of the people, to protest against the want of courage of this bill.

Through this long debate I have listened patiently, hoping that from some quarter or another we should hear the proposa of a measure broad enough to meet the difficulties before us, and to take the place of the suggestions which I ventured to offer more than a month ago. The hope has been disappointed. This side of the Senate has chosen to think its ideas of duty satisfied by throwing on the other side all the responsibility for the form of this legislation.

The other side has accepted and obeyed some impulse from without and has added nothing; suggested nothing of its own. Neither side has made a suggestion which, in my opinion, has been broad enough, and therefore I have studiously avoided voting for or against the amendments proposed. There can be but one solution; free coinage of the American product of silver

is essential to our national prosperity.

I do not rise now to oppose longer the passage of the bill, which seems to be accepted as certain. On the other hand, I would arge the Senate to vote at once. Not to oppose or delay the bill, do I ask a moment of your attention, nor to irritate still further the temper which the struggle has already roused, but to make a last appeal on behalf of common patriotism. The Sento make a last appeal on behalf of common patriotism. The Senate can not with self-respect pass such a measure as this. We can not, by a naked order, without providing for the consequences, roverse a settled national policy and still retain a claim to be regarded as men of capacity, character, or courage.

The answer will, of course, be made that Congress must first decide the principle—the single issue—before dealing with its remoter consequences. The answer itself is a confession, an

remoter consequences. The answer itself is a confession, an avowal of feebleness. Never in the history of our country has so serious an issue been met in a narrower and less liberal spirit. We can not separate the act from its consequences. We can not set an avalanche in motion without first providing for the safety of the people beneath it. We can not deliberately break the dam of a reservoir without first taking at least ordinary precautions to protect the villages in the valley below. We can not at least if we are men of common sense, or common honesty, we would not—declare a war without first providing either arms, men, or money.

We of the minority need not set ourselves up as prophet We know quite as well as any of the majority knows, that all forethought is subject to error, and that events rarely turn out

as expected; but the question is not whether our forethought may be mistaken, it is whether Congress is or is not bound to think at all. The majority of this Chamber seems determined think at all. The majority of this chamber seems determined to act without thinking, for fear that if it stops to think it will not act. We on our side maintain that every public duty and interest bind us to measure the possible results of our acts, and that some of the possible results of this act leap into our very

Look for a moment at the arguments put forward in support of the repeal. One of the most forcible is that it would oblige of the repeal. One of the most forcible is that it would oblige Europe to enter into an agreement with us to return to the use of silver as money. That is to say, we intend to cut off our American market for silver in order to throw 50,000,000 ounces a year on the European market in addition to what we already send, in the hope of breaking down its market price. We expect, we intend, to break down the market for silver. Only this last week, too, we have been informed by telegraph that the government of India has requested the home Government to impose a duty on the import of silver into India, and that the home Government has refused until our action in this

that the home Government has refused until our action in this Chamber should be decided. Whether this report is true or not matters nothing. In any case, the Indian government is known to be in serious difficulty in the attempt to raise the rate of the exchange and the value of its rupee; and a duty on silver suffcient to shut out silver bullion from India seems inevitable and immediate.

immediate.

Apparently, therefore, the two chief markets for silver are to be closed simultaneously within a few days. We are surely not unreasonable, then, if we infer that the value of silver, with reference to gold and money of all sorts resting on a gold basis, will materially fall. We may differ in opinion as to the extent of this fall, but the difference does not affect our duty as legislators. We are bound to consider the reasonable possibilities, and considers think it possible that the fall may be great. Should good judges think it possible that the fall may be great. it be great enough to cause distrust among the people of India, I believe many well-informed persons fear that the Indians may begin to throw their hoards on the market, which would make silver bullion unsalable.

All this may turn outquite differently. England may be converted; the present ministry may resign, and a new ministry may offer to adopt our silver policy, which this bill proposes to discard; war in Europe may change the conditions of the whole world; new mines or new processes may cheapen gold; but we are not gambling on such chances. We are bound only to provide against dangers, and only against dangers reasonably evident. The fall in the price of silver is a probability admitted by everyone inside or outside this Chamber. What security do we propose to offer in this bill, or in any legislation now before Congress against the consequences of such a fall?

One of these probable consequences is an increased demand for gold to take the place of silver. Already in Europe the governments are fighting for gold. France refuses to part with hers; the Imperial Bank of Germany keeps up a high rate of discount to attract gold; the Bank of England has recently annoyed the whole business community by keeping its rates of discount far whole business community by keeping its rates of discounting above the market rate in order to protect its gold reserve. India has for fifty years absorbed much gold. If silver is to be discredited, she may want more than ever. What, then, is to be our position if we pass this bill as it stands, without regarding probable consequences? We have liabilities in paper or silver, the value of which we are about to imperil, amounting to one thousand millions, and we have, as the foundation for all this credit, well about sighty millions of gold in the Treesung to

sand millions, and we have, as the foundation for all this credit, only about eighty millions of gold in the Treasury.

This view is too favorable to the Treasury. As matter of fact, we have a deficit of several millions a month. The Treasury has thus far met this deficit by paying gold out of its reserve. No application has been made to us for resources; no application can now be made and met without some further delay. If we manage to keep fifty millions of gold in the Treasury we shall do well.

Every intelligent American knows that such a course is worse than error and approaches hard on crime. No hanker who found

than error and approaches hard on crime. No banker who feared the penitentiary would knowingly and willingly let his liabilities stand in such a relation to his assets. If he did it by deliberately destroying the value of his chief asset, he would certainly have to pass the rest of his life in a prison or in an asylum. Ten to one is a gambler's chance. Twenty to one is the risk only of a lunatic. No banker who values his solvency allows his coin or convertible assets to fall below the scale of one to three, and on that scale our Treasury is bound to put not fifty millions, but three hundred and fifty million gold dollars into the vaults before this bill becomes law.

What shall be said, what can be said of financiers who de-liberately set to work to destroy the value of their assets and intend afterwards to borrow to the full extent of the value they have wantonly destroyed? If the Secretary of the Treasury,

or the Committee on Finance of this Senate, had begun by a request for three hundred millions in gold, they would, at least, have shown that they knew what sort of a financial operation they were undertaking. If, after the passage of this bill and a further decline in the value of silver, they should ask for such a loan, the request will be fatal to their reputation as financiers. They have not asked for it; we can hardly thrust it upon them; this bill contains no suggestion of gold, and the Secretary is paying it out with a free hand. We are wasting our silver and our gold and our credit, and we call remonstrance factious.

The bill, then, does not propose to increase the gold reserve. Will it protect the eighty millions now in the Treasury? The Bank of France flatly refuses to pay out gold. The Bank of England raises its rate of discount indefinitely and contracts the circulation. Our Treasury can do neither. Anyone who can obtain a greenback can take gold, and the greenbacks alone amount to more than \$300,000,000. If this bill should, as is reasonably probable, increase the demand for gold, the Treasury is exposed to the necessity of paying only in silver—of discharging one liability by another, which we are, by this act,

making more or less worthless.

Since we are on the subject of possibilities, which we are bound to consider and for which, if they are reasonable, we are bound to provide before passing this bill, I will venture to suggest another. The new policy looks to a further fall in the value of silver bullion. Any fall, which causes much further decline, must render silver coin a very dangerous medium for the Government to use as money. With modern appliances, and with little capital, a skillful mechanic could coin a dollar identical with the Government dollar—perhaps not to be distinguished from it—in any quantity and with little risk of detection.

The temptation even now is great; perhaps the thing is already being done on a large scale without our knowing it. What would it be if the profit were still greater—say 80 cents on the dollar? If the time should come when coiners can make a clear profit of \$80,000 out of every hundred thousand they manufacture, without danger, or loss, or injury to anyone except the Treasury, the conclusion is surely reasonable that we may be obliged to withdraw all our silver coin. If so, what shall we substitute? Shall it be gold? Would our people consent to buy eleven hundred millions of gold at a time when every other government

would necessarily be obliged to do the same thing?
Evidently we should not resort to gold, but to paper. Am I wrong in saying that we all feel fear—and I, for one, feel not only fear, but certainty—that in such a situation we should be driven by political necessity into the use of irredeemable paper—fiat money? Is this result, which is or ought to be present in all our minds, provided for or even considered in this bill? Has the majority faced the possibility? Yet should this evidently possible case occur, every member of this Senate who votes for the bill as it stands will have to admit that he knowingly, deliberately, advisedly refused to provide against the danger which his own act brought on.

Again, this is a measure of contraction. Reversing our whole policy, it announces to the million and a half of new citizens who every year enter upon active life, that they must get along as best they can with the same amount of specie money which many, if not most, of their fathers already declare to be insufficient. Do we intend this new policy to be permanent? For myself, I solemnly protest that I have not the smallest idea what our intention may be. A bill like this, which upsets from top to bottom the whole of our old system, ought to explain and affirm the new one; but I study the bill and the debate in vain to discover what ultimate object the majority has in its mind. Finally, if gold should be made by this act scarcer than it is—if commodities should fall still further with reference to the gold

Finally, if gold should be made by this act scarcer than it is—
if commodities should fall still further with reference to the gold
standard—this bill may seriously affect your revenue laws. We
all know that the best authorities estimate the fall in the price
of commodities since 1873 at more than one-third. If gold should
be forced up—if new panies are to be foreseen—if commodities
are to be still further reduced on the gold standard, our whole
revenue system must be reformed to meet the emergency. We
can not touch the tariff until we know the effect of our silver

legislation on prices.

If we do so now, we may merely have to undo, in the next session, what is done in this. The Senate will be not only justified, but will possibly be compelled, to take this risk into grave consideration, if not in passing this bill, then in acting on any introduced the research which may conserve the research.

future measure which may concern the revenue.

The majority does not choose to accept these views of reasonable possibilities, which ought to be embraced in this scheme. They have chosen to ignore these questions. After opposition to this bill had practically ceased, and its passage was regarded as assured, Senators were bound to answer reasonable criticism of the details of their scheme. Silence at this point ceased to

be good policy or good polities. It was never a sign of statesmanship or of courage; it has now become a sign of something worse, something I will not characterize.

In the history of parliamentary government, as far as a general rule can ever be called established, it has been established that the party which resorts to silence as a weapon—which votes, but refuses to answer—is in the wrong. The question I am trying to ask is, not whether the majority is correct in its principles, for that seems to be settled in its favor as far as numbers go, but whether it has seriously faced its own act. If not, it is in the wrong, whatever the event may be.

it is in the wrong, whatever the event may be.

Already the action of Europe and European governments has spread ruin throughout the United States; has for six months paralyzed industry; has thrownour largest corporations into bank-ruptcy; has ruined several of our Western States, and through them has cost Eastern capitalists many millions of money invested in the West. We are going—certainly not in the gayety of our hearts, for of gayety I admit that the majority shows no trace—but, willingly or not, we are going to finish what Europe has successfully begun.

Those who have steadily and stubbornly opposed this policy may now fold their arms and wait. Henceforward the responsibility rests on the other side, and no doubt the majority will be held to it. If the party, or the combination of parties, or whatever the number of Congressmen and Senators and other individuals may be which makes up the combined responsibility for this measure—if they, or it, do not provide for dangers distinctly pointed out, or for any other dangers which they ought to have foreseen even if not expressly pointed out; if they refuse to widen their vision and listen to warning, the country will have to be the final judge between us. No great statesman in our history has ever effected any good object by such means.

Not in such a spirit or by such tactics did Hamilton organize the national finances or Gallatin direct them. Clay and Webster did not enlighten the Senate by methods like this, or by narrowing the field of their intellect. You may search long and far in the worst periods of our history to find a parallel for legislation so narrow in a crisis so yeat.

islation so narrow in a crisis so vast.

Finally, no Senator must reply by pleading that all these cestions can be settled by subsequent legislation. They can delayed. The difficulties keep step with the act. The Secan not afford to pass this bill in its present shape, and then adjourn, leaving further legislation to take its chance among the difficult and violently disputed questions that will crowd on us in the regular session. The influence, whatever it is, which is responsible for the present bill certainly does not command the confidence of a majority of the Senate.

Even though we had been directed by the genius of the greatest statesmen the world ever saw, we should still need—and, in that case, we should certainly have—not only the guaranty of further legislation, but also the legislation itself. Directly and personally we are ourselves responsible for its absence. If we fail now of our duty, we have no ground for confidence that the duty will ever be performed. On the Republican side of this Chamber, if not on the other, we have thus far seen nothing to create confidence of any sort in the wisdom, the unanimity, or the courage of the party—if it is a party—which controls, or is supposed to control, the Government.

In the hope, therefore, of inducing the majority to deal with the subject in a broader spirit, and with the intention, if that hope fails, of at least completing the record and of leaving no excuse in future for the supporters of this bill to plead that the whole subject was not offered for their consideration, I may ask the Senate to vote on the propositions which I have already offered in debate, or I would prefer that this bill be referred to a select committee of seven or more members, with instructions to report on the further measures which may be required to provide for carrying safely into effect the object of the legislation as proposed some time since by the Senator from Alabama [Mr. Morgan].

Mr. MORGAN. Mr. President, I have come to the Senate today, contrary to the advice of my physician, for the purpose of expressing in the final stages of this bill some opinions which I have formed about it after the best deliberation I have been able to bestow upon the subject.

The situation with which we are confronted in the Senate today seems to me to be a very lamentable one, one of which I can speak only with pain, and which I can contemplate only with

serious apprehensions for the future welfare of our country.

I do not claim, Mr. President, higher patriotism than any other gentleman on this floor who differs with me or agrees with me in sentiment; nor do I claim greater wisdom or greater experience than any, even the most humble and unpretending of the members of this body; but I have my convictions upon this subject, particularly as to what is best and wisest and safest to be done for the constituency I represent here; and I desire to

give expression to some of those convictions on this occasion. I trust in doing so that I shall not be considered as trying to procrastinate even for a moment the final calamity, as I consider it, which is about to fall upon the country in the passage of the pending bill.

The people of the country are prepared for almost anything. They have been worried, and provoked, and depressed, and kicked, and cuffed about by the monetary power in this land in such a way as that they find at last that their dependence upon it is such that their material and smallest domestic interests are controlled entirely by the power of those who occupy the high places in the land, and who have been placed in that ascendency simply

by Congressional legislation.

The people of the United States are not born some princes and some subjects; they are born equals, and they are supposed to have equal rights in all of the beneficent heritage we derived from the wisdom of our fathers, than whom no fathers were wiser or better. They were born to the equal enjoyment of all these privileges, and when the country was first launched upon the experimental idea of self-governing sovereign power residing in the people and in the States there was but very little of that apparent disparity which now exists between the classes of society in this country. There were not many colossal fortunes existing in the land; there were some which by way of comparison were very large, but they were not colossal in the sense that they are now, and they had not been derived through speculation and poculation, and the handling of the powers of the Government of the United States to the disadvantage of their neighbors and to their own aggrandizement, but they had been built up by the sober and earnest labors of honest men devoted to honest pursuits in an honest way.

We have passed that era and have come into an era in which the most extravagant conceptions and wishes of the human mind in respect of the aggrandizement of wealth have been realized; and we find ourselves beset now by classes in the United States who seem to demand for themselves the power to control every-

one else in all his industrial labors, opportunities, and hopes in respect of everything that concerns human existence. This class in the United States owes its origin, owes its present existence, owes its present power and its future prospects entirely to the legislation of Congress. The States have not done this; the people have not done it; it has been the outgrowth of legislation, which might sometimes be characterized as being corrupt, oftentimes corrupt, and certainly in the line of that human endeavor which always grasps power whenever it is

brought within the reach of the mortal hand.

This is the situation with which we are confronted to-day, and the labors of this body for the last ninety days have been devoted to an investigation of the measures, on the one side for relief from this situation, and on the other side, for the increase of the powers of this class of people. The line is a broad and distinct one. There is no human being who is capable of reasoning, who has the responsibilities of manhood in this great republic of ours, who does not recognize the fact that the party divisions or the actual divisions, whether partisan or not, which exist amongst the people of the United States, all exist upon this line, one class standing on one side of it and the other class stand-

ing on the other side.

The class who claim Congressional power for the purposes of personal aggrandizement and increase of wealth is in a vast minority when considered numerically. The class against whom the levies and assessments and contributions to be voted to this minority class are demanded, form a vast unorganized mass of industrial people, engaged in a great variety of pursuits, chiefly agricultural, who by reason of their situation are incapable of perfect organization, and are therefore not capable of resisting the movements which are made by this minority class against their interests and against their rights. The feeling of brother-hood and benevolence which characterized the people of the hood and benevolence which characterized the people of the United States in the earlier days of the republic has departed, and it is now the purpose, it seems, of Congressional legislation that the one class shall make out of the other class all that they can realize, everything that can be done through the powers of taxation, the powers of discrimination, and whatever powers can be exercised in a legislative sense by the Congress of the United

Well, perhaps unfortunately for me personally, I am thrown with this majority class; my sympathies are with this vast mass of people; my heart is with them; my convictions that they are entitled to the protection of every feature of the Constitution of the United States are keen and sensitive; and therefore, Mr. President I am ready to defend they recently to the best of President, I am ready to defend them according to the best of

my ability whenever and wherever I can.

This long debate has reached its final stage and seems to have included almost every phase of financial inquiry, and our opinions, expressed in our votes, are ready to be placed upon the Journal of the Senate.

In the earlier stages of the debate, after this bill had come over from the other House, I was deeply impressed with the con-viction that the immense sweep of the questions involved in our mixed, incongruous, and dislocated financial system would lead us into world-wide fields of discussion; not without profit, but without any practical and permanent results for the relief of the country. I attempted to relieve this situation and only succeeded in causing some severe opposition and even severer criti-

ceeded in causing some severe opposition and even severer criticism of myself personally.

These fears have been fully realized in so far as any vote we are to give on this measure is concerned. There is nothing in this bill except the death warrant of silver as a money metal, and only its final execution will follow. A fatal blow to silver was delivered in the first Sherman bill of 1873, and lingering it has lived, until now it is doomed to sudden death by the third Sherman bill, which amends, reënacts, and adopts the second Sherman bill of 1890, and it is masquerading as a Democratic measure. Instead of curing the finances we seem to have caught a new disease, and a loathsome one, if our platform is true. I confess that this last sad phase of legislative hostility to silver as a money metal, sustained by a minority of Democrats and a mamoney metal, sustained by a minority of Democrats and a majority of Republicans in the Senate, has nearly cast out hope for the relief of the industrial classes, and has filled me with sorrow

To my understanding, it is the complete overthrow of Democratic principles and pledges, and is an irrevocable surrender of the whole attitude of the Democratic party to the demands of a tyrannical, corrupt, insolent, and overbearing combination of those corporations and men who measure out money to the peo-ple at will for the sole purpose of increasing their gains by the alternate expansion and contraction of the currency.

The first Sherman law of 1873, which destroyed silver as legal-tender money and deprived it of coinage into standard dollars, failed to encounter the veto of President Grant only because he did not discover the fine artifice employed in the demonetization of that metal. Whether or not its passage through Congress was stealthy, it certainly escaped the knowledge of Gen. Grant, Had he known what was being done there is no doubt that his veto would have arrested it.

True, the hope of resurrection is vaguely held out to the silver men, but we prefer not to die in order to test the resurrec-tionary powers of the Senator from Indiana. The doctor who presided at the deathbed of Lazarus was not expected to do much towards his resurrection. Besides, the Senator from Ohio will not consent that Lazarus shall come forth; nor is it certain that his resurrection will not be vetoed by the President.

But there is no need to resort to illustration. It is intended

by this bill to destroy silver in order to make room for paper currency based on gold, and, to support that currency, the peo-ple are to be taxed to provide gold by the sale of bonds to foron Saturday the Senator from Ohio [Mr. Sherman] informed

us that, in his opinion, this measure will not meet the exigency

of the financial situation.

I will read from the RECORD what the Senator said:

I will read from the RECORD what the Senator said:

Mr. Sherman. Now, Mr. President, the passage of some such provision is undoubtedly necessary, and I trust that the Senators on the other side of the Chamber who have the control necessarily, who have the majority, will make some such provision as this. I feel at liberty to call their attention to the subject, because I consider it vital. I fear very much that after a little while, as to the results of the measure that we are about to accomplish, the suspension of the purchasing clause of the act of 1830, the people will find out that it has not been the germ and root of the evil under which they are suffering, and they will look to us for having provided an inefficient measure, a measure that will not meet the exigency.

After three mouths of debate, in which this Senate Chamber

After three months of debate, in which this Senate Chamber has resounded from day to day with the declaration that the purchasing clause of the Sherman act was the cause of the collapse and the paralysis in the financial condition of the people of the United States, the honorable Senator from Ohio rises in his place and contradicts the whole of it, and disproves the whole of it by his statement which shows that we have been following a phantasmagoria; that we have been following a false pretense, which has been set up by the monetary and financial establishments of this country in order to alarm the people into distrust and servitude.

I fear very much that after a little while, as to the results of the measure that we are about to accomplish, the suspension of the purchasing clause of the act of 1800—

He calls that a suspension which is an absolute repealthe suspension of the purchasing clause of the act of 1890, people will find out that it has not been the germ and root of the evil under which they are suffering, and they will look to us for having provided an inefficient measure, a measure that will not meet the exigency.

If that was not the germ and root of the evil under which we are suffering, let some Senator rise here and point out what was. There you have reversed the public judgment; there you have taken the bandage off of the public eyes that have been so long in darkness and trepidation, and you have disclosed to the peo-ple of the country the fact that they have been in error in their frantic desire to get away from the purchasing clause of the

Sherman law.

What, then, has caused the trouble? What has been the germ and root of this evil, the root of bitterness we are trying to extract from the public situation in order that relief may come to our afflicted country? It is nowhere else, Mr. President, noour afflicted country? It is nowhere else, Mr. President, nowhere else than in this false clamor gotten up by the banking institutions in the United States and in England and in Germany for the purpose of alarming the people until they could repeal the one law for the purchase of silver by the United States which the Senator from Ohio says has not been the cause of the evil.

Here we have, Mr. President, the third lesson of the pro-

gramme. The first is the final demonetization of the silver that is not already owned by the Government or in circulation, the silver that lies in the rocks and the mountains of the West.

The second is the increase of the power of the national banks to issue their notes to the amount of 10 per cent on the bonds that they may hold. That has already been brought forward. It was debated in the Senate and was abandoned for a reason that I never understood until I had the opportunity to read the RECORD

of Saturday's proceedings.

I now see it as plain as light. They knew they could not pass it then, but they know now that after this bill passes they can pass it. They know that the weight and power given to the attitude of the national banks by the passage of this bill on their false demand will place them in such a high position of authority amongst the people of the United States as that the Senator from Indiana will have nothing else to do but to move his bill, which he has had already partially debated, to add 10 per cent to the issues of the national banks, and have the people pay the interest upon that in order that they may have money to buy their bread and meat.

The third stage is the sale of gold bonds to the sum of \$200,000,000 to fortify the Treasury against gold raiders. This last proposition called out the Senator from Maryland [Mr. GORMAN], and he poured a flood of light on several matters that have given the country much concern and alarm recently. I will notice two or three of these matters:

First, the Sanator shows that this bill to not what is described.

First, the Senator shows that this bill is not what is demanded by the Chicago Democratic platform. Second, that it is the fruit of a coalition and was dictated to

the Senate by the Senator from Ohio. It is in fact the third Sherman bill.

Third, that the consideration of the bill has been delayed by

the friends of the bill, and not by its enemies; and Fourth, that the Republicans in the Senate broke up the compromise to which all the Democrats had agreed except five, I believe, and which was understood at the time to be agreeable to

the President.

will read from the RECORD what the Senator from Maryland I will read from the RECORD what the Senator from Maryland [Mr. GORMAN] said in his debate with the Senator from Ohio [Mr. SHERMAN] on these points, and I will read literally, Mr. President, because this debate between those Senators is to be immortal. This debate is the key that unlocks the situation. This debate is the last revelation which we have received from an honest, a candid, and a manly source of the sincere truth of the situation, and I thank him; I bow my thanks to the Senator from Maryland that he has had the manhood to come out before the world and to state in the debate with the Senator from Ohio evently what is the situation to day in the Senator for Ohio exactly what is the situation to-day in the Senate of the United States upon this very important, yes, this vital measure. The Senator from Maryland said:

Mr. President, I have not detained the Senate many moments in the discussion of the pending question. I have studiously refrained from doing so. But I can not help observing the very remarkable attitude of the distinguished Senator from Ohio, who is the acknowledged leader on the other side of this Chamber, and of more than half the Senators who support the bill for the repeal of the purchasing clause of the so-called Sherman law.

The army corps of the Senator from Ohio is the largest one

that is attacking it.

His anxiety for its repeal, his support of its repeal, is perfectly well understood; but at the same time that distinguished Senator has well known the fact that the passage of the pending bill was impossible at any time except as a nonpartisan measure, except by the support of the twenty-five or twenty-five in the other side of the Chamber and the twenty-one or twenty-two Democrats on this.

Its only hope of success from the beginning until now has been unity of action between gentlemen who have such diverse views upon general political questions, and not to bring in the mere party question and attempt to take party advantage of the delays, of the mistakes, if there have been mistakes; and now, in the closing hours of the struggle, which will go down in listory as one of the most remarkable that has ever taken place in this Chamber, that distinguished leader tells us and tells the country that the measure itself will be impotent, that it eliminates silver or the further use of it for the present.

Mr. Sherraman. If did not say a word to that effect. On the contrary, I spoke strongly in favor of silver to its largest extent, so that it would not demonstize gold.

Mr. GORMAN. If I have misunderstood the Senator, all around me here

tize gold. Mr. Gorman. If I have misunderstood the Senator, all around me here sem to have shared with me in misunderstanding him. He has said that

the passage of the bill as it stands will not give the relief to the country that the country has expected.

Mr. Sherman. I said it might not meet the expectations of the people.

Mr. Gorman. If his argument was understood at all on this side of the Chamber, he said that when the bill is passed the Treasury will not be in a condition to meet the wants of the country, or to keep the finances in a healthy condition; and the only relief suggested by the Senator is to issue bonds, authorizing the Secretary of the Treasury to use them not only for the purpose of maintaining the parity between the two metals, but for the ordinary expenditures of the Government.

Mr. Sherman. Will the Senator allow me to ask him a question?

Mr. GORMAN. Will the Senator allow me to ask him a question?

Mr. GORMAN. How does he propose to pay the deficiency in the revenues of \$60,000,00, reported by the Secretary of the Treasury?

Mr. GORMAN. I will come to that, if the Senator will pardon me a moment. Now, Mr. President, if I understood the position of the Democratic party in the beginning of this controversy, it was that we pledged ourselves to the repeal of the Sherman law.

That was the pledge of the Democratic platform at Chicago.

That was the pledge of the Democratic platform at Chicago. That was the pledge to which I have always responded; it is a pledge that I am willing to enact by my vote to-day, the repeal of the Sherman law.

of the Sherman law.

Mr. BUTLER. A part of it?

Mr. GORMAN. No, sir; the whole law. Our platform demanded it.

Every newspaper that has breathed a Democratic breath at first demanded
that Congress should carry out the decree of the party. I take it that other
Senators like myself were questioned by the great metropolitan press as to
whether we were in favor of the absolute repeal of that law, the whole law,
without conditions. When that was being strongly urged I do not think I
am mistaken when I say that the distinguished Senator from Ohlo, in a
speech or an interview in his own State, denounced the repeal of the entire
Sherman law, and stated that he would favor the repeal of the purchasing
clause alone.

There broke the light in upon this majority that we have on this side of the Chamber, when the Senator from Ohio in his own State announced that he would not vote for the repeal of the entire Sherman law, but would vote for the repeal of the purchasing clause alone. Then a new and sudden light sprung upon the Democrats upon this side of the Chamber who follow that Senator, and they embraced it with religious fervor. The Senator from Maryland continues:

Senator from Maryland continues:

I am not mistaken in that. If I am, I ask the Senator to correct me. The Senator says that now?

Mr. German. I believe that is what the bill professes to do.

Mr. German. Yes; that is what the bill professes. I am coming to that. The President of the United States, anxious and earnest in his desire for its repeal, was too astute and learned a statesman not to know that he had not the power in his own party or with his own party to repeal any portion of that law, because the division is so sharp and great among both parties that neither party would have the power to deal with this question and make the repeal, and we were compelled to take the terms offered by the Senator from Ohio.

We were compelled to take the terms offered by the Senator from Ohio.

He held the key of the position. You have dictated the terms to us. It was the only thing we could get you to agree to for the relief of the country.

This falling out amongst these friends, all of whom went out-

side of the Democratic party to make their coalition, seems to have been sudden and serious. For a time it was a divorce a mensa et thoro. Now it appears that it is to be a divorce a vinculo matrimonii. It is a pity that such lovers should so early come to grief.

You have dictated the terms to us.

That may be said of the coalition; but I, as a Democrat, thank Almighty God that the Senator from Ohio has never had the power to dictate terms to me. He may dictate them to the President, to the Committee on Finance, to the Democracy on this side who follow his lead; but he can not dictate terms to

Then, Mr. President, when Congress met, we came here with forty-four Senators on this side of the Chamber, elected as Democrats, only one-half of this body, with the perfect knowledge on the part of every intelligent man in the Union that the party was hopelessly divided upon this question, as your party is also hopelessly divided. It may be said with truth that a large majority of the Democrats were at the beginning of the session against the repeal even of the purchasing clause of the Sherman act.

That seems to have been ascertained here. I was not here to know how the situation was; but it seems to have been ascertained by the wiseacres who lead these respective parties in their legislation in this Chamber and elsewhere that a majority of the Senate was against the repeal of the entire Sherman act without a substitute, and they were against the repeal even of the purchasing clause.

Mr. Buyler. Unconditional.
Mr. Gorman. The unconditional repeal. It was known that you had from thirteen to fifteen Republicans opposed to repeal. It was believed, and I think it was a fact easily made perfectly plain to everybody, that a clear majority of all the Senators elected were not in favor of the unconditional repeal, but they wanted some modification.

So the President and the Senator from Ohio, when this pet scheme was opened before the Senate of the United States, knew that they did not have a majority of either party here for its repeal, or a majority of both parties.

Complaints have been made of delay in this matter. I am glad of the opportunity to say, and I say it in justice to those who have fought this bill, that those of us who intended to vote for its final passage believed that we were in the minority, and a delay of weeks became necessary that we might convert enough to our side to pass the bill.

During this delay of weeks that occurred, because the friends of this bill knew that they could not pass it through this body, while opportunity was thus afforded for whatever of assistance could be given to it, the whole of the metropolitan press of the United States and the little resounding creatures that eatch their words and their inspirations from these greater sources roared out their indignation against what they were pleased to call the minority in the Senate, which according to the Senator from Maryland was then the majority, because they would not pass the bill. Anathemas have been heaped upon us until if they could be believed by the Almighty he would consign us to eternal perdition for what we have been doing here, when the fact was that the delay that was being occasioned in the Senate was because the promoters of the pending bill knew they could not pass it and were gambling for time.

Now, I thank God again that the light of truth has come to life. We stand here to-day vindicated before the American peo-

ple, as men who have been badgered, put upon, imposed upon in the most outrageous and scandalous manner on this floor and elsewhere, because when they found at last, or supposed they found, they had a majority for passing the bill, they could not get us instantly to shut our mouths and come up and vote for our own execution. Says the Senator from Maryland:

The fact of it was that we were not ready for its consideration. As time went on the debate became sharp. And, Mr. President, I want to remark right here that it has been a great debate. The annals of Congress will not show one equal to it, and those who participated in it will go down to posterity as men who were equal to any who have preceded them.

He is mistaken about that. There will be a greater debate than that before the people when this bill gets out before them, and the people will be the debaters. They will debate it at the ballot box, and when their oratory comes to be heard it will resound throughout this Union and down through all the tides of

When the contest became sharp the doubt was then expressed as to the ower of the Senate to pass it, not as to the power to reach a vote, but the ower to pass unconditional repeal with a majority.

The doubt was not about reaching a vote, but it was about passing the bill unconditionally by a majority of this body.

In the very midst of the fight, in the hottest of it, when men were anxious, when every Senator was desirous that something might be done (and when I say every Senator I mean all on both sides of the Chamber) to relieve the great distress in the financial interests and in commercial affairs, the first note of warning that we had, publicly uttered, came from the Senator from Ohio, the Senator who led more than one-half of the repeal column, thatit was impossible to pass it. Here is his interview, published October 5, 1893, in a telegram to the Cincinnati Enquirer dated Washington, October 4:

"[Cincinnati Enquirer, October 5, 1893.]

"WASHINGTON, D. C., October 4.

"I called on Senator Sherman to-night. More than any other quantity in the Senate he represents his party. I asked him bluntly if he believed the law which bore his name would be repealed?
"His answer was frank—direct:
"I do not,' said he.

That was October 4.

That was October 4.

"Then," said I, "what next?"

"I can not," said he, "be explicit as to what next. The position of the Republican members of the Senate is now passive. The Democrats are endeavoring to arrange a compromise. If they succeed, they can pass a compromise measure no matter if the Republican Senators are solidly arrayed against it. Our side, or rather the large majority of our side, stand ready to vote for unconditional repeal whenever the Democrats fix the time to vote. We are even ready to support a closure."

"Have you any idea," I asked, "of the terms of compromise?"

"No," said the Senator, "I am not in the secrets of those arranging it. There have been several propositions involving the issue of bonds and the reduction of the monthly purchases of silver. My judgment is, and it is, however, a judgment, that in the end the Democrats will unite on a proposition to extend the provisions of the Sherman law three years, with a reduction of the monthly purchases of silver to 2,500,000 ounces of silver instead of 4,500,000 ounces as now."

"Do you think the President would sign such a bill?"

"I have no reason of knowing. Yet I am impressed he will yield to a fair compromise. If he does not he will destroy his party, and his Administration will be broken down.

compromise. It en down.

Now, then, if the compromise was made and it was a fair one and a just one and one to reconcile conflicting interests, it would tend in every respect, if it had any tendency or any e fect whatever, to relieve the country. If the President has refused to sign it, in the opinion of the Senator from Ohio, he breaks his party down, destroys his prestige. There is no blessing to fall upon the venerable head of the Senator from Ohio which I dare say would be so delightful to him as the consummation of that very well-arranged plan to put the President a second time in controversy with his friends in this body. Political manipulation for the sake of party success has become in the United States of America the substitute for every honorable and elevated senti-ment of statesmanship, and all of our destiny is measured to-day, it seems to me, entirely by the question what effect it will have upon the party. The Senator from Ohio said:

I think the reporter has been rather more accurate than usual in that in

Here is confirmation:

I think that was the substance of what I said. I desire merely to add only

that I believe the bill would not have passed but for the abortive attempt to compromise, which, falling through, left nothing else to do but to pass it. However that is a mere matter of interview between ourselves.

That is a strange condition; that because a proposition was made to compromise and it was agreed to, and untimately it fell through, it was the reason why this bill should pass. So it seems to me it makes no difference to us what we do or in what direction we tend, whatever we do is to be visited upon us as a judgment inflicted. If we agree to a compromise, that is regarded as a surrender. If the compromise is broken up the bill must be passed, because, not that we did not agree to the compromise but ecause it could not be carried into execution, the President being unwilling to execute it.

Says the Senator from Maryland-

is the date of this interview. The Senator from Ohio knew perfectly well, as every other man in the country knew, that he was laying down a condition for the Democratic party to unite.

He laying down a condition for the Democratic party to unite! What is the Democratic party worth to itself, to the country, or to posterity when the Senator from Ohio has the key to its situation and can lay down conditions to it? What is your majority worth here in thus trifling with the people, thus deceived, thus overrun, and finally handed over to the tender mercies of the Senator from Ohio.

And we are told that-

He knev

That is, the Senator from Ohio knew-

That is, the Senator from Ohio knew—

He knew to unite was as impossible as it was to fly, unless it meant the extension of the purchase of silver to some future period. He knew that the demand in the country for its unconditional repeal coming to us through the press and trade organizations in every section were such that the entire-enate was most anxious to do something to relieve anxiety. He knew another thing, that with the difference of views upon this financial question between the East and the West and the North and the South it was impossible to pass what we call in the Eastern States a sound financial bill with bonds unless we had his coöperation and the coöperation of those on the other side who thought with us; and when you placed the conditions upon the Democratic party, as you had the power to do, holding the key of the situation with your 25 or 23 votes, you forced us into a position to take a measure that would not be satisfactory to the people for whom the Senator from Ohio speaks and whom I have the honor to represent in part on this floor.

But, Mr. President, there was an earnest desire, there has been from the Eginning of the session an earnest desire, there has been from the fining of the session as earnest desire, there has been from the fining of the session as earnest desire on this side of the Chamber, to frame such legislation as might redound to the interest of all the people of this country. Sharp as the division was upon the particular measures, there is not a Democrat upon this side of the Chamber who was not impressed with a desire to harmonize the party, to sustain the Democratic Administration.

Bold words, yet true and full of comfort and consolation, because they are manly and because they are true; and I trust that they may disabuse in the mind of the President of the United States the injustice which is being done to many a sound Democrat far older in the party than he is, with the idea, doubtless, often suggested to him, that his best friends are traitors to him and to the Democracy. If he wishes to do so now, after this declaration, coming from an eminent man who has all the time suggested to him, that he has all the second to the second the second that the relieved receiving the number of the Shermann states of the Shermann state tained this policy of repealing the purchasing clause of the Sherman act, let him remain in darkness and help himself.

man act, let him remain in darkness and nelp himself.

All were willing to make sacrifices of opinion and to set aside the convictions of a lifetime and unite in doing something which would relieve the business distress, and save their Administration from defeat. They tried to get together. They tried to do what was right. There were many of them who snared the conviction that it is extraordinary, unusual, and unfortunate to strike down summarily, without an hour's warning, any great interest that we had built up or made possible by laws, no matter how vicious and bad the laws themselves. Their deliberations could have been carried to a consummation with the bones that the Senator from Ohio speaks of

Yes, sir; it could have been done. There is not a man on this floor or anywhere else in the United States who deprecates more sincerely than I do the further taxation of the people of the United States to sustain the reserve of gold in the Treasury, which I always considered to be a useless and needless thing in a country like ours. There are none who would go further than I would to prevent an increase of taxation for this purpose. But Mr. President, I would do it only for the sake of peace

and harmony, not amongst the Democrats alone, but amongst the people of the different sections of this country, for that sort of peace and harmony and quietude and deliberation of action and caution in progress of legislative expedient and provision which would save to five or six States in the West the millions of money that they have invested on our invitation in the opening up of the silver mines of that country—not merely under our invitation, but under bounties and beneficencies that we have extended as an inducement to them to stake the whole battle of life upon their success in the opening up of silver mines for the benefit of the people and the Treusury of the United

Not for the benefit of the makers of trinkets and ornaments, but for the benefit of the substantial foundation of the great circulating medium and the debt-resolving and debt-paying power of silver money in the country, that should underlie, along with gold, the eternal union of the whole structure of our financial system as it has done since this Government was a government, and long before, while these colonies existed, and long before, during the ages and cycles of time where civilization has been found to have addressed itself in its growth and in its prosperity the big strong foundation as its arread standard support.

found to have addressed itself in its growth and in its prosperity to this strong foundation as its sure and steadfast support.

I should have voted, Mr. President, even to tax the people; I should have gone to a constituency who would have blamed me at first most seriously for having done a thing of that kind; but, appealing to their reason and their judgment, I should have said to them: "You have made many sacrifices and you have done it in a manly way, and the reward has come to you in the end in an abundance of progress, which perhaps you had not yourselves contemplated; and now, rather than to tear the structure down rudely, rather than to yield summarily to the removal of silver from the basis of its powers as a debt-paying money, I preferred further to tax you; I did not wish to do it, but I had it to do in order to ease the situation until the people at the ballot box could get control of this Government and have the power to pass their final decree that there was to be no more of this kind of legislation."

I signed that paper, and I did it, Mr. President, under these views, and indorsed every word and syllable in it—I mean that part of it—but I signed it in order to have peace and fraternity in the Democratic party. Now, when it is broken up by the refusal of the Senator from Ohio to accept it, while it does not accord with his views of the policy which he has been commissioned by somebody to dictate to the Democratic party as wise, it passes out of existence, and the next and only resource, we are told, is to vote for the bill, commit suicide because you can not get a chance to live on fair terms with your friends and neighbors. That is the proposition.

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I am very glad, Mr. President, that this matter has come to light. I feel greatly relieved personally, and I know my colleagues here—the majority of the Democrats on this side of the Chamber—who are opposed to this bill all feel relieved that they are no longer to occupy the category of disruptionists and obstructionists: that they are no longer to be classed as men who are fit only for being gagged and choked and bound hand and foot and made to sit in silence while other men conduct the affairs of the Government.

I feel gratified that the truth has come to light, and that our vindication did not depend and does not depend upon posterity or upon history or upon asseveration or disclaimer upon our part; but it comes from the mouth of an eminent Senator, who has been all the time amoning our views on this question.

has been all the time opposing our views on this question.

From 1873 to this the supporters of this cruel law have been in the minority, and the people have condemned it at every election when the question has been raised. But only on one occasion have they had the power in Congress to overcome a Presidential veto with a two-thirds vote. To do that they were forced to make the compromise of the Bland bill. The Presidential veto has always stood ready as a reserve corps to shield this law of 1873, and the will of the people has thus been thwarted. Why both the great political parties, as they have come successively into power, have been forced to lend the veto power to the protection of the first Sherman law is a matter that is not in the least obscure to the campaign executive committees of both parties. It is a simple story, but a very sad one, which runs thus: they could not, when successful, refuse to protect the interests of the moneyed classes who furnished the means to conduct the political campaigns.

political campaigns.

Now, I do not wish to be misunderstood as to this statement.

I do not mean that the candidates for the Presidency, on either side, are pledged in advance to the use of the veto power, or any other power, for the doing of anything that is not promised in the platform of the party.

I mean that they have no moral power to refuse the demands made upon them when they are reconcilable to their personal opinions, no matter how far they may disappoint the will of the people expressed in the ballot box. They find excuses for refusing to obey the will of the people.

We have had one example of this moral coersion which this country can never forget. I allude to the counting in of Mr. Hayes as President, when Mr. Tilden was elected. Mr. Hayes had no power to resist the flat of his party managers and would have been disgraced, as a traitorous poltroon, if he had declined to accept the office after his party had thrust him into it, even if he had been conscious, as millions of people believed was the fact, that he was not elected to the Presidency.

There is in the United States a distinct political class, known as the managers of Presidential campaigns, who exercise unwonted powers in the control of executive and legislative measures.

They are consulted first, if not exclusively, by their respective parties, upon every great public question. In effect they too frequently hold and control the veto power. They are "the

power behind the throne, greater than the throne itself," and while they are irresponsible to the people they rule largely in their affairs.

This class of politicians must needs be very close to the moneyed classes and corporations from whom they obtain the sinews of war, and can not take sides with the people against those classes. This is a terrible and growing evil. All of these party dictators, on both sides, have fenced in the Sherman law of 1873 with barriers that the people have not been able to surmount.

While their sway continues, the people will get no relief as to the use of silver as a money metal. No President since Gen. Grant has had the power to withstand them. He would never have consented to the destruction of silver as a money metal, if he had known or suspected that it was slain in the Sherman law of 1873, or in the Revised Statutes. When this bill has become a law, I can not now see any remedy for the people save in the election of a President who is friendly to silver as a part of the American system of finance.

After the effect of the Sherman law of 1873 was known, and its operation had filled the land with tramping wanderers in search of work, to earn or beg their bread, the Democratic party, in obedience to its traditional duty, took up the cause of the suffering multitudes, and with earnest promises won their votes to its standards.

This is the cause, Mr. President, of the strength of the Democratic party to-day. After five years of effort they had gained enough power to pass the Stanley Matthews resolutions for the restoration of silver and the Bland-Allison act for the purchase and coinage of silver dollars, and to re-stablish its debt-paying power. The people voted this relief to themselves, and their representatives in Congress were only prevented from granting it as fully as it had existed from the foundation of the Government until 1873 by the threatened use of the veto power. That power of a minority, used by a President who acted in harmony with them, was the barrier to the full exercise of the will of the people in the remonetization and free coinage of silver.

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The minority thus triumphed over the people and sustained their oppressors, and perpetuated their power to fill all the marts of commerce with bankruptcies and all the homes of industry with idleness and want.

The partial relief gained by the people through a compromise with the money power in the Bland-Allison bill was secured by a two-thirds vote of each House over the veto of President Hayes. If he had been backed by a subservient party even that relief would have been refused. The people moved onward after that for the completion of the great reformation for fifteen years, and again struck for the free coinage of silver on equal terms with gold. Again the veto power was invoked by the minority, and its threatened exercise was potent to defeat their will.

The controversy resulted in another Sherman law of 1890, which was also a compromise. In each of these compromises the people gained ground to the front, and would have triumphed over their oppressors but for the power in the grasp of the minority which was found in the control of the veto power. The bankers and stock gamblers, and the trust munipulators and the men who lurk in ambush to force the markets into corners, after a third trial, had fully ascertained the advantage they had in the control of the veto power.

Knowing that the people were aroused and would demand their rights, these conspirators, as an advance movement in the campaign of 1892, set about to capture the centrol of the veto power, no matter which of the great leading political parties should elect the President. They directed their supreme efforts to the nomination of candidates for the Presidency by each party who they knew would use the veto power, when needed, to prevent the restoration of silver as a full money metal equally with gold. They succeeded, and, in doing this evil, they inflicted upon the people a wrong as novel as it was stupendous, and by means that threaten the utmost danger to the Republic.

Money, which is their power, their only power, was used in enormous sums to control the two national conventions as to their membership and the nominations. How much was used, no self-respecting American is willing, it seems, to inquire. The subject is forbidding. There are men who know these facts, but there are none who are willing to disclose them. The result was that the control of the veto power, as a reserved force to check silver legislation, was secured to the minority on these questions of finance, whether the Democrats or the Republicans should elect their nominees.

They had no bargain or understanding to this effect; they did not need this; but they nominated men for the Presidency who were committed in public and official utterances to the sternest opposition to a return to the free coinage of silver, and whose recorded opinions would be their platform. Then in the ne-

tional conventions they took care that in the pledges made to the people there should be a great show of friendship for silver, resounding promises, glittering generalities, and deceptive flatteries, which could be complied with as the parity fraud in the second Sherman law is complied with, by a total subversion of the plain intent of the law.

It was a sight to inspire mirth among the dead tenants of the catacombs to see two Presidential candidates striving to grasp the scepter of the veto power that they might wield it for the destruction of silver money, and yet professing to be the friends of bimetallism. They led opposing and belligerent forces in a joint campaign against silver. In those candidates and in those platforms the coalition began which is now being consummated in Congress, for the defeat of the will of the people expressed in every Democratic victory, at least since that party began to have a history.

The coalition assumes, with good reason, that it is in a numerical majority in the Senate. A majority of whom, I would inquire? Does one Senator in Georgia, one in North Carolina, one in Virginia, one in Kentucky, one in Texas, one in Oregon claim with any show of reason that he represents the majority of the people in each of these States, as against his colleague, when he votes for the destruction of silver as a money metal?

when he votes for the destruction of silver as a money metal?

The doctrine of the Constitution is that within its limitations the majority of the people rules. The doctrine of the coalition is that the numerical majority of Senators present in the Chamber rules absolutely, though the people may have instructed them in the elections, never so plainly, that they are violating the expressed will of a majority of the people. In a parliamentary sense this is true; but is it honest to vote down the expressed will of the people in the Senate unless it is done to check the dangerous execution of the popular will until wiser counsels can prevail?

can prevail?

When the wishes of the voting population in the United States are expressed, it is my belief that the ancient doctrine of the Democratic party, that gold and silver shall have equal privileges at the mint, is largely in the majority. That it is in a majority of eight-tenths in the Democratic party there is scarcely a doubt. The bare numerical majority of the coalition in the Senate violates and rides down the Democratic majority and chains it to the triumphal car of the minority and of the Republicans.

It violates the Chicago Democratic platform, as the Senator from Maryland [Mr. Gorman] in his speech so truly said, and adopts, with an amendment, the Sherman law—the cowardly makeshift—as the embodiment of sound Democratic doctrine. This is done under the false pretense that this bill is an unconditional repeal of the Sherman law of 1890, or of the purchasing clauses in that law. So far from that being true, this bill is not an unconditional repeal of any part of the Sherman law of 1890. It is only a repeal of one feature of that law, upon the express condition that every other section and feature of it shall remain

There is not the least ground or warrant in the Democratic national platform for this action, unless that platform was designed only as an artful and deceptive method of destroying siveras a money metal. No mere coalition of Democrats and Republicans, with the Senatorfrom Ohio [Mr. Sherman] in the lead of one faction, or both, can thus depart from and disjoint the Chicago Democratic platform and impose upon me, as a Democrat, the acceptance of this treason to party faith. We are told to vote, and that speedily, upon this travesty of Democracy, dished up and dictated by the Senator from Ohio [Mr. Sherman]. Who made this a Democratic greed? This I will presently show

made this a Democratic creed? This I will presently show.

If the President had no veto power in reserve with which to defeat the will of the people and the votes in Congress of two-thirds save one, of their representatives, so as to compel Congress to take this or worse, this piping in the market place would go on indefinitely and unheeded, without anyone being found to

As it is, the minority of the Democracy, aided by the reserve force, the veto power must have sway until the whole Democracy can speak. They will speak in no uncertain terms and the Government will yet obey.

The old guard, who have borne the banners of Democracy above harder fought fields than this, will not be alarmed into inaction by the threats of legislative compusion that are made on this floor. We expect that, when the coalition has accomplished its object by the starvation of the people, we shall be upbraided with the charge of moral cowardice, and it will be said that we shrank from contact with a cloture imported from the British Parliament through the Republican Speaker of the House of Representatives in the Fifty-first Congress. That odious tyranny was not born to rule the Senate of the United States. A General Tom Thumb can not do great harm with the club of Hercules

If a Presidential policy is to be worked out through a gag held in one hand and the veto power in the other such assumed powers would so far exceed the grants in the Constitution that the most abject party slave would fly from such a ruler.

We have been threatened here both with the gag of the cloture and the veto of the President because we have asked for information as to what will be done for the people when their silver legal-tender money is destroyed and they are to be taxed to put crutches under the arms of the golden god created by the two Sherman laws of 1873 and 1890 and enthroned by that of 1893. When we are asking these ouestions we are told to vote!

Vote speedily, for the hungry coalition majority will not wait to be questioned. We are not allowed the right of petition so that we may ask the President what he next proposes to do, after the second Sherman bill, that of 1890, has been amended and made more fatal to silver money by that of 1893. Those in the Senate who seem to be conducting business for the President and are supposed to be informed of what is to become of the people, make no answer to the many bills sent them for consideration. They give no sign to indicate what is hidden in the womb of the future.

Is the State-bank tax to be repealed? Are the people to be taxed to borrow gold to meet the \$650,000,000 if gold obligations, including the national-bank notes, for all of which, by the flat of the Secretary of the Treasury, we are held liable in gold coin? Are we to add to this another \$100,000,000 in order to cover the balances of trade, or the interest on debts, or the dividends on railroad and other stocks, as fast as we earn them, for our foreign creditors? Are we to have a bankrupt law as a forlorn hope? Are we to have an income tax to help those who labor and starve, by forced contributions from the nonproducing classes? Or are we to be left where we have been for twenty years, a constant prey to the speculations of those who can increase or depress the currency at will, and take tithes and tolls at pleasure from the earnings and property of the industrial classes.

One word of encouragement from the President, or from the coalition, would be a grateful relief to the apprehensions of the people and would tend to establish that confidence the want of which is said to be the cause of all the sufferings of the people. Instead of this we are told that conferences and caucuses are in vain, and that compromise is scouted as an unworthy condescension. This is harsh, arbitrary, and unworthy treatment; all the more painful because our political enemies are invited to become the willing instruments of our coercion. From that rod and that staff we can get no comfort. The funeral knell of the liberty of free speech in the Senate, that came from Rhode Island when the force bill was under debate, and only ceased when Colorado and Nevada interposed their sovereign powers, is again jangling in strange and ominous peals in New York and Indiana, and we are threatened with duress, if not with punishment.

I am afraid that the country will be slow in forgetting this wanton method of hasty and summary dealing with the strangulated silver States—the silver States of the West.

They have not deserved this. The first two Sherman laws and the great rupee theft of Great Britain, it is true, have depressed the market value of silver bullion until 65 cents' worth of pure metal will coin into a full dollar. Yet it is equally true that the Bland-Allison law has made that dollar as good as a gold dollar, both to the Government and the people, and no man has been shaved one cent on any silver dollar. If through our "cowardly makeshifts" we have given this advantage to the silver miners, shall we forget how their productions saved our people, if not our Government, from bankruptcy when Baring Brothers, by their wild investments, compelled the Bank of England to borrow money from the Bank of France to tide over that shoal?

England turned to us for gold and got it. This draft would have bankrupted our people had not these silver miners poured into our Treasury \$60,000,000 of silver bullion per annum, which, with \$33,000,000 of gold from our mines, enabled our people to conduct all their home industries almost without difficulty.

In some remarks that I was permitted to make on the 29th September, I attempted to demonstrate (not in vain, I hope) that these silver miners were forced into this attitude by the false principles upon which the first and second Sherman laws are based, and that they were deprived by those laws of their constitutional right to mine and use silver as a money metal, a metal that is precious, as the redeemer of promises, and to have it coined at the mints as their property.

A people robbed of rights that exist under the Constitution, and were enforced with extreme care under statutes approved by Gen. Washington in 1792, and by Gen. Jackson in 1837, and were undisturbed for eighty years, are not to be treated with contempt because those who deride them have been successful,

in a degree, in a conspiracy to destroy such rights and the mar-

ket value of their property.

The tyrant may scoff at and deride his mutilated victim, but honest men will help him to assert the holy rights of man. will abide with the noble people, whose commission entitles me to a voice in this Chamber, in upholding the rights of our sister States in the mountains of the West, and I will not join the multitude in demanding their destruction because they can point to these States in their distress and helplessness and say, "If thou be king, deliver thyself from thine enemy."

In standing by these States and peoples in their hour of great trial I will violate no tradition or creed of the true Democracy. I am anxious to establish my Democracy on these lines as the friend of the equal rights of gold and silver before the law, so that the larger and stronger men who have of late clambered upon the Democratic platform shall not crowd me off the modest buck seat where I have been during all my manhood and where I intend to abide even unto the end.

On the 28th October, 1893, the following Democrats voted in the Senate for restoring to the people the right of free coinage of silver as it existed under the act of 1792 approved by Gen. Washington, one hundred years ago, and again by Gen. Jackson in 1837, lifty-six years ago. They are: Senators BATE, BERRY, BLACKBURN, BUTLER, CALL, COKE, DANIEL, GEORGE, HARRIS, IRBY, JONES of Arkansas, MARTIN, PASCO, PUGH, ROACH, VANCE, VEST, and WALTHALL, 18 Democrats voting. And the following Democrats were paired in favor of the free coinage of silver, namely: Cockrell, Colquitt, Morgan, and White of California, making 22 Democrats who support the free coinage

of silver in the Senate.

The Democrats in the Senate who refused to support the free The Democrats in the Senate who refused to support the free coinage of silver are Messrs. CAFFERY, CAMDEN, FAULKNER, GIBSON, GORMAN, GRAY, HILL, LINDSAY, MCPHERSON, PALMER, RANSOM, SMITH, VILAS, TURPIE, VOORHEES, and WHITE of Louisiana—16 Democrats voting against silver, and the following Democrats were paired against the amendment for its free coinage, namely, BRICE, GORDON, HUNTON, and MILLS—in all, 20 Democratic Senators. Thus we see that it is still the Democratic doctrine in the Senate that the people of the United States demand and will have the free coinpeople of the United States demand and will have the free coinage of silver if it is in the power of the Democracy to restore to them that constitutional and Democratic boon. That this is the Democratic doctrine, with majorities running into hundreds of thousands among the people, will soon be demonstrated in a way that will never be forgotten.

In the list of Senators who voted, or were paired, against silver free coinage are several far better entitled to Democratic consideration than I am, so far as the value of their opinions is concerned, with whom I have been voting and acting for many years on the Democratic side of the question. This will appear more distinctly from some records to which I will presently invite the attention of the Senate.

What may be their reasons for their change of attitude towards this subject is not a matter that concerns me personally; but I wish only to state the fact with emphasis that I have not changed my opinions or my votes on this vital question. I have not abandoned the Democratic creed, which has stood the test of a century of experience, and is the same now as it was in 1792.

There seems to be a charm for them in this third Sherman bill which can neither be broken by the denunciations of our party platform adopted at Chicago, nor by the arguments that we have been able to advance to show that it is the last fatal

blowat silver as a money metal.

If we part company on this question, the most important that now concerns the country, it will only be because I refuse to leave the old Democratic ground and to accept the leadership of the honorable Senator from Ohio in his relentless war upon silver as a money metal.

Let us see what Democrats have been doing since 1873 in the Senate to defeat the Senator from Ohio in his war upon bimet-

allism.

The subject came up in 1878, in the Senate, as it had come up reviously in various elections held. On the 5th of November,

Mr. BLAND moved to suspend the rules and pass the following bill:
An act to authorize the free coinage of the standard silver dollar, and to
restore its legal-tender character.

Be it enacted, etc., That there shall be coined, at the several mints of the
United States, silver dollars of the weight of 412 grains troy of standard
silver, as provided in the act of January 18, 1837, on which shall be the device and superscriptions provided by said act; which coins, together with
all silver dollars heretofore coined by the United States of like weight and
fineness, shall be a legal tender, at their nominal value, for all debts and
dues, public and private, except where otherwise provided by contract; and
any owner of silver bullion may deposit the same at any United States coining mint, or as-ay office, to be coined into such dollars, for his benefit, upon
the same terms and conditions as gold bullion is deposited for coinage under
existing laws. existing laws.

SEC. S. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

I have read the whole of the proposed statute in order to show its very identity with the amendment of the Senator from Kansas [Mr. PEFFER] which was voted down in the Senate by Demo-

cratic votes last Saturday.

This was agreed to, yeas 164, nays 34, 92 not voting. Among the yeas I find Mr. MILLS of Texas, and Mr. HUNTON of Virginia, and various other of the leading lights of the Democratic party, with whom, Mr. President, I have felt honored in the opportunity of being associated during my political career in this body and long before, so that if a juvenile like myself in political affairs as I was then was misled in respect of the true Democratic doctrine I shall have to ask one of those Senators or both of them to act the part of a scapegoat for me and take my sins upon their shoulders and to run to cover somewhere. have run to cover, Mr. President, and I am afraid they are going to leave me in my sins.

The Stanley Matthews resolution came up in the Senate on the 16th of January, 1878, which involved the whole of the doc-trine contained in the Bland bill, which had passed the House by this tremendous majority, and that resolution I will also read. I put it on the record, not for the information of the Senate, but because I desire my constituents to know what the facts are, in order that they may determine whether they and I have longed to the Democratic party and have been in line with them all these years, or whether we have been so fatally mistaken in our attitude upon this question. The resolution submitted by Mr. Matthews, who was not a Democrat (he was a Republican from Ohio, afterwards a member of the Supreme Court, and a very eminent one), is as follows:

wery eminent one), is as follows:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1889, it was provided and declared that the faith of the United States was thereby solemniy pledged to the payment in coin or its equivalent of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and.

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act, were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1876, are required to be of the description of bonds of the United States prescribed in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," and Whereas at the date of the passage of said act of Congress last acrossaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 4124 grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled "An act establishing a mint and regulating the coins of the United States," to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Bett resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver colonis as a legal

The Senator from Vermont [Mr. MORRILL] proposed to refer the resolution to the Committee on the Judiciary, and that mo-tion was negatived by 19 yeas and 31 nays. Mr. Conkling moved to amend it so as to make it a joint resolution, which was not agreed to—yeas 23, nays 39. The object of Mr. Conkling in making the motion to change it from a concurrent to a joint resolution was obvious. It was that the President of the United States might have a chance to strike it down with his veto.

Mr. Edmunds moved to strike out of the resolution after the ord "interest," in the fourth line, etc., and the vote was taken

on that-18 yeas and 44 nays.

The Senator from Vermont [Mr. MORRILL] moved to strike out the words "are payable," in the fifth line, etc. It was disagreed to—yeas 14, nays 41.

Mr. Edmunds moved to postpone the resolution indefinitely, which was disagreed to—yeas 22, nays 43. Now among the yeas there were the following Democrats:

Messrs. Barnum, Bayard, Eaton, Kernan, Lamar, McPher-

SON, and Randolph.

Among the nays were Messrs. Armstrong, Bailey, Beck, Coke, Davis of West Virginia, Dennis, Eustis, Gordon, Grover, Hereford, Johnston, Jones of Florida, McCreery, McDonald, Maxey, Merrimon, Morgan, Ransom, Saulsbury, Thurman, Voorhees, Wallace, Withers. There were 43 votes in the negative, quite a large number of whom were Republicans. On agreeing finally to the resolution the vote was 43 years to 22 nays. Now I will read that vote: The years were Mesers, Allison, Armstrong, Bailey, Beck, Booth, Bruce, CAMERON of Pennsylvania, Cameron of Wisconsin, Chaffee, Coke, Conover, Davis of Illinois, Davis of West Virginia, Dennis, Dorsey, Eustis, Ferry, Gordon, Grover, Hereford, Howe, Johnston, Jones of Florida, Jones of Nevada, Kirkwood, McCreery, McDonald, McMillan, Matthews,

Mazey, Merrimon, Morgan, Ogleeby, Plumb, Ranson, Saulsbury, Saunders, Spencer, Teller, Thurman, Voorhees, Wallee, Withers-43.

And the nays were: Messrs. Anthony, Barnum, Bayard, Blaine,

And the nays were: Messrs. Anthony, Barnum, Bayard, Blaine, Burnside, Christianey, Conkling, Dawes, Eaton, Edmunds, Hamilin, Kernan, Lamar, McPherson, Mitchell, Morrill, Paddock, Randolph, Rollins, Sargent, Wadleigh, Windom—22.

So that resolution passed in the Senate by the vote of all the Democrats in that body except seven. The resolution went to the House, and on the 29th of January, 1878, the preamble and resolution were adopted by a vote of 189 years to 79 nays. Of course amongst the years the Democrats were very greatly in the majority. majority.

This subject came up again in the Fifty-first Congress, in 1890. It was upon a bill that had passed the House of Representatives and come over to the Senate, if I have it right, and I think I have. It was a bill for the coinage of silver money under the act of 1837, with certain additional provisions in it, which were quite in harmony with the general perport of the act. It passed the House of Representatives, it seems, by a vete of 135 year to 119 nays. It was considered in the Senate on a report from the Finance Committee made by the Senator from Vermont [Mr. MORRILL] on the 11th day of June, 1890, and after considerable debate and many motions for amendment and postponement, etc. Mr. Plumb, of Kansas, presented the following substitute for

That from and after the date of the passage of this act the unit of value in the United States shall be the dollar, and the same may be coined of 412½ grains of standard sliver or of 25.8 grains of standard gold, and the said coins shall be equally legal tender for all sums whatever.

That hereafter any owner of sliver or gold buillon may deposit the same at any mint of the United States, to be formed into standard dollars or bars for his benefit and without charge; but it shall be lawful to refuse any deposit of less value than \$100, or any buillon so base as to be unsuitable for the operations of the mint

Mr. Blaze proposed an amendment to it and Mr. Vest moved to change the last clause of the first sentence of Mr. Plumb's substitute, so as to read:

And the said coins shall be legal tender for all debts, public and private Mr. Plumb's substitute was then agreed to-year 43, nays 24.

Now, I will read the ye

Mossrs. Bate, Berry, Blair, Blodgett, Butler, Call, Cameron, Carlisle, Cockrell, Coke, Colquitt, Daniel, Eustis, George, Gibson, Gorman, Harris, Hearst, Ingalls, Jones of Arkansas, Jones of Nevada, Kenna, Manderson, Mitchell, Moody, Morgan, Paddock, Payne, Plumb, Power, Pugh. RANSOM, Reagan, Sandera, SQUIRE, STEWART, TELLER, TUR-PIE, VANCE, VEST, VOORHEES, WALTHALL, WOLCOTT-43.

The nays were: Messrs. Aldrich, Allen, Allison, Casey, Chandler, Cul-Lom, Dawes, Edmunds, Evarts, Frye, Gray, Hale, Hawley, Hiscock, Hoar, McPherson, Morrill, Pierce, Sawyer, Sher-Man, Spooner, Stockbridge, Washburn, Wilson of Mary-

There were only three Democrats in that minority. That bill failed to become a law, it having been substituted by what is now known as the Sherman act of 1890, which was passed on the 14th of July, 1890, every Democrat in the Senate voting against There again it appears that I was not only with the Democratic party in my views upon this subject, but that a very large number of Democrats entertained the same idea of what the duty of a Democrat was in respect to the free coinage of silver.

Then the subject came up again in the House of Representatives in the Fifty-second Congress, the 7th of March, 1892, on a resolution reported from the Committee on Rules by Mr. CATCHINGS, of the House, that "after the morning hour the House proceed to the consideration of H. R. 4426, being a bill for the free coinage of gold and silver, for the issue of coin notes, and for other purposes, and should mid bill be not sconer disposed of the House shall continue the consideration thereof," etc.

That was taken up on a vote of 195 yeas to 73 nays, and after a

long struggle in the House of Representatives the bill came over

On July 1,1892, the bill S. 51, to provide for the free coinage of gold and silver bullion, and for other purposes, was up. It is a mere repetition in substance, not exactly identical in language, with the act of 1837.

Mr. DOLPH moved to recommit the bill, and on that motion there were 28 yeas, and the nays were 31. The votes for recommittal were:

Yeas-Messrs. Allison, Brice, Carey, Carlisle, Cullom, DAVIS, DAWES, DIXON, DOLPH, Felton, FRYE, GALLINGER, GOM-MAN, GRAY, HALD, HANSBROUGH, HAWLEY, MCPHERSON, MANDERSON, PALMER, Perkins, PLATT, PROCTOR, Sawyer, STOCKBEIDGE, WATTEN, WASHBURN, WHITE—28.

And the mays were:

Messrs, Allen, BATE, BERRY, BLACKBURN, Blodgett, BUT-EER, CAMERON, COCKRELL, COKE, DUBOIS, FAULKNER, GEORGE,

HARRIS, HILL, JONES of Nevada, Kenna, KYLE, MILLS, MITCH-ELL, MORGAN, Paddock, PEFFER, POWER, RANSOM, SHOUP, STEWART, TELLER, TURPIE, VEST, WALTHALL, WOLCOTT.

31.
The final result was that the Senator from Missouri [Mr.VEST]
The final result was that the Senator from Missouri [Mr.VEST] substituted all of the proposed legislation by an out-and-out straight free-coinage bill, the best one, I think, that I have ever seen since the act of 1837, and on its final passage the yeas were 29 and the nays were 25. On that the yeas were:

seen since the act of 1837, and on its final passage the yeas were 29 and the nays were 25. On that the yeas were:
Messrs. Allen, Bate, Berry, Blackburn, Blodgett, Butler, Cameron, Cockrell, Dubois, Faulkner, George, Harris, Hill, Jones of Nevada, Kenna, Kyle, Mills, Mitchell, Morgan, Peffer, Ransom, Sanders, Shoup, Squire, Stewart, Teller, Turpie, Vest, Wolcott—29.

And the nays were:

And the nays were:

Messrs. Allison, Brice, Carey, Carlisle, Cullom, Davis,
Dawes, Dixon, Dolph, Felton, Gallinger, Gorman, Gray,
Hale, Hawley, McPherson, Manderson, Palmer, Perkins, Proctor, Sawyer, Stockbridge, Warren, Washburn, WHITE-25.

And opposed to it were the following Democrats: GORMAN, GRAY, MCPHERSON, PALMER, and WHITE.

Now, I have sufficiently shown, without going into greater de-Now, I have sufficiently shown, without going into greater details, that the Senate of the United States by the vote which it gave, and the Democrats in the Senate by the vote that they gave, which I have just been reading and which seems to have been recorded on the 1st of July, 1892, gave their definition to the meaning of the platform of the Chicago convention of 1892, which was adopted June 1, just a month before, in which it is stated in Article VII:

SEC. 7. We denounce the Republican legislation known as the Sherman act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal. We hold to the use of both gold and silver as the standard money of the country and to the coinage of both gold and silver without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through finternational agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

Now, that was the Democratic interpretation in the Senate of the meaning of that platform. The Democrate who voted for the free coinage of silver on the lat of July, 1892, in this body, did not mean to separate themselves from the party. They knew of the existence of this platform. They interpreted its meaning. It went to the country, and after that vote in the Senate of the United States I could go to my constituents in Alabama, and did go to them, and informed them that, whatever there might be of doubt or distrust connected with the vague expressions and uncertainties of the seventh clause of the Chicago platform, so far as the Democracy in the Senate and in the House were concerned it had all been removed: that we had made and affirmed the declaration in favor of the free coinage of silver in accordance with the act of 1837, which had been signed by Gen. Jackson.

There was firm ground to stand upon. We believed it. If I had gone to the State of Alabama and told the Democrats of that State the first thing that should be done by the President of the United States after we should have elected him, or contributed our votes to his election, would have been to have put silver in a position from which there was no possible extrication, that it was to die in the Senate at the hands of its friends or in the House of Representatives and by his command, that State at least would never have cast its vote for him. There is no question about that. I have told him so, of course in the most friendly, cordial, and kindly manner, for that is exactly the sentiment that rules in my bosom in respect to the President of the United States.

Not that only, but I have great pride in him as a Democrat, and great hopes of the success of his power in the relief of the country from other mischiefs besides this which are coming upon us. But I had not any more distrust that the attitude of the Democratic party was known upon this question, was thoroughly established, was beyond doubt or disputation—I had no more distruct of it than I have of my own existence. You can fancy the surprise with which I encountered here, not an appeal to the men who passed that bill, not asking them to go into council with the rest of the Democrats and see whether it were not better under existing conditions and electromate to waive the attitude we took in July, 1890, but to be confronted with an alliance that had already been formed, a coalition that had already been established by outside arrangements with the honorable Senator from Ohio, to whom was delivered, it appears, the key of the situation, and who had the supreme office delegated to him by some authority—I do not know and I do not care

what it was-to dictate to the Senate of the United States and to the Government what should be its policy in respect to silver.

am not apt, Mr. President, to take umbrage at being neg lected or overlooked. I do not care anything about the complimentary attentions of any man who lives, if I have a clear conscience and am permitted to act upon a sense of duty formed Whenever gentlemen can not agree with me about matters of that kind honors are simply easy between us. But I feel as a Democrat and as one of a majority of this body, after that platform had been adopted at Chicago, and after we had made this firm declaration to return to the platform of 1837, old Jackson's platform, there was something in the nature of a consideration due to the men who felt thus impelled to give their votes in this body and to define their course on this

But instead of that we have been entirely overslaughed; and when we presume to enter into a compromise, although we are when we presume to eater in a somptomise, attnoop we are thrown buck upon the arbitrary demands that this bill must pass just as it has been framed by the dictation of the Senator from Ohio [Mr. SHERMAN], no more and no less, and we must look to the future for our relief.

Tee Senate would weary with me if I should undertake to trace up the origin of this Democratic doctrine, and yet I can not forbear to quote a very few sentences from that most eminent Democrat, Thomas Jefferson, on this subject, to show that we are in line with him also. He says:

line with him also. He says:

It is a litigated question, whether the circulation of paper, rather than of specie, is a good or an evil. In the opinion of England and of English writers it is a good; in that of all other nations, it is an evil; and excepting England and her copyrist, the United States, there is not a nation existing, I believe, which tolerates a paper circulation. The experiment is going on, however desperately in England, pretty boldly with us, and at the end of the chapter, we shall see which opinion experience approves; for I believe it to be one of those cases where mercantile clamor will bear down reason, until fa is corrected by ruin. In the meantime, however, let us reason on this new call for a national bank.

Mr. Jefferson was opposed to national banks, and at that stage of the case he was opposed to paper money, because he did not believe that the Government had sufficient control over the regulation of the volume of paper money to keep it in proper parallel lines with the redeeming power that lay in the gold and silver, which are at the foundation of all these promises.

He says further in criticism of Adam Smith:

He says further in criticism of Adam Smith:

The only advantage which Smith proposes by substituting paper in the room of gold and silver money (B 2, c. 2, 434) is "to replace an expensive instrument with one much less costly, and sometimes equally convenient;" that is to say (page 437), "to allow the gold and silver to be sent abroad and converted into foreign goods," and to substitute paper as being a cheaper measure. But this makes no addition to the stock or capital of the nation. The coin sent out was worth as much while in the country as the goods imported and taking its place. It is only, then, a change of form in a part of the national capital from that of gold and silver to other goods. He admits, too, that while a part of the goods received in exchange for the coin exported may be materials, tools, and provisions for the employment of an additional industry, a part also may be taken back in foreign wines, silks, etc., to be consumed by idle people who produce nothing; and so far the substitution promotes prodigality, increases expense and consumption without increasing production. So far, also, then, it bessens the capital of the nation. What may be the amount which the conversion of the part exchanged for productive goods may add to the former productive mass, it is not easy to secretain, "because," as he says (page 44), "it is impossible to determine what is the proportion which the circulating money of any country bears to the whole value of the annual produce."

He goes on to discuss those questions to which I do not now

He goes on to discuss those questions to which I do not now desire to call attention further. When speaking of each or money he always speaks of gold and silver. He uses them in conjunction. It never occurred to the mind of that wise statesman that a period could ever arise in the United States when a divorce between gold and silver should become necessary. It has never arisen and it never will arise. Even at this very moment our legislation, our restrictions upon the use of silver, the legislation of foreign countries, will drive the productive labors of the people of the world into the gold mines; and it will not be five years after the passage of this law until the country will do as Germany did, and as other countries in Europe have done, abandon the gold standard and adopt again the bimetallic standard, because silver has got to be the scarcer metal. There is no doubt at all about that.

On this subject perhaps I had better not volunteer any statement. I have great authority, however, for the statement I have made. There is no doubt at all that the production of gold by placer mining is very much cheaper labor. It yields more abundantly in the way of profit to the mere day laborer than the production of silver, which requires large investments to carry on silver mines. However, I shall not go any further in the effort to illustrate that, but I will read a little further from Mr. Jefferson. This is a letter to Mr. John W. Eppes:

In this state of things we are called on to add ninety millions more to the circulation. Proceeding in this career, it is infallible that we must end where therevolutionary paper ended. Two hundred millions was the whole amount of all the emissions of the old Congress, at which point their bills ceased to circulate. We are now at that sum; but with treble the population and of

course a longer tether. Our depreciation is, as yet, but at about 2 for 1. Owing to the support its credit receives from the small reservoirs of specia in the vaults of the banks, it is impossible to say at what point their notes will stop. Nothing is necessary to effect it but a general alarm; and that may take place whenever the public shall begin to reflect on and perceive the impossibility that the banks should repay this sum. At present, caution is inspired no farther than to keep prudent men from selling property on long paymeats. Let us suppose the panic to arise at three hundred millions, about to which every session of the Legislatures hasten us by long strides. Nobody dreams that they would have three hundred millions of specie to satisfy the holders of their notes.

Were they even to stop now no one supposes they have two hundred millions in cash, or even the sixty-six and two-thirds millions, to which amount alone the law obliges them to repay. One hundred and thirty-three and one-third millions of loss, then, is thrown on the public by law; and as the sixty-six and two-thirds, which they are legally bound to pay, and ought to have in their vaults, everyone knows there is no such amount of cash in the United States, and what would be the course with what they really have there? Their notes are refused. Cash is called for. The inhabitants of the banking towns will get what is in the vaults, until a few banks declare their insolvency; when, the general crush becoming evident, the others will with draw even the cash they have, declare their banking towns will get what is in the vaults, until a few banks declare their insolvency; when, the general crush becoming evident, the others will with a wear they to do? Bring suits? A million of creditors bring a million of suits against John Nokes and Robert Styles whereseever to be found? All nonsense. The loss is total.

His description of a panic produced by expanding the volume paper money seems to be a prophecy of the troubles we are

now having with the banks. We have grown very much larger than Mr. Jefferson I think ever supposed we could grow in so short a period, and we conse-quently have an expanded use and a still expanding use for paper money, and it has got to be one of the established institutions of the country. But, Mr. President, the duty has arisen and has increased in its obligations every step we have taken that we should be more and more cautious and careful in respect of the restraints to be imposed upon the issue of paper money. We have out a vast amount of paper-money obligations of the Government of the United States, and there is no dollar out to-day in the hands of the people, issued directly or indirectly by the Government of the United States, including the nationalbank notes, that the Government is not responsible for its re-demption in coin. When you come to the silver certificates the Government has reserved to itself the right and option of redemption in silver coin, and yet we are told that as an act of magnanimity, or as an act of pride, or something like that—I can hardly characterize it—as much as \$5,000,000 of gold have been paid out of the Treasury of the United States during this time of distress for the redemption of silver certificates

We know that the gold has been paid out into the hands of the employés of the Government of the United States. It is circulated here through the hands of these pages and the em-ployés of the Senate. Gold has been distributed among us here in the payment of salaries by the Government of the United States in the midst of all this outery for its accumulation and retention in the Treasury. The intent and purpose seems to be in every possible direction, both by precept and by example, to compel the rejection of silver and whatever else represents silver, even the silver certificates in that character from the circulation and convert them into gold on demand.

Well, that may be another way of killing silver. They need to treasure the new others the processors and the convert to any others.

well, that may be another way of killing silver. They need not resort to any other. They have got enough now. This bill will kill it effectually enough.

We already refuse free coinage to silver on terms of equality with gold at the mint. The people can not have it coined. We repeal this law and say there shall be no more silver purchased by the United States for coinage; and thereupon we break the market entirely; and the silver producers who may be reaften be by the United States for comage, and thereupen we reafter be market entirely; and the silver producers who may hereafter be rash and indiscreet enough to dig it from the earth as a matter of profit will find that they must go abroad with it, and sell it in countries with hostile legislation against silver. They must in countries with hostile legislation against silver. They must find Asiatics or some other people to buy it, if they can find anybody using it, or else they must go to the trinket shops, the

tinker shops, the jewelry shops, and sell it there; or it must be used for the purposes of deceration, or something like that.

This bill, when it has had its way with silver, utterly destroys it as money in every possible sense and conception; there is nothing of it left.

So now, with this vast mass of paper money issued by the United States, payable in coin, which the Senate of the United States years and years ago, in 1878, voted was payable in silver dollars as well as in gold coin, when all of this mass of money has stricken from its foundation any support of silver, in so much that no Treasury officer will pay out silver in the redemption of any promise of the Government whatever, what becomes of this any promise of the Government whatever, what becomes of this enormous disparity between the cash spoken of by Mr. Jefferson—the gold, if you please—in the Treasury of the United States, or within the power of the Treasury of the United States to accumulate, and this vast mass of debt amounting to 8 or 10 or 12 to 1? What have you got then to pledge to the people of the United States that this Government will be able or will ever undertake to redeem all of these paper promises in gold that you have got out?

that you have got out?
You have one resource, that to which you have never failed to resort. You have the resource of taxing the patient, uncomplaining, patriotic, honest, industrious, and suffering people; and to that you come. There you land. There this bill lands you; and the third chapter in the revelation of this plan is that you shall buy \$200,000,000 of gold bonds supported by taxation upon the people. You take from the people the money that they jure upon, that they live with, that they use in their daily transactions, that they can not get along without. You take from them the dollar, except the limited amount that you have got here, that may yet be coined according to the remains of the Sherman act which you canonize and put in the statute as something worthy of worship by Democrats. You reserve that, and allow it to lie in bullion in these vaults or to be coined according to the discretion of the Secretary of the Treasury. The \$150,000,000 that have been issued under this law you say shall when they are redeemed and paid into the Treasury be reissued, and they shall remain reissued, and as often as you redeem them they shall remain reissued, thus leaving a demand upon the Treasury of the United States of a specific character under this bill of \$150,000,000 that have been as the service of the service of the treasury of the United States of a specific character under this bill of \$150,000,000 that they are the service of the treasury of the United States of a specific character under this bill of \$150,000,000 the treasury of the United States of a specific character under this bill of \$150,000,000 the treasury of the United States of a specific character under this bill of \$150,000,000 the treasury of the United States of a specific character under this bill of \$150,000,000 the treasury of the United States of a specific character under this bill of \$150,000,000 the treasury of the United States of a specific character under this bill of \$150,000,000 the treasury of the United States of a specific cha United States of a specific character under this bill of \$150,000,

000 that can be used just like you use a spigot to insert in a barrel for the purpose of drawing out the contents.

You leave it there and yet you pretend to try to convince the common, plain-minded, simple people of the United States that you are not trying to foist up a goldocracy in the United States, but that you are trying to maintain the parity of silver and gold. Will you maintain the parity of silver by locking it up in the vaults of the United States and taxing the people to get coin to Circulate around to pay the men who want to speculate upon the Treasury of the United States continually?

Mr. President, at the risk of wearying the Senate and the risk of my own health I will go a little further into this matter.

The Senator from Nevada [Mr. JONES] in a speech covering

four days of time in this body has made a contribution to the literature and history and philosophy and political economy connected with the subject of silver and gold and money at large which will illustrate the history of the United States as one of its most beautiful chapters in all time to come. I think there is no Senator here, and I think there is no political economist in the United States, who would ever undertake to answer the great argument made by the Senator from Nevada upon this subject. But that has all gone to the winds. The people of the United States are in a condition of turmoil and distress, and they are not prepared to take a dispassionate view of this great question. I found, when he was analyzing the subject, very much to my designation. light, that he and I had taken similar views of a certain feature. simply one feature of this question, about which I desire to say something, because it is one that is not attended to usually, and it is very important to the industrial classes of the United States.

I allude to the relations of labor to the production of the precious metals.

GOLD AND SILVER THE PRODUCT OF LABOR AND NOT OF THE LAWS.

The money metals, gold and silver, when coined are money.

Paper promises when printed and circulated as currency are not money, but promises to pay money. Money and credit are as distinct as paper is distinct from gold or silver. Paper promises are credit; gold and silver coins are money.

Money is given a fixed value in the payment of debts by legals.

Money is given a fixed value in the payment of debts by legal-tender laws. In all other respects the value of money is calcu-lated only with reference to the amount or quantity it will purchase in the markets of what are called staple commodities, such

This power of money is called its purchasing power, and that element of its power can not be fixed or regulated by law. Sometimes this purchasing power of money is wildly exaggerated, or as irrationally depressed by the lusts, passions, or follies of men. But these exceptional departures from the ordinary admeasure-ments of the relative values of money and property are not con-sidered when we compute the actual value of money as compared

with the actual or commercial value of property It is true, beyond candid disputation, that money and the descriptions of property that are indispensable to civilized life, are measured, as to their selling or exchangeable value, by the abundance of the one and the scarcity of the other in the markets where the exchange takes place—the open markets of com-

Money is bought and sold in the open markets, just as goods are bought and sold. In that sense, all money is a commodity; but of all other commodities it is a measure of value. A dollar is sold in such markets for a bushel of wheat or for two bushels of wheat, according to the abundance of the one or the scarcity of the other; but the measure of the dollar and the measure of the bushel are both fixed by law, and are equally arbitrary. The

dollar has a value imputed to it by law and measured by law whether it is statute law or the law of custom, or the law of whether it is statute law or the law of custom, or the law of commercial usage; but the quantity of the wheat given in exchange for the dollar is measured by agreement. The intrinsic usefulness of the wheat creates the market, and the impulse of necessity forces the sale. The incentive of gain or of stimulates the market, but human necessity creates it. The incentive of gain or of hunger all cases the price or value of the wheat is ascertained by agree

Supposing the money to be sound, without which attribute it could not be money, but would be only a token or a mere crude commodity, the abundance of it in the market is the fact that determines how much wheat a dollar will purchase. The law of necessity operates first, and with the greater pressure, upon the owner of the wheat. It is his necessities, either actual, real, or owner of the wheat. It is his necessities, chair accurat, real, or speculative, that causes him to bring his grain for sale to the open market. He is forced to sell it for money, because that is the convenient or customary method of exchanging it for other goods. He has more than he needs for consumption, and he must sell his surplus or lose it; or he needs other things which he can only buy with money, or he owes debts that he can only

he can only buy with money, or he owes debts that he can only pay with money.

These wants force him to sell his surplus wheat. His necessities are absolute and imperative. He must sell his wheat. This situation describes the relation that every production holds to money in every open market, and also the relation that labor holds to money in every human vocation. Supplies for human consumption perish, while coin is nearly imperishable. The necessity of sale of the leading productions of labor is all-pervading and irresistible, and it is this that creates markets. It is the offer to sell that opens the market. As a rule, almost without exception, this offer must be made by the producer to without exception, this offer must be made by the producer to his disadvantage. Money, after it has supplied to its owner according to his necessities, real or imaginary, what is needed, if any surplus is left over, becomes capital.

When the offer to sell produce or labor is addressed to capital.

as it most uniformly is, the price of the produce or labor is fixed by the capitalist. This is always the case unless an abnormal scarcity of productions causes money to seek investment in them. This seldom occurs, if ever, when money is scarce. When money is scarce the producer is forced by necessity to hunt it up and to offer great inducements in the way of bargains to the capitalist. The scarcity of money enables its holder always to depress prices, even when produce is comparatively equally scarce. This is due to the fact that money is in demand always and for every necessity.

The demand never ceases, because it represents every human necessity

Capital can not increase in the hands of its owner without taxing the necessities of mankind. It has no growth except through this form of taxation. It can not grow, it can only be added to. Interest laws, usurious contracts, and the markets are the chief instrumentalities through which this taxation is imposed and collected. In either form its power is irresistible, and its exactions are without limit unless the laws control and limit the pressure of capital, the money power, upon the necessities of mankind, and this can only be done by increasing its volume. Capital will tax necessity to the uttermost, and to the degree of Capital will tax necessity to the uttermost, and to the degree of the absolute confiscation of property unless it is restrained as to the interest on loans, or its power is weakened or scattered by the counteracting power of the laws in the increase and diffusion of its volume.

If money is scarce in the markets (and, being scarce, it is always in the hands of a small number of people), the tax upon the necessities of the man who brings his produce or his labor to that market is proportionally heavy. The only safety of persons thus situated against the exorbitant taxation of their necessities of the safety of the control of the safety of the safety of the control of the safety of sities must be in the amount of money in the market, and in the competition that is created by its being in the hands of numerous persons, seeking for speculative profits or commissions or interest or usury

If the necessities of life and civilization compel wheat-growers to send 100,000,000 bushels of wheat to New York for a market, to send 100,000,000 bushels of wheat to New York for a market, and \$100,000,000 are in that market ready to be invested in wheat, for consumption, to meet human necessities, the price of the wheat would be \$1 per bushel. If only \$50,000,000 were found in that market for the purchase of wheat, the price would be 50 cents per bushel. At a higher rate, wheat could not be sold for cash. If the necessities of the people at large, in reach of the New York market, were equal to the consumption of the 100,000,000 bushels of wheat, they would be so imperative and unsuighble that the wheat thus "corpored" by the scarcity of voidable that the wheat thus "cornered" by the scarcity of money or by its concentration in the hands of a few capitalists,

would yield them 50 per cent profit.

In the case supposed, which is illustrated, if it is not demonstrated in practical commerce, very frequently the evil to be rem-

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of

edied is the too great scarcity of money as compared with the productions of the wheat-growers and with the demands of conproductions of the wheat-growers and with the demands of consumers. I do not care now to enter upon any discussion of the effect of overproduction in lowering the price of wheat in certain seasons, as is sometimes alleged, but was never true of any great staple of food or raiment. It is enough for my purposes that a scarcity of money in the markets, no matter how it comes about, is a disastrous tax upon all production and all labor.

Such a scarcity of money, of legal-tender power, as compared with the volume of the indebtedness of the people, must be totally destructive of the substance of the people and the death of industry, enterprise, credit, and commercial morality. It would fall like a blight upon a vast number of people, who could only

fall like a blight upon a vast number of people, who could only have even hope restored to them by bankrupt laws. Turning aside from the temptation of a wider treatment of the subject, my inquiry is addressed to the people, for it awakeus no response here. What is the duty of government in respect of the supply of money—not promises, or credits, or tokens, but money—to the people? By money I mean coins made of the only precious metals, the only money metals now known to mankind, gold and silver.

These are the only metals that the common opinion of mankind and the universal usages of the markets and the laws of trade recognize as money metals. This is the one fact that can not be denied or displaced even by the imagination. The duty of our Government, and, indeed, of all governments, which they everywhere obey and perform, is to coin these metals into money and regulate by law their ratio of value when coined with each other, and to impart to them the compulsory power of legal tender in the payment of debts.

The laws of our country can go no further than this in regulating the value of money. Whatever other commercial value these coins may have is a matter of agreement between the buyer and seller, which is properly described as their purchasing power. our Government can not engage in the business of producing these metals by digging them from the earth. That is a private employment which the people may engage in but the Government has no rightor power to pursue. These metals are the product of labor and skill, as much so as cotton, silk, wool, or

In the experience of mankind, as established through centu-ries and cycles, the product of a day's labor in producing these ries and cycles, the product of a day's labor in producing these metals is nearly equal to a pennyweight of gold or an onne of silver, and this fact is very influential in the admeasurement of the ratio between them. Indeed this is the safest basis for a ratio between gold and silver. The labor that yields an ounce of silver will, as a rule, yield a pennyweight of gold. When gold or silver is coined it is the conversion of labor and skill into money by operation of law. To say that too much of this labor can be bestowed upon the production of these metals is absurd. It has never been true and can never be true that the world has been or will be overstocked with the precious metals. world has been or will be overstocked with the precious metals or either of them. If the labor of the miner does not pay when measured with the price of the products of labor in other pursuits it will cease, and when the labor stops the production of precious metals ends.

When the petroleum wells came in the labor expended in whale fishing ceased, or nearly so. When cotton came in the flax culture nearly ceased; when iron ties came in the produchax cuture hearly ceased; when from thes came in the produc-tion of hempen ropes was nearly ended. But when labor ceases to produce silver, because of its low purchasing power, there is no substitute but gold that can take its place. Its rival—gold— will usurp the field of consumption, but instead of supplying its loss it will make its loss doubly felt among the poor, in the in-crease of the burden of debts and the corresponding decrease of the prices of their labor. the prices of their labor.

The labor that produces gold and silver is bestowed on personal account and not on Government account. In the same way labor is bestowed in the production of wheat or cotton, and so of the capital employed in mining for precious metals. In the United States as, indeed, in all countries except in the prison mines of Siberia, the Government never works a mine of gold or silver on Government account. It would reverse, if it would not revolutionize the entire theory of the Government of the United States and of every State in the Union, to engage in the mining of gold and silver on Government account, even upon the public lands owned by the United States, where the mines yet undiscovered are most likely to be found. The United States could not open mines and work them on Government account any more than the Congress could open and cultivate wheat farms or vineyards, and convert the wheat into flour and the grapes into wine, on the public domain.

The supply of gold and silver must come entirely from private sources and not from governmental action, and the supply of these metals can neither be increased or diminished by any power of the law directly forbidding or limiting the production.

The supply of all other productions useful for man comes from the same source, personal labor and personal skill, and, as the quantity of other productions increases, and as the demand for them is greater day by day and year by year, labor will find profitable employment in the production of precious metals, which when coined are the representatives in commerce of the growth of the fruits of all other labor.

It is the labor employed in gold and silver mining and in all other industries that is found engaging in the one pursuit or the other, according to the profit it will yield to the laborer. The labor shifts back and forth from the mines to the farms and factories, and increases the yield from the one employment or the by a law that is as common and as effectual in commerce as the law that rules the waters of the earth in the unceasing effort to produce and maintain a common level.

There is never too much wheat. Hungry mouths are always eady somewhere in the circuit of commercial intercourse in the world to consume more bread than they can get. price of the wheat is not remunerative, because the money to buy it is too scarce, production is shortened, hunger increases and the poor who labor in other industries are taxed on their bread by corners and combinations which the scarcity of money invites, and no law, it seems, is strong enough to prevent these cruel exactions.

The only possible relief in the supply of real money is to permit or induce the miner to increase the supply of gold and silver to correspond with the demands of commerce. I do not consider

to correspond with the demands of commerce. I do not consider that it is a real relief to such a situation to supply the deficit of gold and silver by the issue of promises to pay money, on demand, for their redemption at some future time, and to secure that promise by taxation of the people.

That is a temporary makeshift in which the people are to loan their credit to the Government, or to the banks, and pay taxes to make the credit good. If such credit is not based on gold and silver, or upon taxation, it is a costly delusion and a fraud which only adds to the distress of the people. It is flat money, which is always followed by the flat of destruction.

Why were banks ever created by law with power to issue bills to circulate as money if there was no need for an expansion of

to circulate as money if there was no need for an expansion of currency beyond the supply of gold and silver money? Will it be said that this was done, and this new machine for making be said that this was done, and this new machine for making money was contrived for the mere purpose of greater convenience in transporting wealth from place to place? If such had been the purpose why did they in the very beginning of banking issue three dollars of paper for one of gold and silver in the vaults of the banks? Banking by the issue of paper money was first practiced in the fourteenth century in Venice, and other great companies it is a part to be desired to the fourteenth century in Venice, and other great com-

mercial cities along the Mediterranean Sea.

The necessity for banks arose from no other cause than the want of sufficient gold and silver coinage to supply the purchasing power necessary to the handling and interchange of the productions forming commerce in those marts of trade at prices that would invite their presence there. They began as a con-venience, and soon became a necessity; but banks, which are the coiners of credit, have never been able to supplant or substitute the powers of governments to coin money of gold and silver, and their issues have had no par value except as they have been redeemable in coin.

A bank bill that is not redeemable in coin is branded as a fraud the world over, and has been so condemned during all periods since they were first issued to circulate as money. Yet their supply of currency to the commercial world became indispensable. If this substitute for money were driven from circulation in the transactions of commerce, it need scarcely be said that it would bankrupt the commercial world. Or if either gold or silver were removed from the foundations upon which such issues are based, it is quite as true that the confidence of all commercial dealers would correspondingly cease to the destruc-

tion of the business of millions of people.

Labor, then, coined into money, is the basis of all banking, as well as the life-blood of all civil government. Labor, thus coined, is the only money basis that has ever existed, or that can be devised; for the world of mankind will have no other basis of the redemption of promises. Labor supplies every human want; the metals that are, when coined, the measures of value in every human want; the metals that are, when coined, the measures of value in every human want; the metals that are, when coined, the measures of value in every human want; the measures of value in every human wa man transaction that is based upon contract; and the means of redeeming every promise, express or implied, for the payment of money. In producing the metals that admeasure values, labor is employed, voluntarily, either in the mining of gold or silver, and gets its rewards from commerce.

To stop the production of either metal or to disparage it by laws is to cut off from mankind a useful employment to the extent of the restriction so imposed upon it. This would be bad enough if it was applied to wheat in order to give to corn or rice a greater value, but when it is applied in its effects to the entire mass and volume of commerce, and to every business transaction, it is a blight upon every industry and a direct tax upon

every producer.

If the restriction is upon silver in order to enhance the price of gold, when the cooperation of both metals in supporting the credit system called banking is never sufficient, even at the extreme possible limit of production, the disastrous effects are always perilous, and frequently they wreck the business and paralyze the industries of whole nations, and sometimes of half the civilized world. Of this fact recent events are a demonstration.

This is the policy we are now pursuing; this is the scheme of the single gold standard and coinage prescribed by the Sherman act and its legitimate offspring, the "cowardly makeshift" of the Sherman act of 1890; and the present still more cowardly makeshift in the amendatory act we are now considering under the false and fraudulent assertion everywhere believed, that it is a bill for the unconditional repeal of the Sherman act of 1890. And all this is done to give the national banks a wider field for And all this is done to give the national banks a where held for speculation in paper credits, and the stock gamblers, brokers, and corner ambuscaders a safer and more complete control of all corporations, factories, mines, fields, farms, and forests; and to aid trusts and conspiracies with the national credit, based on

the taxation of the people.

The United States Government in its financial policy is a bank of issue and redemption, and it also receives on deposit silver and gold coins, for which it issues paper promises. Except in the single matter of coining gold on the demand of one who deposits bullion, the Government is a banking institution of the sort I have just described. The national banks have, as banks of issue and as banks of deposit for public money, become merely fiscal agencies, instrumentalities of the Government, which is

the mother bank.

They are a favored lot of public pets and leeches, and one is not surprised when they "wax fat and kick."

As for their issues of bank notes as money, they have no responsibility. The Government pays them 4½ per cent interest in quarterly payments on all the bills they issue. This is taxed out of the people, and averages, I think, \$15,000,000 each year, and redeems their circulation when they break. A case is ensily possible with these banks, that their officers, with a capital of, say, \$100,000, can invest it in United States bonds, and draw interest on them at 41 per cent; they can then get a line of deposits from the people of, say, \$300,000, and get \$90,000 of national-bank notes from the Government. They can steal the whole sum and convert it into foreign exchange, send it abroad in the form of gold or foreign exchange, and leave the Government with \$390,000 less gold in the Treasury: their depositors without a dollar of indemnity; and get away with the whole face value of their bonds, except \$10,000. That is the whole sum that the banks put up as security for their honesty and good faith. True, the Government gets \$100,000 of its bonds, but the thieves have pocketed \$90,000 of its gold in the Treasury and \$300,000 from depositors, and have escaped with it

This case has not happened, so far as I know, though I have heard of such a case, it may never happen, but none the less does the possibility of such an occurrence show that the banking sys-tem is not sufficiently protected. The depositors have virtually no security against peculating bank officers. Their only real security is in the honesty of the officers of the banks, which has not very often been disproved but sometimes it has.

not very often been disproved but sometimes it has.

That many of them are well adapted to the perpetration of even such frauds as I have shown to be possible under our ill-guarded system, is shown by the graphic and burning description of them which I find in the following interview of the Senator from Indiana, in a Chicago gold-standard newspaper of recent date. This is a bitter arraignment, that if made by me, I could only make it at the expense of the contemptuous scorn and villification of every great daily paper in New York. The Senator is fortunate in the forbearance of his recent allies.

This is what the Senator save about the banks in that inter-

This is what the Senator says about the banks in that interview, which I suppose is correct. I think it is, as it has appeared without contradiction, so far as I have seen:

LE CALLS THEM THIEVES—SENATOR VOORNESS DENOUNCES THE BANKERS OF NEW YORK—BITTER LANGUAGE USED BY THE INDIANA STATESMAN WHEN SPEAKING OF THE FINANCIERS OF GOTHAM—DECLARES THAT MONEY IS THEIR GOD AND CLAIMS THEY WOULD SCRUPLE AT NOTHING TO OBTAIN IT—WHY HE FAVORS THE REPEAL OF THE PURCHASING CLAUSE OF THE

WASHINGTON, D. C., September 19.

"My full and complete opinion," said Senator Voorhees, "of that combine of impertinent robbers and thieves, the banks of New York, it would not be politic for you to print. You couldn't get the telegraph company to handle the message. My views of the New York banks and their methods and their attitudes in this present debate in the Senate are that they add insolence to robbery and slanderous lying to bighwayism.

"I have been in Congress thirty-two years. Call it success or what you please, its corner stone, at least, was what is my present opinion of these New York banks. I haveever found them plundering, marauding, and stealing the goods and hopes of the people, like so many cattle-lifting flighland caterans. There is not an honest hair in all their heads, not a broad or patriotic motive in all their bosoms. They are narrow, selfish, utterly mean,

and dishonest. No honest man takes his eyes off them for a moment; they would pick his pocket if he did.

"If you turn your back they use the assassin's knife upon you like so many lurking, skulking, cowardly Corsicans of money. Go to your Bibles and read what the Savioursaid of the New York banks and every member of their tribe. He described them as whited sepulchers filled with dead men's bones, as the robber of the widow and the devourer of the orphan, as willing to barter God for money or negotiate a mortgage on their hopes of heaven, allow a foreclosure and stay away from the sale, and all for money.

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"In the eagerness of their sharkish greed they abandon honor, and right, and justice, and decency, and fill and gorge their belies on the best posses of a world. They would make a boiled dimer of the brightest prospects of a world. They would make a boiled dimer of the brightest prospects of mankind. Never in my life have I been their friend northey mine. I make no concord, no alliance, with such criminal elements. When I took my position for the unconditional repeal of the Sherman law purchasing clause I had neither thought nor care for the New York banks. Neither did I regard my position as being for gold and against silver. Gold and silver and their part in the finances of the country are not disposed of by passing the Voorhees or the Wilson bill. You repeal the silver-purchase clause of the Sherman law, that's all you do: that's all you squeeze out of it. I am a silver man to-day, and a far better friend to silver than are those who obstruct public business in the Senate.

"My position as chairman of the Finance Committee called me to lead this fight. I have led it honestly, fearlessly, courting no man's favor, and Ishall lead it to the end. When the New York bankers impute or ascribe to me any hidden motive for silver, any treachery to the measures I am assuming to support, they are liars and foul slanderers whom I shall not hesitate to stigmatize as such. The fact that to-day both I and the New York banks desire the same thing—the unconditional repeal of the Shermanlaw—need contuse no one as to our relations. My attitude toward them is what it always was and what it always will be to that which is corrupt and utterly venal.

TRAVELING THE SAME ROAD.

"Have like some road with honest men. So far as I am personally concerned they cut no more figure in my future than in my past. The yelping of any other pack of woives would be as potential in my destinies. I come from the Wabash, not from the Hudson; from Indiana, not from New York. It is not necessary that I be cheek by jowl with the wolves of Wall street. I return when I leave here to my own people, not these pirates of the New York banks, and the fact that I do not suit in my leadership the larcenous, the vish tastes of that robbers' roost will gain me warmest welcome in Indiana which a man can receive."

Yet the Senator reported, and has partly discussed, and is ready to pass a bill through the Senate and enact it into a law to give up to the bank I have described, with its great temptations o fraud, and its staff of thieves that the Senator has described,

the \$10,000 reserved from its circulation.

The twin measures so far developed, as yet, by the coalition are the amendment of the Sherman bill, so as so drive out the silver that is not coined, whether in the Treasury or in the ores where nature planted it, from all chance of coinage and circulashops or in a hostile foreign land; and at the same time to increase the powers of the national banks. This double-barreled shot at the silver-miners should not be fired from the American Senate.

This is not fair treatment to the silver-miner who has added so much wealth to the United States, such true support to all other industries, and who with his predecessors has placed monuments of glowing brightness along the shining way of the entire march of civilization, and has assisted in the work of the divine exaltation of the human family in all its history.

It must be known to the Committee on Finance that every national-bank note issued by the Government is ultimately to be redeemed in gold, if that is demanded by the holder.

It has been supposed to require \$100,000,000 of gold in the Treasury to protect the \$346,000,000 of greenbacks that are outstanding. Mr. Sherman, when he was Secretary of the Treasury, bought \$80,000,000 of this gold with silver certificates. Since its purchase, in 1878 or 1879, it has cost the people in actual taxes \$60,000,000 to hold this reserve in the Treasury. How soon will it be that we shall have to borrow two or three hundred millions of gold to protect the \$246,000,000 of greenbacks left unprotected, to pay the bonds that secure \$200,000,000 of the national-bank notes, and the \$151,000,000 of notes issued under the Sherman law?

Whatever sums we are compelled to borrow for these purposes will be at the constant and increasing expense of the people. The gold will be held, as the \$100,000,000 now in the Treasury is held, as dead money on which interest must be paid. The people must be taxed to pay it. How long it is to be thus held no man

can foresee or even guess.

Mr. Foster and Mr. Carlisle have added the \$151,000,000 of Treasury notes issued under the Sherman law of 1890 to our gold obligations, when they could as easily, as safely, and as honorably have placed them on the list with the silver certificates is sued under the Bland-Allison act, thus increasing the gold debt to within a small fraction of \$500,000,000, at a time when the speculators in gold were shipping it across the Atlantic, not in reality to pay debts or to protect our credit, but to raise a clamor against silver, in order to compel us to abandon it. It is even said that \$5,000,000 silver certificates have been paid by us in

Silver certificates are payable in silver dollars under the

statute, and the Treasury notes under the Sherman law are payable in gold or silver at the option of the Secretary of the Treas-Nothing short of cold offrontery could ever be the attribute of a man who would complain of receiving payment of these Treasury notes in silver dollars and claim that his contract was reasury notes at siver donate and claim that his contract was violated. If such a contract existed between private parties, such a refusal would be considered dishonest. When it concerns the Government and involves the taxation of the people to get the gold to make the payment, such a refusal is an act of public

eridy.

If the gold policy of the Sherman law is made absolute and inflexible by the proposed amen iment of that law now under consideration, the borrowing and taxing policy must also be maintained. The Government must be constantly in active competition with our own people to accumulate gold to protect the Treasury, and the people must be unrelentingly taxed and the taxes made payable in gold, to keep up the Treasury supply and to prevent our Secretaries from placing the Treasury into voluntary bankruptcy.

The limited supply of gold must make the burden of this forced lean crushing to the people of the United States.

This same policy must bring our people in competition with the governments of Europe also in this world-wide scramble for that metal. All of those governments must have gold to support their military attitude toward other neighboring powers. Their fate depends on this turning point.

In this competitive contest for gold the hoarding of it by rival and hostile powers must diminish the volume that remains free to support commerce and supply the demands of the arts.

the support commerce and supply the demands of the arts.

The daily labor of the workingman, which is his bread, is to be paid with 50 cents in silver instead of a dollar in gold. The gold is not for him, but the subsidiary silver coin must suffice for his necessities. That is legal-tender money for ten days' work at a dollar per day, and it is short in weight 180 grains of The labor is reduced in price to 50 cents, because gold prices everything, and is double the value that it should be and would be if silver was its equal before the law. Why is this? Because gold is too scarce to buy the productions of labor at a fair

There is not enough of it to go around at a fair price for labor. A dollar's worth of labor is priced at 50 cents. Gold is not coined in dollars or in smaller coins, and he must accept 50 cents in silver, which is the gold price of one dollar's worth of labor. Thus labor is made to bear the burden of competition with our own Government and with other governments, and with all capitalists and banks everywhere; and it is no wonder that the

Prices of labor shrink as gold becomes scarcer.

But the laborer in the factory is told that with a single gold standard all prices shrink in nearly equal proportions, and that he can now buy as much with \$1 as he could formerly buy with \$2 of all the necessaries of life. That is in some degree true;

\$2 of all the necessaries of life. but it is a sad truth to laborers.

The greater truth is ignored, in this exegesis of the economy of human toil, that the recompense of every toiler, as a rule, de pends upon the wages that every other laborer gets, at least in the same country. There is that brotherhood and mutual de-pendence in labor, and its fruits, that causes every toiler to feel the weight of any burden that is laid on those of every other class of laborers, and each dripping tear salts the whole cup.

If the slave and the free man work in adjoining fields, the cheapness of slave labor, because it is unpaid, lowers the price of the free labor that must be paid. It is the nonproducer whose necessities compel him to employ labor and purchase its fruits and who pays for them in the profits of capital, loaned or invested in speculative ventures. It is the capitalist who, with his interest, his usury, his exchange, and cent per cent, must still live on the labor of other men, that supplies to labor its net

The producers and nonproducers are classes almost as distinct The producers and nonproducers are classes almost as distinct as the people of distant countries. Producers as a class must be toilers, while nonproducers as a class "toil not, neither do they spin." Necessity makes toilers of men, and the absence of that law makes them mere consumers. If the consumers, who must furnish the net profit to labor, can price the money in which the producer shall be paid for his toil, the slavery of human labor becomes as abject and servile as African slavery ever was. The limit of its forbearance is only defined by its interests or its heaveylesse, in which merey is a quality that is terests or its benevolence, in which mercy is a quality that is

That is exactly what this so-called repeal bill, this makeshift of the capitalized classes and the idlers—mushrooms that spring up on the dung heaps of human waste—inflicts upon labor. This repeal bill prices the toil of honest working men and women to a lower and constantly sinking limit by the increased power of gold to tyrannize over it. When gold is the only metal money, as it must be when silver is only a commodity and its future pro-

duction is cut off by this bill, all labor will be priced in gold and all commercial credit will be based upon it.

The supply of gold, unsupported by silver, is not enough to furnish a compensating price to labor or production, and they must both sink at the will of the capitalistic classes.

This declaration is sustained by the opinions of financial and political economists, but more conclusively by the better judgment of common sense and the final demonstration of all human ment of common sense and the man demonstration of all human experience. The owners of gold, in such a case, become the autocrats of the credit system of banking, and that is the final ruin of the laboring and producing classes if the alternations of money from scarcity to plethora can ruin them.

In the United States we have now a paper currency, all of which is redeemable by the Government, of not less, as I understand is then give dellars in paper to one of gold, and that gold.

stand it, than six dollars in paper to one of gold, and that gold must be borrowed money, for which we must pay heavy interest.

also in gold.

Our paper money is kept at par only by the power of taxation. Strike that out and our paper money would sink to 50 per cent

of its present value or less.

All our taxation is upon current industries-labor. it is upon incomes or upon the issues of banks, and the tarifi and internal taxation paid by the wealthy give no relief or favors to the producers, so that the duty of redeeming the currency and of paying interest upon our bonds, and the bonds also when due,

is shouldered down upon the annual productions of labor.

It is therefore of vital moment to the laboring and producing classes that the banking credit system should be under such restraints, if that is possible, that the volume of the currency should not be under the sole control of the banks, as to its expansion and contraction. It is just at this point that the people are handed over by our banking laws to the mercy of the banks; and their mercy is that of the octopus for its victim. The banks use their money, by preference, to back up the gamblers in food and raiment and stocks and enable them to destroy the people with corners and combinations to raise and depress, at their own sweet will, the selling price of every staple commodity of our

While this system exists and the people are taxed to give it credit and power, their sufferings and apprehensions of coming evils will continue and increase. The war provoked by these banks may be a long one, but it will destroy them. The theory of our Government is that the labor of the people, in our rich fields of industry, shall furnish the basis of banking, which is gold and silver. It is not that the Government shall furnish this basis, either by taxation of the people or by usurping their

this basis, either by taxation of the people or by usurping their right to mine gold and silver and to have it coined into money. Give to the people freely this right reserved to them in the Constitution, to supply the precious metals for coinage at the mints, and the bankers will not look to their taxation for these natural and just foundations of credit, but will look to their free and voluntary labor for this indispensable supply. The mining laborers will then get their just reward for their toil, and our treasures of precious metals in the mountains of the West will not be condemned to lay useless in the mines or to expulsion to foreign lands. In our dealings with these problems, if they are in any proper sense problematical, our attention is first demanded by the pending legislation for the benefit of the banks and not the relief of the people.

Even while the country is being warmed with the glow of returning prosperity arising from the confidence of the people in themselves and their Government, that the banks have vainly tried to destroy, they further demand haste and pressure that

tried to destroy, they further demand haste and pressure that threatens the Senate with compulsion and duress and Senators with pains and penalties for obstructing the passage of this bill. The banks and their following, seeing the ship of state rising out of the waves in spite of their efforts to submerge it, are eager to claim the advantage of the post hoc propter hoc argument and to assert that they have saved the country, while

we know they have only failed to destroy it.

Pass this bill and they will treat the country to another expansion and another boom. Then they will cause another contraction, when it is convenient for the gamblers in stocks and provisions to pocket another year's labor of the people through

nother depression.

This is the instability of trade that has so often shaken the

country like an earthquake, and now threatens to engulf it.

If this little financial earthquake which was begun by the banks to frighten the people into submission, which was begun as stage thunder to alarm us into the quietude of despair, has opened a real chasm in this forum which must be filled with a living sac-rifice, let not our Marcus Curtius (of Indiana) alone fill it. Let it be filled with a holocaust of the Democracy. The Democratic national resolve is that the Sherman law is "a cowardly makeshift." Let us not, by clinging to the worst features of it, make it by adoption our contemptible makeshift. If anybody in our midst desires to climb down into the chasm on a Republican stepladder and reconnoiter for a chance to fill with a sham, I am afraid that my admiration for him will not stir in my heart the grateful sympathy that the Romans had for their hero who, having clothed himself in his burnished armor, mounted his brave and faithful war horse, and, thus accoutered leaped into the chasm, filled it with a glorious sacrifice and sed it, saving his country.

If that legend is to be repeated and realized here, let the Democratic party prove faithful to its heroic traditions and its brave pledges and go headlong into the chasm. Let us all leap together into the abyss that we have selected for our living tomb. I will join hands with the old guard, and we will leave the fatal brink of the chasm together, and bequeath our glory and our usefulness as a legacy and a bequest to a country we could serve in no other way

If we promised too much to the people at Chicago, let us not ask the Republicans to assist us in revoking the promise. The Democratic party has decorated the entire Sherman law with its contempt and commanded us to slay the cowardly make-shift outright. In obedience to that command I will vote for a substitute for this bill that the Sherman law, every part of it, shall be repealed.

If the coalition will not remain with us after the funeral, if we go to the bottom of the chasm and they refuse to help us out, as they will refuse, we will have the glory of having perished in a good cause and they will thrive on what we leave as the admin-

istrators de bonis non of our estate.

In the amendment to the Sherman law, which is called "unconditional repeal" by the most audacious and mendacious abuse of language that Satan ever adopted to cover a brazen falsehood, there is found all that silver will ever get if it shall pass, until the people have spoken again in a Congressional or Presidential

The proposed amendment, falsely styled "unconditional repeal," is intended to be the final act in the death of the silver metal. That is the purpose of the majority of its supporters. When they get that they will be content, and no movement for its resurrection will be made.

The repeal of the entire bill would leave the people in a more hopeful condition than the repeal of the first section, the pur-chasing clause. We will have reached the bottom of the abyss at one bound, and the unterrified Democracy will set to work to climb out; whereas, if we amend the Sherman bill and adopt the cowardly makeshift as a Democratic measure, we shall go about the streets like the poor Jewish murderer, condemned to bear the rotting corpse of his victim bound to his shoulders until it has fallen to pieces, crying out, "Who shall deliver us from this body of death."

Out and out repeal of the Sherman law is better for the cause of silver monetization than the repeal of the purchasing clause of that act. That amendment of this law, proposed in this bill, leaves silver coinage, even as to the metal now in the vaults of the Treasury, optional with the Secretary of the Treasury. That such option will be exercised so as to leave the bullion in the Treasury uncoined, is as certain as that the Secretaries have not produced a coin from it in three years.

The alleged option is a false interpretation, both of the letter and spirit of that act. It is a presumptious usurpation of the one-man power, so odious to all right-minded Americans. The discretionary power to coin money, or to refuse to coin it, is a power more fatal to liberty than would be the power to declare war or to suspend the writ of habeas corpus. The most absolute monarch in the world would be dethroned and executed by his subjects if he, without the advice of a council or cabinet responsible to the people, should undertake so radical a measure as it is

claimed that the Sherman law justifies.

Can Mr. Carlisle be permitted, in his discretion, to raise or depress the market for silver, by giving it coinage as legal-tender money or by refusing it? Yet the clauses of the Sherman law that this bill remarks, with the construction placed upon it by Mr. Secretary Foster and Mr. Secretary Carlisle, gives to him, under that construction, the power to coin the bullion or him, under that construction, the power to coin the bullion or to keep it locked in the Treasury vaults. He can increase or decrease at pleasure the legal-tender money of the people. I would leave no room in the law for a discretion in that matter. We crown him dictator of finance, of coinage, and of the markets,

when we surrender that power into his hands.

The entire repeal of the Sherman law would be better than the repeal of the first section and the resnactment of the remaining sections, because it would take away from the Secretary of the Treasury the express option to redeem the notes issued under its provisions in gold or silver. They would stand on under its provisions in gold or silver. They would stand on the same footing with greenbacks if the entire law was repealed, and the option exercised by the Secretary of the Treasury in redeeming them in gold or silver would be at his peril.

If he should be a candidate for the Presidency, as all Secretaries of the Treasury are either known or supposed to be, the people could ask him why he chose to redeem in silver, and so obtain the votes of the common people; or in gold, and so getan election fund from the banks; and he could not reply that Congress required him to redeem the notes in the one or the other coin, and therefore he could not redeem partly in gold and partly in silver.

This law as it is and as this bill preserves and reënacts it, creates a statutory competition between gold and silver coin. When the dealer in gold wishes to raid the Treasury for a profit or a commission, to be paid him by conspirators against the Government, the discretion vested and confirmed in the Secretary by this amendment of the Sherman law enables him to comply with the insolent demand rather than rebuke it with a stern refusal, when he is ready to threaten the Government with this question: "Is the Treasury of the United States bankrupt, that it cannot provide gold to meet my demand?"

When such a demand is made by one holding a promise payable in gold or silver coin, at the discretion of the Secretary, his tright at such a call reminds one of the timidity of an elephantat the nibbling of a mouse. France answers such questions with this response: "The credit of France is pledged for the security of the Republic against the vigilance of neighboring states that are our enemies; and is not pledged to enable you and them to dictate to us a financial policy to suit your greed and their hostility.

their hostility."

A Secretary of the Treasury who had the courage to look for a moment at the credit and resources of the United States, while his eager and longing gaze is diverted from the vision of the Presidency, would say, would have said, indeed, to the man named by the Senator from Kentucky, in his great argument delivered in the Senate on the 4th day of this October, who had conspired to loot the Treasury and were under foreign pay:

"You will not alarm a Government as to its credit that has paid \$5.000,000,000 of debt and interest in thirty years through

paid \$5,000,000,000 of debt and interest in thirty years through your mean exploit of attempting to defame its good name by making a corner on the gold in the Treasury. 'Get thee behind me, Satan.' The credit of this Government is not a power in the hands of gold or stock gamblers. Go back to your foreign em-ployers and tell them that this splendid American Republic is not a football to be kicked around by them at their pleasure.

Such a response would have preserved the parity between gold

and silver, while the timid submission to their insolent demands only makes the preservation of the parity impossible. If silver needed lifting up to preserve the parity, it was his duty to lift it up, and not make its full legal-tender value a byword and a reproach.

If silver had been thus defended by our Secretaries of the Treasury, every holder of an American security in Europe would have said: "The United States declares for the parity of silver coin with gold, and the hoarding of silver in the Treasury must raise its value; the supply is growing short; under European pressure the mines are closing. Silver amine is more likely to occur than overproduction. We will join the United States in its wise policy of bimetallism; we will make the silver States in its wise policy of bimetallism; we will make the silver as good as gold, and thereby lose nothing on the debts due us and on the dividends coming to us from the vast interests we own in their railroads. We virtually own many of the factories, banks, breweries, town, city, and State bonds, mines, grazing lands, mortgaged farms, gas works, water works, and town acity property in the United States. We own India, and fix a gold value for the silver rupees of those subjects, which is far above the commercial value of the silver that they are coined from. Why should we not be indulgent to our clients—our from. Why should we not be indulgent to our clients—our former subjects—in the United States?"

They would not "kill the goose that lays the golden egg" be-

cause her wings are tipped in oxidized silver gray. When the cowardice of the money dealer infects the Cabinet we may look for conspiracy at home and abroad, and consequent humiliation and distress for the people. All these dividends on stocks owned abroad must come out of the annual earnings of the people, and sent abroad in gold at an enormously inflated value before the men who create them can eat the bread of their toil, or have the flavor of profit, which must be paid to them in silver

Yet there are jeremiads in Presidential messages and in all sorts of reports and speeches—sobbing lamentations—lest the laboring man should be paid in legal-tender silver dollars. Having no gold dollars, they having been stricken from the coinage, how is a poor man, who earns a dollar with a day's work and is paid in a paper dollar, to have it redeemed in gold at the Treasury? If such arguments are not sodden in folly, they must be de-

nounced as hypocrisy.

This amended Sherman bill, we are told, is not expected to stand. Something better is promised. They tell us that this

"cowardly makeshift" is so great an obstruction to the keen financial vision of the new doctors of finance that it must be torn down. Not demolished entirely, but left to stand as to all but the top section, in deference, I suppose, to the bipolitical leadership of the coalition, one wing of which is led by a chronic gold general and the other by an oft-defeated silver marshal. When the top section is demolished, then the grand marshal of the silver forces will take the field for a rapid march for "the promised land." But then, yes then, the great gold general, intrenched behind the remaining barrier of the unrepealed sections of the Sherman law, will say to the gallant marshal "Halt! and give the countersign. This is the citadel of the gold king and his royal retinue, which you have agreed not to attack during this campaign. You must not, can not advance one step.

If the grand marshal shall then sound the advance, and will permit the weary soldiers of the old guard to follow him, we will

If the grand marshal shall then sound the advance, and will permit the weary soldiers of the old guard to follow him, we will struggle to our feet and follow "the forlorn hope" to victory or to honorable graves. But it will then be too late. The surrendered bastions of the Sherman bill, left standing in their deadly array, will repel us, and silver money will die the death.

array, will repel us, and silver money will die the death.
What are we asked to look to for the restoration of the country
to a healthy financial condition after we have reënacted all that
is hostile to silver in the Sherman law?

I leave this subject, Mr. President, with a knowledge that the die is cast. The Senate, the House of Representatives, the coalition, and the President of the United States have determined that this measure shall prevail, and we have nothing now to look to, so far as I can see, but some vague promises made upon this floor, which are entirely incapable of being realized. The President of the United States would not have driven a majority of the Democrats in this Chamber into this corner and have compelled them into this unfortunate condition—where the Senator from Ohio has exercised the power, it seems, of marking out what we shall do or what shall be done by the majority of this body—that would not have occurred, if the President did not have his face set against the free coinage of silver. I regret it very much, but I do not deceive myself that the President of the United States has made a formal declaration, emphatic and, of course, irrevocable, I am afraid, that there is to be no free coinage of silver in this country, and no approximation to it, until we have first secured the assent of foreign powers.

I am atterly hopeless in that direction. I think it is a matter impossible of accomplishment. I do not believe that the form and theory of our Government is at all adapted to making any such obligations binding upon our people, or binding upon foreign countries. I had the honor and the pleasure of discussing this question with the Senator from Iowa [Mr. Allison], who is a very able and a very candid man, and I think the result of the brief debate was to satisfy the Senate that it was a matter of legislative impracticability—impossibility, I will say—that we could formulate an agreement with foreign countries in respect of our currency which should be binding upon them and binding upon as the millenium, and I have not the slightest hope of it nor the slightest confidence in it. It may do for a foil; it may do for a measure of amusement; it may do to flatter the people with the idea that something is to be done for their benefit; but the result will never be reached.

In one respect, Mr. President, we have a people to be admired, to be loved, to be reverenced as a man would reverence an honest and sweet woman who was his wife—it is the confidence and the faith and the abiding trust the people have in the men whom they elect to represent them in the high offices of the country. They seem to be willing to endure almost anything with patience, and the least indication of a promise of relief that we hold out to them will cause them to endure pains and mortifications and distresses which would wring anguish and denunciation from any other people in the world—not denunciations of violence, for they will bear them with fortitude, patience, and submission, trusting in God and in their leaders that all will come right at

They refuse no confidence to their representatives and no

sacrifices to their country.

Such a people, Mr. President, deserve at our hands an equal recognition of duty and devotion on our part, and we should be tender of their rights, and when the powers we undertake to exercise appear to be in conflict with rights reserved to them under the Constitution of their country, we ought to be very cautious and go very slow in interfering with them.

Now, here we are, the Democratic party in this body, according to all the declarations which have been made, particularly those of the Senator from Maryland [Mr. GORMAN], knowingly violating the seventh article of the Chicago platform, which contained pledges to the people of the United States which they translated as sacred promises and which they believed to be

honorable pledges for the full remonetization of silver. That is what they believed. We are disappointing all of them, and we are creating trepidation, anguish, and resentment, and after awhile we shall create rebellion amongst those people toward our authority; they will dispute our friendship for them, they will commence branding us as traitors to their cause, and men who have tried to serve them honestly and faithfully will be crushed under the feet of the multitude who will rush for redress when they find that their leaders have deceived them.

I lament all this. I feel it very deeply. My attitude is this: The Democratic party is to-day what it was in the days of Gen. Jackson. I see no difference in it. If there is any motive or any power or any principle in the Democratic party which was opposed to the creed of the pure Democrats who supported that faithful and great man and his successors and his predecessors in his office, then, Mr. President, I am out of place in the Democratic party; but I believe that the power still resides with that party which honors the rights of the people under the Constitution of the United States with a sincere respect, to bring them again into the full possession of all their constitutional rights, and there is no constitutional right that I can think of which ought to be prized more than that which enables the people of the United States by their labor in the mines, which God has bestowed upon them, to bring forth the precious metals and go to the mints of the country and have those metals converted into coin.

I leave this subject, Mr. President, not expecting for a long time, if ever, to have anything else to say upon it until the people shall take it up and dispose of it according to their sovereign will. I shall yield to that judgment when it is rendered, and to nothing else.

nothing else.

Mr. VEST. Mr. President, after the declarations of the chairman of the Committee on Finance and the demonstration that every amendment proposed to the pending measure is to be defeated, I should not trouble the Senate with any remarks in the closing hours of this debate, except for the fact that I have proposed an amendment, which I shall not press.

In that amendment, Mr. President, I proposed two measures which I thought absolutely necessary to the financial safety of the United States.

The first gives the power of the Secretary of the Treasury to refuse, in his discretion, gold for export. The Bank of England protects its gold reserve by increasing the rate of interest and retaining gold in Great Britain under an act of Parliament which fixes the price of gold when brought to the Bank of England. The Bank of France, under its charter, has the power to protect French finances by refusing to pay more than one-half of any check or draft in gold, and by absolutely refusing to pay out gold when in its opinion it is taken for purposes of export. Under existing circumstances the Treasury of the United States is simply a vast banking institution, without power to protect its reserve, and the spectacle was lately exhibited to the world of London speculators dragging from the Treasury of the United States, from the unwilling hands of the custodians of the gold reserve, this gold to be taken abroad for the purposes of foreign nations, for the commission that was paid to these agents for their services.

Is it possible that we are to leave the Treasury of the United States in this condition? We have now a little over \$80,000,000 of gold reserve in the Treasury; that may be taken out before the 1st of January by the same processes which were used a few months ago in that direction. Is the Secretary of the Treasury to be left helpless and hopeless when we are told here in the most eloquent tones that gold is absolutely necessary to the stability of our financial system and that it is a crime to announce the doctrine thatanything but goldshall be considered the great financial agency of the Government? If this be so, then we should provide means to retain this gold as a matter of self-defene, and it is criminal, in my judgment, to leave the Treasury in the present condition without legislation looking to the end I have named.

In the second place, Mr. President, we have now in the Treasury about \$53,000,000 of silver for which we have paid the tax money of the people of the United States, representing the profitor seigniorage upon silver purchased under the Bland act and under the Sherman law. What are we to do with it? Is it to lie there, a mere spectacular exhibit for the tourists who come to the capital? What are we to do with it? Are we to coin it? Are we to sell it at auction? What private gentleman or business man would consider himself fit to transact business who should allow his silver to lie hoarded and useless when he needed the money in his ordinary business transactions?

in his ordinary business transactions?

It has been stated upon this floor, and is no longer a secret, that we now have a bankrupt Treasury, with a deficit of \$50,000,000 in front of us. The Secretary of the Treasury within my knowledge has expressed a hope that this seigniorage may be

utilized as a miscellaneous receipt in the Treasury, to be paid out for the ordinary expenses of the Government. We have high authority for coining this seigniorage, whatever may be the opinion now of our friends on the opposite side of the Chamber on this question.

The distinguished Senator from Ohio [Mr. SHERMAN] in a speech delivered in this body August 30, 1893, used the following language:

Another thing. I think, could be done for immediate relief. By that strange rule of legic by which you can coin an equal amount of dollars out of a given quantity of bullion and then have a surplus over, if there is out a surplus in the Treasury (and I suppose there is, because some Senators have said there is), I would undoubtedly coin that surplus, and use it, if necessary, for the ordinary operations of the Government to prevent a deficiency, or for any purpose that it might be lawfully coined.

Mr. President, I do not know if there be any change of opinion on the part of the distinguished Senator from Ohio and those who agree with him upon that side of the Chamber in regard to this seigniorage, but the fact is undeniable that we have now a deficit; that the Secretary of the Treasury is pressed for money with which to meet the ordinary demands upon the Government, and that this \$53,000,000 which would circulate amongst the people us gold dollars would circulate with the stamp of the Government, is lying there idle and useless in this great emergency.

But, Mr. President, I did not rise so much to state what is in the amendment that I do not propose to offer, as to accentuate and emphasize in a very few words what I consider the salient points of the pending measure which in a very few hours will become the law.

As I understand the controversy, after we have had three months' debate in this Chamber, it has come to this: The Government of the United States by act of Congress deliberately goes into the arena of the world to scramble for gold. We have acceded, as the representatives of the States and the people, to the demands of the money power of the world and of this country that the purchase and coinage of silver shall cease; that it shall not be standard money; that gold shall be the only standard and sole measure of value in the United States.

I am clear that I do not overstate this momentous proposition.

I am clear that I do not overstate this momentous proposition. It is not answered by the statement that the silver in existence will continue to circulate as money. We have struck down silver as standard money. We have trampled upon the platforms of both the Democratic party and the Republican party, which declared for the use of both gold and silver, without discrimination against either. We have gone, I repeat, into the scramble for gold. We enter now into this competition with all the great nations of the world with \$\$1,000,000 of gold in the Treasury of the United States and without any provision to raise more.

If this country is to go to the gold standard, then the Senator from Ohio is entirely logical when he declares that gold bonds

If this country is to go to the gold standard, then the Senator from Ohio is entirely logical when he declares that gold bonds must be issued to furnish us with the weapons of offense and defense in this great national warfare. Those of us who oppose unconditional repeal saw this result from the beginning, and prophesied it from the commencement of this debate. Those who vote for unconditional repeal do not follow their proposition to its logical sequence unless they vote to issue bonds to raise gold to put this country on an equality with other countries in the contest upon which we have deliberately entered. Are we ready to do this? Are we prepared to go to the people of the United States, already oppressed in the agricultural and mining districts beyond any distress that has occurred in the past, and tell them that, with \$53,000,000 of silver lying in the shape of bullion packed in the Treasury, we propose to add to obtain gold for rivalry with the nations of Europe?

Mr. President, it has been charged that those of us who op-

Mr. President, it has been charged that those of us who oppose unconditional repeal were protecting simply the silver mines of the West. It is false. If I should speak for any self-ish purpose I could respond to this challenge by stating that the lead of Montana and of Idaho comes in direct competition with the lead produced in the State of Missouri. I have been appealed to that I should support unconditional repeal in order to do away with this competition with the lead products of my own State. I have replied to constituents who have made that statement to me that I am not engaged in protecting any commodity; that I am attempting to prevent contraction of the currency, which, in my judgment, is the greatest curse that can come to the people of the United States.

He who doubts, after the argument of the Senator from Nevada [Mr. Jones] and the teaching of history, that contraction means doubling the lurdens upon the backs of labor and the

He who doubts, after the argument of the Senator from Nevada [Mr. Jones] and the teaching of history, that contraction means doubling the burdens upon the backs of labor and the debtor, that it means putting down the prices of agricultural products, and thereby diminishing the means of the husbandman to meet his liabilities dally incurred—he who can doubt that proposition is beyond the reach of argument or appeal. Contraction means the lessening of prices of products of the

agricultural States, which are now more depressed than any other commodities in the United States, and it means at the same time that the burdens placed upon the debtors of the United States shall be increased.

In the Census Reports we find that in the last ten years, from 1880 to 1890, there was an increase of population in the United States, for the decade, of 27.26 per cent, about 2½ per cent for each of those ten years. I ask the friends of unconditional repeal, now in their hour of triumph, when they have struck down silver and consummated—honestly, beyond question, what they conceive to be designed for the popular good—do you propose, as you are doing, to stop the circulation of the country where it is; that there shall be no more silver, no more paper, no more gold, while the population of the country is increasing in the ratio which the Census Reports show beyond any question? By this legislation you say to the people of the United States: "You must transact your business with the amount of currency you now have; your population may continue to increase; emigration may come in at the rate of 500,000 or 600,000 a year, to say nothing of natural increase; but your volume of money shall remain where it is."

We are told by the statistician of the Treasury Department that the per capita distribution of money in this country to-day is \$25.29 to each man, woman, and child in the United States. But what intelligent man does not know that this statement is absolutely false and misleading?

While it may be upon the surface an exact statement of the per capita distribution of money, what one of my auditors does not know now that the real circulation of the country is nuch more than one-half of this amount? We know the gold reserve and the silver in the Treasury of the United States is not in circulation, although it is counted as the basis of this ratio established by the statistician.

established by the statistician.

We know that the \$1,000 and \$500 bills do not go into circulation, although they are included in this estimate. It may be stated, as a reasonable estimate, that \$15 per capita is all the money now in circulation amongst the people of this country. My friend from South Carolina [Mr. BUTLER] says that it is concentrated in the large cities; that in the agricultural and remote districts money has almost ceased to circulate, and commodities are exchanged in the daily transactions of life. Yet in the face of this you go to the people of the United States and say, "We propose to stop the increase of circulation whilst the increase of population goes on, and also to contract the volume of money \$3.500,000 a month by ceasing to buy silver."

increase of population goes on, and also to contrast the volume of money \$3,500,000 a month by ceasing to buy silver."

Mr. President, that is the question of the future. France today, with 40,000,000 of people, with an area of territory about one-fourteenth that of the United States, has a per capita distribution of about \$41 to each man, woman, and child within her dominion. France is an old and finished country. Her roads, canals, bridges, and public buildings are all completed. We are a young, active, aggressive people, with an enormous internal commerce, in whose veins flows the tide of aggression and conquest. We need more money. We need it to develop our lands. We need it for the enterprises that are daily pressing upon us. Yet you stop this circulation where it is without any means of increasing it, and go to the people of the country upon this

Mr. President, I do sympathize with the people of the silver States. I should be ashamed of myself if I did not. I say now in my place in the Senate that no czar or kaiser would desolate any insurrectionary province as we are desolating the silver States of the West. You have struck down in those States everything that makes life dear. You have impoverished men in those States, men who were yesterday millionaires, and you have shut out the sunlight from the homes and hearts of all their people.

As the junior Senator from Colorado [Mr. Wolcott] said—and I can never forget it—this is the first instance in the history of the human race when men of Anglo-Saxon lineage have been punished because they discovered too much of the precious metals.

When the Spaniards carried back to the Old World the gold and silver coming from the conquest of Mexico and Peru, they were received as the saviors of civilization. Europe had been depressed for a half century by a monetary condition which never been equaled. The supply of gold and silver that came from this continent caused an era of prosperity in Europe which for fifty years before had not been known to those people.

When the gold of California and Australia was discovered the night of monetary depression passed away from the whole world because of the greater supply of precious metals that had come to the relief of mankind.

Yet these men, our kinsmen, who left the luxury of civilization and went out beneath the shadows of the great mountains and in the canyons that are eternal and there dug out the silver with which to press on the chariot wheels of civilization, are to be treated as criminals have not been treated in humane govern-

But, Mr. President, again. Let me state another issue that you must meet before the people. Do not imagine that this is the last of this struggle. This is but the skirmish line. The shock of battle is yet to come. Do not think that after you have destroyed one half the metallic money of this country and put the ban upon it you can escape the judgment of a free people upon what you have done. In every State, county, and town-ship the issue will be made, and the people will pass verdict upon

ship the issue will be made, and the people will pass verdict upon what is done to-day.

If there ever was an act in this country more odious than any and all others combined, it was the act of 1873 that struck the silver dollar from the coinage. When the people of the United States discovered that it had been done they arose with unanimity unexampled in our political history, and retaliated upon the men who had done it. In 1878 they sent a Congress here, fresh from the people, upon that issue, which passed an act over the Presidential veto in less than six hours after that veto had been sent to the House of Representatives.

Presidential veto in less than six hours after that veto had been sent to the House of Representatives.

What do you do now? You remit the country to that act of 1873. You have wiped out the Bland-Allison law. You have left the people without a muniment of silver upon the statute book. You say to the people of the country, "We will stop your circulation of money where it is; you shall go beck to the act of 1873 which you have trampled under foot and which will go down to posterity anathematized by the whole people of this country."

That is the issue that you shall meet in the next election. We produce that this matter shall sleep where it is. We pro-

do not propose that this matter shall sleep where it is. We propose that it shall be known to every portion of this country what is the exact effect of the bill that will be enacted into a law by the action of the Senate this afternoon.

Mr. President, we are told that something miraculous will be done for silver hereafter. I do not doubt the sincerity of my friend from Indiana. I do not question his integrity of opinion be done for silver hereafter. I do not doubt the sincerity of my friend from Indiana. I do not question his integrity of opinion when he says this. But the traveler who chases the mirage upon the burning desert follows something more substantial than the hope that the money power of this country after enacting this law will ever permit silver to receive any assistance again from the hands of the representatives of the people. There is one hope left for silver; and I speak of silver as the expansion of the currency of a great people, not the \$70,000,000 that is produced in this country annually. That is not the issue, but in the great struggle between bimetallism and the single gold standard I take silver to be the representative of bimetallism, for that metal to-day is attacked.

for that metal to-day is attacked.

Mr. President, silver will reassert itself because the people of this country intend that there shall be no contraction of the currency. Silver will again become a standard money. You have rejected a compromise which would have given some relief to the people of the silver-producing States and at the same time prevent the ruinous contraction of which I have spoken. That compromise has been rejected. Unconditional repeal must

That compromise has been rejected. Unconditional repeal must be had. The edict has gone forth.

Sir, for one I am glad that it is so. I am glad that the Democratic party, in which I shall die, will assert its ancient principles—equality amongst the people, justice to all, no monopoly in mining, and no centralization in finance. Our fathers asserted their independence against the despotic centralization of the Old World, and stamped their sincerity in their bloody footprints at Valley Forge. We, their descendants, will make, God willing, another declaration of independence—independence from financial centralization and the methods of European money despotism—not to protect this interest or that, but to give to the people of the whole United States and every portion of it a suffi-

ple of the whole United States, and every portion of it, a sufficient volume of money to transact the business of the country.

Mr. COCKRELL. Mr. President, on the 14th day of July, 1890, the so-called Sherman law took effect. It was passed in the House and in the Senate by a solid Republican vote, and was opposed by every Democratic Representative and every

Democratic Senator.

In the campaign in 1891 and 1892 those of us who had opposed the iniquitous Sherman law and who favored making silver an issue upon that law were told that the important question was tariff reform, and that the financial question must be relegated to the rear. The distinguished junior Senator from Texas [Mr. MILLS], now so expressly espousing the cause of unconditional repeal, sounded his clarion voice from one end of this land to

the other in behalf of relegating the silver question to the rear and pressing the tariff to the front.

It was pressed to the front in the campaign of 1892, and by Democratic votes a Democratic triumph was secured, a Democratic President elected, a Democratic Administration inaugu-

Mr. President, I confess I so felt, and I believe ninety-nine out

of every one hundred of the Democrats realized and believed, that the absolute responsibility for the Administration, executive and legislative, rested upon the Democratic organization and party. We felt that we would be responsible for whatever and party. We felt that we would be responsible for whatever legislation was enacted; that we as a party would be responsible for the executive administration. A large element in the Democratic party, therefore, feeling the responsibility that rested upon the party to redeem its pledges to the people, which pledges were the cause of the majority of the votes being cast for it, favored the calling of an early session of Congress in order that the tariff might be brought to the frontand kept there, and that tariff reform might be introduced and consummated.

Many Democrats did not believe that it was the best policy to bring to the front of the tariff reform measure financial reform or financial questions. It was known the world over that the Democratic party had at last secured unanimity in its councils upon tariff reform. It must not be forgotten that in 1878, 1879, 1880, 1881, 1882, 1883, 1884, and 1885, long before a Democratic Administration had come in or a Democratic President had declared in favor of tariff reform, in a Democratic House and among the Democratic Senators we were pleading for tariff re-form. It must also not be forgotten that three times at the instance of Eastern Democrats, protectionist Democrats, Democratic tariff reform bills were defeated in the House of Representatives and on motion of Democrats the enacting clauses were stricken out. We were told, as we are told to-day, to put the tariff question to the rear; that it would never do to press it to the front. The great tariff champion, Governor Campbell, of Ohio, was one of the prominent Democrats who voted to strike out the enacting clause of a tariff-reform measure in the Democratic House of Representatives.

We were told then in asstrong and emphatic language as we are told now to put the silver question to the rear, to put the tariff question to the rear, but we did not do it, and upon tariff reform we fought until victory was achieved: and now our friends here in the East are the most frantic tariff reformers just preceding the election who have ever been seen; but when the election is over and the victory achieved, then we behold the great Democratic leader of New York upon this floor pitching to the front headlong on the finance question, and the floor at the other end of the avenue and the tiger of New York are coming together

of the avenue and the tiger of New 10th all of the avenue and the tiger of New 10th all of the in a lovely embrace. [Laughter.]

Mr. President, those of us who believe that tariff reform should have been pressed to the front did not believe that it was the best policy for a political party that the financial question should be brought to the front, and that an extra session should be called a love the start alone upon the financial question. We did not be the start alone upon the financial question. lieve that, because every man, woman, and child in the whole United States knew that the Democratic party for the present stood divided upon the silver question, just as we had stood in 1878, 1879, 1880, 1881, 1882, 1883, 1884, and 1885 upon the tariff question. The same local distinctions existing, the Eastern Democrats then opposing tariff reform as the Eastern Democrats then opposing tariff reform as the Eastern Democrate to ocrats then opposing tariff reform as the Eastern Democrats to-day oppose silver legislation, we did not think it was best. But, Mr. President, we did not know all that was going on.

We did not know the scenes enacted behind the screens or we would not have thought so. Now, let us examine and find exactly where we are. We must adjust and ascertain our exact position and what the present measure is.

position and what the present measure is.

How did the pending measure originate? Is it a Democratic measure? Is the Democratic party responsible for it? Is the Democratic Administration responsible for it? Is the national Democratic Administration, embracing the legislative as well as the executive branch, responsible for it? How did it originate? A Representative from the State of West Virginia introduced, on the 11th day of August, 1893, in the House of Representatives the unconditional repeal bill.

Mr. WILSON of West Virginia. Mr. Speaker, I desire to offer a bill for the resent consideration of the House.

"For the present consideration of the House." No Democratic committees had yet been organized; no Democratic machinery in the House, no Democratic caucus held in the House, no Democratic cooperation, no Democratic phalanx marching shoulder to shoulder and side by side. Not a bit of it. You could not get a caucus, you could not get a party action. Oh, no. What was it? Mr. President, the President told us what it was in his message:

This matter rises above the plane of party politics.

"This matter rises above the plane of party politics."

It vitally concerns every business and calling, and enters every household in the land.

No politics in it—not a bit of it. We could not have a Democratic caucus in the House for fear it would assume a political tinge. We could not let the measure go to a Democratic committee of the House of Representatives for fear it would be stained

with partisan politics. No, no; it was brought to a vote in the House without ever having been considered in committee; without ever having received any kind of Democratic sanction, save only the recommendation of the President and individual members of the House.

What was the vote? In the House upon the amendment for the free and unlimited coinage of the standard silver dollars the yeas were 124—100 Democrats, 13 Republicans, and 11 Populists. The nays were 227—116 Democrats, and 111 Republicans. See how the division was: 111 Democrats, 13 Republicans, and 11 Populists for free coinage; against it, 116 Democrats and 111

Republicans.

Now, what was the vote on the Bland bill? On the passage of the Bland bill as a substitute for the pending measure in House the yeas were 136—110 Democrats, 15 Republicans, and 11 Populists. Nays 213—103 Democrats (7 less than voted "yea") and 110 Republicans. Upon the passage of the bill the vote was, yeas 240—139 Democrats and 101 Republicans. Nays 110— 76 Democrats, 23 Republicans, and 11 Populists.

So the bill passed the House as a nonpartisan measure, not as political measure. It came to the Senate and went to the Finance Committee, composed of eleven members, six Democrats and five Republicans, and it was reported by the Finance Committee recommended by two Democrats, the senior Senator from Indiana [Mr. VOORHEES] and the senior Senator from New Jersey [Mr. McPherson], and four distinguished Republican Senators, the Senator from Vermont [Mr. Morrill], the Senator from Ohio [Mr. Sherman], the Senator from Iowa [Mr. Aldrich], and the Senator from Rhode Island [Mr. Aldrich]. I do not believe there is an unregenerate man on earth who would accuse either one of them of having any Democratic partisan bias. You could not accuse them of that. So it stands here with five members of the committee opposed to it, the senior Senator from Tennessee [Mr. HARRIS], the Senator from North Carolina [Mr. VANCE], my colleague [Mr. VEST], the Senator from Arkansas [Mr. JONES], and the senior Senator from Nevada [Mr. JONES], four Democrats and one Republican. See how nonpartisan it is! The partisanism is on the Republican side.

The friends of true bimetallism, of the rehabilitation of silver, have made a long, a protracted, and a most earnest struggle for the recognition of silver. We have been denounced by the Re-publican, and mugwump and Democratic press of the East, and abused and villified as never has been done in any great discussion since the organization of our Government.

sion since the organization of our Government.

The President in his message as interpreted by the Administration Republicans and the Administration Democrats insisted tration Republicans are the fought against it. We said upon unconditional repeal. We fought against it. We said there ought to be some substitute; that silver should not be stricken down in the house of its professed friends; that now is the time, when we had no other legislation before Congress, when we ought to agree upon some substitute, some amendment rehabilitating silver and continuing it as a money metal of the world. We fought for this. We contended for it. Our Republican friends who favored silver joined us in this great fight and we continued it still, conducted on the decreed policy of nonpartisanism.

Finally the distinguished Senator from Ohio, the leader of the Administration upon the other side of the Senate Chamber, came to the front and denounced the Democratic majority. He told us we were imbecile, that we could not enact legislation, that we could not agree upon anything. He said, go and do what you ought to do, agree upon some measure, some compromise, and bring it in and pass it.

Then it was that heappealed to the interviewer, and in the intreview which was read here on Saturday by the senoir Senator from Maryland [Mr. GORMAN] and by the Senator from Alabama [Mr. Morgan] to-day, he proclaimed to the world that unconditional repeal was a failure, and that some compromise ought to be agreed upon, and indicating what that compromise ought to be.

Then we, as Democrats, on this side of the Chamber began to realize that we were about to be held absolutely and uncondi-tionally responsible for the result of this legislation, and we began to get together. Nonpartisanship had been laid aside, and the political banners had been hoisted in this Chamber by the Senator from Ohio. We got together. We began talking compromise. We talked compromise and compromise, first one thing and then another. It after awhile developed that we could harmonize; that we could agree upon a measure. Every Democratic Senator realized and believed that we could agree upon a measure which the Democratic President and the Democratic Secretary of the Treasury could approve without one solitary sacrifice of their principles or policies. We believed they could do it, and we believed they would do it—a compromise which the true friends of bimetallism felt was almost an unconditional sacrifice of themselves before their constituents at home.

They felt that they were giving everything away for Democratic harmony, for Democratic unification, for Democratic cooperation, and for the enactment of Democratic legislation.

Just as we thought victory had been reached, the distinguished Senator from Ohio, with his Administration Republicans, were found intrenched in our front. Our party had practically united, and we thought there would be harmony; but then it was that the incandescent light of nonpartisanism, of Republican-Mugwump-Democratic coalition was east athwart our pathway, and the Democratic Administration was revealed in all its nonpartisan perfection, with its unconditional repeal banners still in the

hands equally of Republicans and Mugwumps and Democrats.

Talk about a nonpartisan measure! What does this prove when a Democratic President and Secretary of the Treasury refuse to agree with six-sevenths of the Democratic Senators and practically with the entire Democratic Senate upon a compro-mise measure and prefer to leave the Administration banner in the hands of Republicans and Democrats jointly to placing it in the hands of Democrats only? Do you tell me that is partisan legislation? Why, it is the very essence and the rectified purity of nonpartisanism. The Democratic President, knowing the di-visions in his party, must have deliberately planned and in visions in his party, must have deliberately planned and intended that this repeal measure should not be tinged with partisan Democracy, and should be only and essentially a nonparti-san Republican-Democratic-Mugwump measure, as it will be when it is enacted.

I hope no Democrat will feel that our political Democratic organization is responsible for the unconditional repeal which places us on the single gold standard of February 12, 1873, and I trust that no Republican will hereafter dare to charge the Democratic party alone with responsibility for this unconditional repeal. If it has partisanism about it, if it has the smell of the smoke of a partisan conflict about it, it is Republican partisanism and not Democratic. Had it not been for the Administration Republicans I believe, and the country will believe, that the Democratic party would have harmonized and with every Democratic vote would have passed a Democratic measure.

Mr. President, let us examine this bill just ove moment and you can see all these combinations to which I have referred blended in the language of the repeal substitute. comes the Republican-Mugwump part of this bill: Listen. Here

That so much of the act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and issue of Treasury notes thereon, and for other purposes," as directs the Secretary of the Treasury to purchase from time to time silver bullion to the aggregate of 4,500,000 ounces so much thereof as may be offered in each month at the market price thereof, not exceeding \$1\$ for \$71.25\$ grains of pure silver, and to issue in payment for such purchases Treasury notes of the United States, be, and the same is hereby, repealed.

That is Republicanism, Mugwumpism, the single gold standard, ure and simple. Now comes in the Democratic fringe to this pure and simple. job. Let us read it:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts.

Here is the second fringe of the garment of Democracy:

And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetal-ism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts.

Now you see the combination. That is the Democratic part of . It is only a promise, it is true, but a promise is better than nothing. The mugwump Republican part of it is unconditional

repeal.

Mr. President, this was shown when we undertook to vote upon the substitute of the Finance Committee for the House bill and the yeas and nays were ordered. The House bill does not contain this Democratic fringe, these Democratic promises. It has none of them in it. It had been intimated that the bill would go into conference and there the Democratic part of it would all be stricken out; and it has even been intimated that the President wanted the House bill passed just as it was; and when we called the yeas and nays we found the distinguished Senator from Ohio leading the Administration Republicans asking unanimous consent that the call for the yeas and nays might be withdrawn so that we would not make any record upon the differences between the two bills. I was forced, though always liking to oblige him, to object to the withdrawal of the demand in order that we might put ourselves upon record in favor of the Democratic promises contained in this bill.

Now, Mr. President, the bill is going to pass. We have done our duty. It has been taken out of the hands of the Democratic organization and the banner has been placed in the hands of the combination. Republican Senators have to be consulted before anything can be done, and the Republican party to-day will be

more responsible, infinitely more responsible, for the unconditional repeal than will the Democratic party.

Mr. HALE. Undoubtedly.

Mr. COCKRELL. I am glad the Senator from Maine says "undoubtedly." They will bear the burden of it. They have presented to this great country the magnificent spectacle of having unanimously passed the law in 1890, declared to be a settlement of the financial question, upon which they went before the country. The Senator from Ohio, now leading the revolt against the country. it, proclaimed its virtues in the Okio campaign. It was passed in order to kill a free-coinage bill. It was passed in order to wipe out the Bland-Allison law, and it was proclaimed as a great measure. The Republican party in the campaign of 1892 went

measure. The Republican party in the campaign of 1892 went before the country upon it, never repudiated it, and then the Republican party was in power here in the Senate.

The Senator from Ohio in July or August, 1892, introduced a bill for the repeal of this law, and had it referred to his own Finance Committee, composed of a majority of Republicans, but not a word did he ask upon the Senate floor that that committee might report it back or press the measure, nor did a single Republican, and he was a member of the committee. The same Senators then composed the Finance Committee on the Republican side that compose the Republican minority of the committee now. They never attempted to get that bill out of the Finance Committee. They never attempted to get it before the Senate. They were afraid by their actions (for they speak louder than words) to assume the responsibility of repealing their own measure and going back to a worse law, the law of February 12, 1873.

But the very moment the Democratic Administration is in-augurated then we see the almost solid phalanx of the Repub-lican minority upon this floor rushing pell mell to try to undo their own misdeeds, confessing before the country the worthlessness and the iniquity of their own measure. Ah, you will have the pleasure and the satisfaction of having the responsibility which the Senator from Maine assumes with the consent of his brethren

there of repealing your own measure.

there of repealing your own measure.

But I know, when the distinguished Senator from Ohio has left his leadership of the Administration Republicans and gone back into his Republican party, he will then turn and laugh with satisfaction and contentment. No man in the United States will enjoy the victory he has won as much as he himself, after a twenty years determined struggle before the American people to undo the infamy of the act which was passed February 12, 1873, without the country knowing it. I do not say that it was passed clandestinely, I say the Senators ought to have known it, and the members of the other House ought to have known it; but they did not know what it contained. they did not know what it contained.

That bill was passed and has been denounced from one end of this land to the other ever since; and now after twenty years of struggle the Senator from Ohio has led the Democratic Admin-

struggle the Senator from Onlo has led the Democratic Administration back upon his old law of February 12, 1873. A glorious victory for the Senator from Ohio!

I am dealing in facts, Mr. President; and I want the Senator to remember that his victory now under the banner of nonpartisanism, under the banner of patriotism, under the banner of saving this country, must not be thrown back in our faces as tinged with partisan Democracy. It has no smell and no flavor of Democratic organization in the Senate—not a bit of it. And now, when the cause of all the financial disturbances and disas ters and depressions has been removed, as you have all said that the Sherman law is the cause of these ills, then we will hold you responsible for the return of reviving industries of the country, for the halcyon days of prosperity that you have predicted.

We will expect to see your manufacturing establishments resumed, tramps taken from the highways and byways and put to employment, and the great industries of this country bounding employment, and the great industries of this country bounding and rebounding as they come in contact with the bounding properity from Australia and the Argentine Republic and all of South America and Austria-Hungary and all of Europe. We shall have the happiest and most glorious time that the world has ever seen. The farmers will have high prices for their products, labor will receive high wages, and you gentlemen then shall have all the honor and the credit of it; but if it does not come—if it does not come—you bear the responsibility.

Mr. CAREY. Mr. President, on the 2d of October a colloquy took place between the junior Sentor from Minnesota [Mr.

took place between the junior Senator from Minnesota [Mr. WASHBURN] and the junior Senator from Idaho [Mr. DUBOIS] concerning a resolution which the Senator from Idaho had introduced to postpone the consideration of the pending bill until the s existing in the Senate from the three States of Washington, Montana, and Idaho were filled. At that time the Senator from Minnesota said:

Of the three States in question, two are not silver-producing States; they are no more interest in the coinage of silver than any other State in the

Union, and they are supposed to have a very intelligent and patriotic population. Furthermore, those two States are represented by two Senators, both of whom are in favor of the repeal of the Sherman law. I should like to inquire, in view of that fact, what injustice is being done to the silver men on

of whom are in lawor of the repeal of the Sherman law. I should like to in the floor of the Senate?

Mr. WOLCOTT. Will the Senator please name the two States which he says are represented by two Senators who are in favor or the unconditional repeal of the Sherman law?

Mr. WASHBURN. I will with great pleasure. They are the States of Washington and Wyoming.

Mr. DUBOIS. I should like the Senator from Minnesota to state by what authority and by whose authority he makes that assertion.

Mr. WASHBURN. By the authority of the Senators themselves.

Mr. DUBOIS. Very well. I imagine that those Senators will resent that imputation. There never has been a time when the members of Congress from those States have not voted for the free and unlimited coinage of silver, and I state that the Senators from Wyoming and Washington on this floor are not for the unconditional repeal of the Shermanlaw. The Senator from Washington [Mr. Squire] has offered an amendment in the interest of silver.

Silver.

Mr. WASHBURN. I can only state, in answer, that the Senator from Washington told me distinctly that he would vote for the unconditional repeal of the purchasing clause of the Sherman act.

Mr. President, I did not feel called upon at that time to make any reply whatever to the assertions that had been made by the Sentors, apparently contradictory, for they both told the truth; and, from the conversation that I had with those gentlemen from time to time, they would have been justified, perhaps, in ordinary conversation, to have classed me with reference to the measure as they did. I understand, however, that it is out of the ordinary course for a Senator on this floor to say how some other Sen-

ator will vote on a pending question.

I am frank enough to say that I have not at any time believed that unconditional repeal was the best legislation. I labored in my humble way to help bring about a compromise, but I have thought, and do now think, that in the absence of a compromise thought, and do now think, that in the absence of a compromise it is my bounden duty at this time, considering the condition of the Treasury of the United States, to vote for the unconditional repeal of the Sherman law. My position, I believe, has been gen-erally known. The Senator from Colorado [Mr. WOLCOTT] took it upon himself on Saturday to use this language:

For Colorado these are grave days. I speak only for my own State. I am advised that an adjoining State, Wyoming, desires repeal. The Senator from Minnesota made profer of its vote, and his authority has not been questioned.

This language is very offensive; and I do not see how any Senator could rest under the imputation that another Senator had proffered his vote. I did not take offense at what was said by the two Senators in the heat of debate, but the Senator from Colorado having had full time for deliberation, should have considered my rights in this matter and should not have attempted to place me in a false position. No such meaning could even be distorted out of the remarks of the Senator from Minnesota. No Senator, as he knows, ever proffered my vote in this body, and never will. Thrice have I heard the Senator from Colorado refer to those on the Democratic side with whom he voted on the election bill, commonly called the force bill; and in his last reference he said that perhaps he was not entitled to any great consideration from themat this time. Be it is said to the credit of the Democratic side, I have never heard any Senator on the other side refer to the force bill in the manner in which the Senator from Colorado has thrice referred to it. It ill becomes the Senator from Colorado to speak of my vote being

comes the Senator from Colorado to speak of my vote being proffered on any proposition.

I know that I am peculiarly situated. There are three States and a Territory adjoining Wyoming, the State I in part represent, that are interested in the production of silver. Their representatives believe that silver is their most important industry. They even go so far as to say that the passage of the pending bill will bring great want and ruin to their respective States. Mr. President, I believe a man who comes to this body should always to this convictions, and under all circumstances he should have vote his convictions, and under all circumstances he should have the courage to vote them. My sentiments on the silver question when I am in New England or the East are the same as when I am in Wyoming, and up to this time I have regretted no vote of mine on this subject, and if I continue to possess my reason I will never cast a vote in this body for which I will thereafter have cause to apologize to my conscience.

Senators speak of the resources of the West. In all that West which has been described, the wealth increased from 1870, when it was \$707,000,000, to \$3,291,000,000 in 1890, and its population during the last two decades from 1,250,000 to 8,225,000 people. I have lived in the West for nearly twenty-five years. I have seen an uninhabited wilderness become populated with prosper-

seen an uninabited wilderness become populated with prosper-ous communities. If you follow the irregular eastern bounda-ries of the States, commencing at the northeastern corner of North Dakota down to the Gulf of Mexico and including all the vast territory west of that line, you will find the population to-day as large as that of New England. In 1860 it scarcely amounted to more than 500,000 people. In 1890 they had a railroad mileage nearly equal to that of the entire United States in 1860. No pen

can describe the hardships endured and the obstacles overcome under the most adverse circumstances by these people. They have built up an empire. It has not been done upon the strength of silver

But to speak for a moment upon this question of compromise. There has been no compromise offered in this body that I believe any member, Democratic or Republican, would have been justified in voting for. I had hoped that the Democratic party would prepare a compromise me sure that would in some degree suit the silver men, gratify the Republicans, and meet the approval of the President of the United States, if he should be considered in this matter, but they simply failed. The chief difficulty is that there exists an impassable gulf between the Democratic and the Republican parties. The Democratic party want something that is called cheap money, a money that will remain in a localthat is called cheap money, a money that will remain in a locality because it depreciates away from home; something that is good money in New Orleans but not so good in San Francisco. The Republican party advocates money that is good in every portion of the American Union.

The majority of the Democrats are not willing to do that which is absolutely necessary to be done, give the Secretary of the Treasury power to protect the gold that is in the Treasury so that he can maintain the parity of the two metals.

I want to see silver purchased in the future, if the Secretary of the Treasury is clothed with the power to retain gold in the Treasury so as to maintain the parity of the two metals. The Republican party in every emergency has had the courage of its

Republican party in every emergency has had the courage of its convictions and has dared to do its duty. When issues of bonds had to be made it took the responsibility and the people justified their action. The gold reserve should be increased. I believe that there should be in our Treasury \$200,000,000 or \$250,000,000 of gold. We are maintaining to-day more silver and more paper at a parity with gold than any other nation upon the face of the globe; no other nation under the same circumstances undertakes to do as much.

Sen tors speak of France. We have done better by silver than France has ever done. But why speak of any foreign nation. Give the Secretary of the Treasury the necessary power and we can absorb in the circulation of the country a thousand million dollars of silver and maintain its parity. The people of this country do not believe in cheap dollars, nor do I believe they will abundon our 100-cent dollar for a 58-cent dollar. This has indeed been in more ways than one an eventful year. The indusence of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of a great State and all the presented of the governor of the governor of the great State and all the presented of the governor of the gov

The influence of the governor of a great State and all the pre sure of a powerful and able press in our greatest inland city could not induce the American people to abundon the American Sunday. This year anarchy has tried to plant its doctrines in the mind of the American laborer. It has utterly failed.

This year the runs upon the banks have disclosed to the public the fact that the every-day people of this country own the money which is deposited in the banks.

Another fact will soon be leurned, that the people of our great country do not favor repudiation, nor would they accept even partial repudiation. The highest compliment was paid a few days ago in the House of Representatives to the American people by a merchant member, when referring to his own experience during a long business life. He said in dealing with the American people as a merchant, in the various States of the Union he had discovered that there were less than one-sixteenth of I per cent of the people who were dishonest.

Mr. President, the West has not been dealt by unfairly. The legislation which has been secured has developed that country rap-

idly. Notonly have the people flocked there to make homes, but they have succeeded in making homes. They have built up towns: they have broken nature's soil; they have made great farms, and they have become great producers. Even Colorado, of which so much is said, is already a great agricultural State. Her agri-culture is worth double that of the production of her precious minerals.

You say that no compromise could be adopted. A compromise measure could have been adopted, and a favorable compromise, but my friend from Colorado never offered any terms of compromise. My friend, the Senator from Nevada, said on the floor, in answer to my question, that he wanted no compromise. Repeal had to come. Let it come. So, if the silver men go back home empty-handed, it may be after all because they have not approached this matter in the proper spirit.

It is true, Mr. President, that there is being an effort made to stir up the people west of the Missouri River. It is true that Colorado has had her missionaries in my State. It is true that carties from Colorado has had her missionaries in my State. It is true that

Colorado has had her missionaries in my State. It is true that parties from Colorado have been up in my State trying to fire the prairies in the rear. But the people up to this point have shown no great desire to have me vote against the unconditional repeal of this law. I have confidence that they will uphold me in voting the way I believe to be right. I know an attempt has been made to bring the West to sectional alliances. The gov-

ernor of Missouri and the governor of Kansas did what they could in this direction; but, be it said to the credit of the governor of Nebraska and the credit of the governor of Utah, they without mercy condemned it.

Mr. SQUIRE. So did the governor of Washington.
Mr. CAREY. The governor of Washington, too. I amglad to accept the addition. The convention met in St. Louis, but when it assembled it forgot the purpose for which it had con-

Mr. President, I have stood all the time since I became a member of this body in the same position on the silver question. did not form my opinions because I was sent to the Senate of the United States. They have been formed after years of consideration. I heard the discussion opened eight years ago next December by that distinguished Kentuckian, the late Senator Beck. I have heard it discussed during the intervening years in both

House of Congress.

I have studied the question; and I believe I am right on the question. I do not doubt the convictions of those who differ with me. My young State has a high credit; my people are not with me. My young state has a high credit; my people are not in an excited condition. They believe in maintaining their high credit. The State has issued no obligations payable in other currency than the lawful money of the United States. If my votes here result in my overthrow, I shall accept it like a man. I would rather be a free man and be allowed to do that which I I believe to be right than a United States Senator compelled to listen to a clamor every time there is a stir in any section of the

listen to a clamor every time there is a stir in any section of the country.

But, you ask, why do you feel compelled to vote for the repeal of the law to-day? I am compelled to vote for the repeal of this law to-day because I believe if the law is not repealed, in the absence of the power in the hands of the Secretary of the Treasury to strengthen the gold reserve, we shall go to a silver basis in fact, if not legally. Since the purchase clause of the Sherman law was passed we have issued a good many Treasury notes, the amount up to the 1stof July being about \$140,000,000 worth. The net export of gold during the same period has been a trifle more, or about \$141,000,000. The gold is gradually going out of this country. My opposition to free silver coinage has been strengthcountry. My opposition to free silver coinage has been strengthened by the statements made by three different Senators, two from Nevada and one from Color do, that they believe if it should become necessary, it would be better for us to be on a silver basis than on a gold basis.

I did not know before that free-silver advocates went so far. This country went off a specie basis in 1862, and it took sixteen years to get back to a gold basis. We do not believe the people in the West want to see any such misfortune as going to the silver standard alone befall the country. If we can not have gold and silver standards let us maintain the gold standard. There are 40,000,000 people living in the nations south of us who are on a silver basis. The stamp of their mints there, so far as we does not supressive the price of silver. we can see, does not appreciate the price of silver. All the great commercial nations of Europe have discarded silver. I do not believe it is within the power of this Government, by its mint stamp alone, to give such a value to silver of the world and maintain a ratio of 16 to 1. I believe in maintaining the high credit of my country.

But they tell us there is very little surplus silver, and a very small amount would come to our mints should we throw them open to the world. We bought about 2,000,000 ounces a month under the Bland-Allison law. The Secretary of the Treasury did not think it prudent to go beyond that point. We have bought 4,500,000 ounces under the Sherman law, yet what has been the consequence? Silver has been abundant in the markets. Silver has ste idily gone down, down, down; and all of these purchases do not appear to have held up the price at all. But not-withstanding the purchase of all this silver and the continual fall in the price of it, the production in 1891 was about two and one-

In the price of it, the production in 1891 was about two and onefourth times as great as it was in 1870.

I do not believe it is necessary for Colorado that the Government should continue the purchase of silver. Colorado was admitted as a State in 1876. We were not purchasing a dollar of
silver then, and did not purchase any until 1878, except we might
have purchased a little for subsidiary coinage. Colorado grew
to be a great State. She was a great State in 1880, and no new
State which preceded her had made greater growth in the same
length of time. length of time.

In the say that free coinage is absolutely necessary for all the silver States. There is not a silver State that ever enjoyed free coinage. They have never had free coinage. Their silver was too valuable for our mints previous to 1873. Since 1878 much silver has been purchased, but it is a question with every man who studies this matter whether the Bland-Allison act and the silver-purchasing clause of the Sherman act have not been a positive injury to the silver producers, whether the storing up of this allver and keening it in view of the world at all times of this silver and keeping it in view of the world at all times

has not really after all had the effect day after day to depre-

It was, supposed, of course, that the passage of the Sherman purchase law would greatly appreciate its value. There was some speculation. It did appreciate silver a little, but it went down, and from that day to this, almost without exception, it has gone down, lower gradually, until I believe it has reached the lowest point so far as the memory of man knows anything about

Mr. President, as long as I am a member of this body I shall vote my convictions. If it does not suit the people in the surrounding States I can not help it. No one is more deeply grieved than I am to think that I can not vote on these questions in the same manner that the Senators in the adjoining silver States vote, but if I voted that way I should vote opposite from what I believe to be right. It is the duty of a United States Sena-tor in the consideration of these questions to not only look at the interest of his State, but to look to the interest of the en-tire country, and, so far as I am concerned, I intend to be gov-erned by that motive and no other, feeling sure that in this instance I shall vote not only for the honor of my country, but for the highest and best interests of my State. Mr. WOLCOTT. Mr. President, it must be a source of great

gratification to the people of the State of Wyoming to know that the senior and the junior Senator united in one person as representing that State has finally delivered himself on this great question.

The original source of the remark which I saw fit to make the other day arose in a discussion between the Senator from Idaho [Mr. Dubois] and the Senator from Minnesota [Mr. WASHBURN], in which the Senator from Minnesota said:

Of the three States in question, two are not silver-producing States: they have no more interest in the coinage of silver than any other State in the Union, and they are supposed to have a very intelligent and patriotic population. Furthermore, those two States are represented by two Senators, both of whom are in favor of the repeal of the Sherman law. I should like to inquire, in view of that fact, what injustice is being done to the silver men on the floor of the Senator please name the two States which he says are represented by two Senators who are in favor of the unconditional repeal of the Sherman law?

Mr. Washburn. I will with great pleasure. They are the States of Washington and Wyeming.

ington and Wyeming.

At the time that statement was made the Senator from Wyo-ming sat quietly and supinely in his seat, and from that day until this the Senator from Wyoming has seen fit to give no utterance upon this subject. All through the time when amendments were to be offered he offered no amendment. When it was ascertained that all amendments would be lost he voted, I believe, upon one of the amendments sure to be defeated, as one who might go back to his people pretending that he had been for silver, but saying no word whatever in its defense.

Mr. President, it was fitting that I should refer to the position of the Senator from Wyoming. A vastsection of our country, embracing many States, containing a population much alike, interchangeably settling in their different States, kindred in interest, having the same hopes, the same aspirations for the prosperity of our great region, engaged in the same general businesses, were a unit—not a preponderance, but practically a unit—in favor of the free and the unlimited coinage of silver; and here apparently stood this new Commonwealth, whose people I know are unanimously in favor of the free and unlimited coinage of silver, represented in this body by a Senator who said no word in their behalf. It was essential, Mr. President, that I should make reference to the apparent difference of sentiment in that great region of country.

If the Senator from Wyoming is content with his position, I have no objection to make to it. I leave him to his constituents. He may be contented with his vote. I leave him to deal with

the people who sent him here.

Mr CAREY. Mr. President, I have no apology to make to the Senate. for I try to keep within the bounds of propriety. My relations with the Senator from Colorado Mr. Wolcott] have always been pleasant, but I felt that he had done me a wrong in his speech of Saturday.

I want to state to the Senate that I make no claim to orntory. I make no claim to being a person who can interest the galleries. I shall not use language, or attempt to use language, with a view of annoying him or with a view of embarrassing this body of

which I am a member.

I stayed in my State last fall during the political campaign. tried to do my duty to the party to which I belong. I stood squarely in the campaign on the platform of the Republican party, State and national. The national platform of the Demo-eratic convention only emphasized in stronger terms the platform of the Republican convention.

I am aware that everything is being done in the State of Colorado to prejudice the people of Wyoming against me. I have

on my desk letters from reputable citizens of Colorado. in which they say that if I dare to vote against the free and unlimited coinage of silver, the money and the influence of the State of Colorado will be used to ruin me.

I wish to state to the distinguished Senator from Colorado that I propose at present and in the future to do that which I believe to be right. I happen to have to day a recent magazine article discussing the silver question by the distinguished editor, Horace White, in which it is said:

It is a part of the history of the Flity-first Congress that the free-silver Senators of Nevada and Colorado, all of whom were Republicans, cooperated with the Southern Senators to defeat the force bill. So much is known It is believed that they stipulated for a sufficient number of votes to pass a silver free-coinage bill in return. This, however, is only conjecture. All that we know is that the free-coinage bill did receive a majority of votes in the Senate on June 17, 1890, and that the force bill was defeated in that body by a majority of 1 in the following January. The free-coinage bill was defeated in the House on June 25. ated in the House on June 25.

Mr. HARRIS. Will the Senator allow me? The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Tennessee?

Mr. CAREY. Certainly.
Mr. HARRIS. I want to state distinctly, from the standpoint of one of a committee of three Democratic Senators during the force-bill struggle, that there never was an understanding or agreement between the Democratic Senators and the Senators agreement between the Democratic Senators and the Senators from the sliver States or any other States that any single vote should be controlled by any consideration in favor of silver or against the force bill. Such a statement as the Senator from Wyoming has just made deserves to be branded, and I rise for the purpose of branding it as an utter and absolute falsehood. Mr. CAREY. I did not make the statement on my own authority, but quoted it only as current literature of the times. Mr. HARRIS. The Senator repeated it from a statement made by somebody else. It is that statement that I want to brand as an utter falsehood, no matter from what source it may

brand as an utter falsehood, no matter from what source it may

Mr. CAREY. If the Senator from Tennessee had been in his seat a few moments ago he would have heard me say that I had never heard an intimation from his side of the Chamber that there had been a trade.

Mr. HARRIS. For what purpose did the Senator use the paper that he holds in his hands if it was not intended to make the impression that there was an agreement between the Democratic side and the Senators from the silver States in respect to that measure?

Mr. CAREY. I shallouly refer, in answer to the Senator from Tennessee, to the references which have been made by the Senator from Colorado [Mr. Wolcorr] to the Democratic side, especially to that of Saturday last when referring to the vote on the force bill. Among other things he said:

Most of them stood nobly by their Western brothers, but a few of them developed bitter hostility toward our section and our interests. We who are from States where silver is produced claim and have claimed no especial consideration growing out of the fate of that measure, but I confess we had expected that the struggle for very existence which we have made on this foor would bring us sympathy and not denunciation from representatives of a section which not long ago made an appeal on similar grounds, and did not make it in vais.

I did not intend to reflect upon any member of this body, but I only wanted to call attention to the language which was used by the Senator from Colorado, in which he said that the Senator from Minnesota [Mr. WASHBURN] had profferred my vote, which

to me was very offensive.

As I have already said, I believe a good compromise measure As I have already said, I believe a good compromise measure could have been effected if the Democrats on that side and the silver men on this side could have come squarely up to the fact and recognized that the gold reserve was very low in the Trensury, and that it was absolutely necessary to protect that reserve something might have been done. In the absence of that compromise, I believe it absolutely necessary to protect the reserve to pass the pending measure. I do not believe that any man who feels about it as I do can conscientiously vote to retain the purchase clause of the Sherman act upon the statute book.

chase clause of the Sherman act upon the statute book.

The compromise measure which was offered by the Democrats contined, as given out by the newspapers - and I did not see a copy of it except in the newspap rs—two important provisions, one to coin the seigniorage in the Treasury and the other to buy silver for eleven months, under the purchase clause of the Sherman law, and to coin that at its coinage value, not its bullion value. If we figured it up, that would have done as much damage as continuing under the Sherman purchase act for more than three years, while it would only have helped the silver industry to the extent of 48,000,000 ounces.

I went to the Senator from Colorado [Mr. WOLCOTT] to-day and called his attention to his remark in his speech of Saturday I thought it was very unjust and unfair for a Senator to make such a statement us he had done. He did not choose to do that which I thought was right toward me, which would have required but a manly word.

I had not intended to say a word on the silver question; and the remarks I made to day were to call attention to the sentence that the Senator from Colorado used in his speech on last Saturday, which I still think was unjustified, especially by the Senator whom I had every reason to think had for me the most kindly feeling.

kindly feeling.

Mr. WASHBURN. Mr. President, since I have been drawn into this debate to-day, perhaps it is but justice to myself, as well as justice to the Senator from Wyoming [Mr. CAREY], that I should say a word.

In a very heated colloquial debate which occurred during the discussion on this bill when reference was made to not admitting the Senators from the States of Washington, Montana, and Wyoming, I stated in a general way that I considered two of those States as having no interest in the silver question, and, as I understood it, the Senators representing those States were infavor of the repeal bill. In that heated colloquial discussion a very pointed question was put to me as to how I knew it, and, rather under excitement, I said I knew it from the Senators themselves. I regretted it the moment I said it, because I thought it was hardly just to those men for whom I claimed to speak.

hardly just to those men for whom I claimed to speak.

I desire to make that as an apology not only to the Senators from those States, but to the Senate. I told what was true. The Senator from Wyoming has never told me that he was going to vote for repeal, but in conversations which had occurred he was as earnest, as outspoken, as clear, and as intelligent on this subject as the Senator from Ohio [Mr. SHERMAN], and I said what I did with the same confidence that I would if the position of the Senator from Ohio had been questioned.

of the Senator from Ohio had been questioned.

As to my proffering the vote of the Senator from Wyoming, that is simply absurd. As that Senator has shown here to-day, it is not necessary for anybody to speak for him, he can speak for himself, and he has the courage to vote for himself.

it is not necessary for anybody to speak for him, he can speak for himself, and he has the courage to vote for himself.

Mr. TELLER. Mr. President, I shall not refer to the allusion of the Senator from Wyoming to the local affairs of Colorado.

I shall have no personal controversy with the Senator from Wyoming. The Senator reads from a magazine for the purpose of making the charge that the Senators from Colorado and Nevada had entered into some combination with reference to their votes on the force bill for votes in return on the silver bill, and when his attention is called to it by the Senator from Tennessee

when his attention is called to it by the Senator from Tennessee [Mr. Harris], he says "Oh, I have made no charge."

Mr. President, that would not go down before a justice of the peace, let alone the Senate. The Senator rose here for the purpose, the express purpose, of making that charge, and it would have been a good deal more manly if he had made it as a charge and not as an innuendo. That charge has been made again and again. The Senator from Wyoming has heard it contradicted by Senators on both sides of the Chamber whose reputation at home and abroad are quite as good for truth and veracity as his. He knew that it had been contradicted by every one of the Senators to whom he alluded. He intended it for a charge. I shall treat it as a charge, and the Senator will not escape by saying it is a magazine article.

Mr. President, I want to say now, as I have previously stated, that long before the silver question came into the Senate for any action at that time, the Senators who were alluded to had announced their position upon that bill—and the Senator from Wyoming knows that as well as I do—there was not a Senator on the other side of the Chamber who had not already committed himself in favor of free coinage. What had we to trade? They were free-coinage men, as we were free-coinage men. We were opposed to the bill called the elections bill as they were opposed to it; and as the Senator from Tennessee [Mr. HARRIS] has done, I denounce here and now the statement that there was any trade or any arrangement or understanding, directly, indirectly, or in any other way, as without the slightest foundation in fact.

I am not going over my connection with the force bill. I announced when it came into the Senate what my position was on it; but whether I had or had not, I supposed, acting upon the principle which the Senator himself lays down, I had a right to oppose it or support it.

Mr. President, I want to repeat, once for all, that there is no truth in that statement.

truth in that statement.

Mr. DUBOIS. Mr. President, as the Senator from Wyoming [Mr. CAREY] has absolved me for what part I had taken in the discussion which has led up to this ripple on the surface of the placid Senate, I do not think it is necessary for me to go into it. The Senator stated, as I understood him, that I had but said what was the truth. I did not attempt to define his position until after his position had been defined by another Senator.

I could not, at any rate, have any personal controversy with the Senator from Wyoming. I served with that Senator in the other branch of Congress when he was representing his Terri-

tory there and I was representing the Territory of Idaho. We sat side by side when our Territories became States of the Union. There is no better representative of Western interests on this floor, or on the floor of the other House, than the Senator from Wyoming; and while I deeply regret that he does not, in my judgment, represent his people on this question, and while I think it will be something that will come back to plague him in after days, yet I know that he is following his conscience, that he is doing what he thinks is right.

I desire now tosay a few words in regard to the pending bill. I do not like to get back to that dry and stale subject, for I know the Senate has been much better entertained during the last hour. I presume unconditional repeal will pass the Senate, and the last prop will be stricken from under silver, and the issue of more money will cease. I trust that those who have brought about this result are comfortable and easy in their minds. They have charged, and the metropolitan press has reiterated the statement, that nothing stands in the way of restored confidence and prosperity except the Sherman act. For that reason they have refused any and all overtures looking to any financial legislation to accompany repeal. They have been determined to stand upon that plank alone.

stand upon that plank alone.

I should like to inquire, and should be pleased to know of the distinguished Senators who are pressing this measure to its passage, if they will now be content, or if they propose to bring in another bill for the relief of the country? In order to justify your action prosperity must come and abide with you. If in the course of three or four months there should be distress and want and idle men, you can not charge it again to the tariff or some other legislation. The country has followed you once in this. They will not be fooled by you again.

It does not seem to me that prosperity can follow the content of our approximation of the country which the content is a support of the country which the content is a support of the country which the content is a support of the country which the content is a support of the country which is a support of the cou

It does not seem to me that prosperity can follow the contraction of our currency which you have now inaugurated. If I am right what are you going to do? You can not borrow money by issuing gold bonds. That at best will be but a temporary palliative. You can not continue to borrow money and continue to prosper. Unless permanent prosperity comes as the result of the repeal of the purchasing clause of the Sherman law, you have deceived the people who will hold you to account.

you have deceived the people who will hold you to account.

I subscribe to the doctrine of the greatest good to the greatest number. There are more people in the East than in the far West. If it were settled that one section must suffer in order that another may prosper, it is perhaps better that we should be the victims because there are fewer of us.

be the victims because there are fewer of us.

I sincerely hope that unconditional repeal will light the furnaces and make the spindles hum in Massachusetts, bringing joy and comfort to the laborers and their families, for it will enforce idleness and bring misery in Idaho. I hope it will give peace and plenty in Louisiana, for gloom will settle down upon the hearthstones of brave and energetic families in Colorado. I trust that more of the good people of Connecticut will be enabled to properly clothe their children and give them the advantages of schools and churches, for many churches and schools will be closed in Montana, and many children will be left destitute.

By this act you strike a sudden and cruel blow at the far West,

By this act you strike a sudden and cruel blow at the far West, and leave but little hope for the near future. Unless great prosperity comes to the wage-earners of the East there is no justification for it. If you have simply added to the wealth of the rich, you will be called to a fearful reckoning. We have the right to know what you intend doing after you shall have committed this deed. We have a right to know now, in order that hope, the last vestige of brave souls, may not be destroyed. If you have added to the already heavy burden of the struggling masses and will not propose any relief at this time, I advise that this monetary question be made the issue in every campaign which is to follow.

If you are irrevocably committed to a contraction of currency, every candidate for legislative office, whether for the lower branch or the upper branch of Congress, should be made to define his position so clearly that he can not change his mind when he reaches Washington. No matter whether the candidate be a Republican, Democrat, Populist, or what not, he should be made to say whether or no he is for the free coinage of silver. If he proclaims that he is a bimetallist he should be forced to make known to the voters what he means by that term. Every Senator on this floor avers that he is a bimetallist, yet many of them will vote for a contraction of the currency and to stop the purchase and coinage of silver. No one should be allowed to dodge or evade.

If this is to be a fight of the money power against the laboring classes and the producers, the producers should use their sure and only weapon of defense, the ballot. The people have voted steadily for silver and an enlargement of the currency, yet they have deen disappointed in the result. They understand the issue now and should make their power felt. I think

I do not take as gloomy a view of the future for silver as do

some of my colleagues. The people will yet prevail. If the fight shall be made distinctively for free coinage, an overwhelming majority will be returned to both branches of Congress, which will not dare disobey the mandates of the people, nor will any President feel justified in opposing their will. When he does, then the outlook for the Republic will be dismal indeed.

I can be a Republican, and a consistent advocate of free coin-So one can be a Democrat or Populist and be equally true ver. While the provocation is great to resort to the vendeta in politics, inasmuch as we have been stabled in the house of our friends, I prefer to hold to my convictions on the other great questions while maintaining my convictions on the money question, relying on the good sense, judgment, and independence of the American people.

of the American people.

So long as I am honored with a seat in this Chamber I shall continue this fight. I shall not cease the struggle here until free coinage shall prevail or I am no longer a member of the Senate. If any of my colleagues think that I have been unduly aggressive or lacking in the observances of proper conventionalities, they have but a faint appreciation of the misery which this act will bring to my people. It is unjust and unmerited, and will rankle in their souls, but they will bear it with an equanimity worthy of the brave spirits who have subdued the frontier, founded States,

and benefited mankind by their energy and self-denial.

What they will do temporarily I know not, nor can I bear to contemplate the near future which is in store for them. If you could imagine every manufactory in New Jersey, Connecticut, or Massachusetts closed suddenly and without warning; if you could imagine the commerce in New York City destroyed; if you could imagine the coal fields of Pennsylvania or the granite quarries of New England shut down without one hour's warning beries of New England shut down without one hour's warning being given to those who are dependent upon these great industries to prepare for the change, you would then have but a faint idea of the effect of your action upon the people of our country. You paralyze them. Yet they will continue to be manly, self-reliant, honest, patriotic, and charitable. Their difficulties will be increased and multiplied, but they will meet and overcome them. They will neither whine, nor beg, nor starve, but will stand more erect and with clearer consciences than many a one who strikes this great and unexpected blow. this cruel and unexpected blow.

Mr. PASCO. Mr. President, I gave notice on Saturday afternoon last of an amendment that I desired to propose. If it is
now in order, I should like to have it read.

The VICE-PRESIDENT. The amendment will be read.
Mr. PASCO. It is in the nature of a substitute for the bill.
I am aware that until the bill shall be perfected a substitute will
not be in order. Therefore if there are any other areas and the property of the proper not be in order. Therefore, if there are any other amendments which Senators desire to propose, they can proceed. If there are none other I desire to offer my substitute at this time, and ask that it be read.

Mr. STEWART. I have another amendment which I desire to offer for the reduction of the gold in our gold coinage 25 per cent. I ask that the amendment be read at the desk, and then I shall give a word of explanation.

VICE-PRESIDÊNT. The amendment will be stated. The SECRETARY. It is proposed to add to the bill the fol-

That the gold coins of the United States shall be a one-dollar piece, a quarter eagle or two-and-a-half-dollar piece, a three-dollar piece, a half eagle or five-dollar piece, an eagle or ten-dollar piece, and a double eagle or twenty-dollar piece; and the weight of standard gold of the gold dollar shall be 18.35 grains; of the quarter eagle or two-and-a-half-dollar piece, 48.35 grains; of the three dollar piece, 58.05 grains; of the half eagle or five-dollar piece, 57.5 grains; of the eagle or ten-dollar piece, 375 grains; of the double eagle or twenty-dollar piece, 387 grains, which coins shall be a legal tender in all payments at their nominal value.

Mr. STEWART. Mr. President, it has been demonstrated by statisticians that in Europe and America, as well as in Asia, gold has appreciated in the last twenty years at least 50 per cent; also that such appreciation is the result, to a great extent if not wholly, of the legislation against silver, legislation dispensing with the use of silver, thereby throwing an additional demand upon gold and enhancing its value.

It has been suggested in many of the arguments that improved application of the fall in the control of the control of the fall in the control of the fall in the control of the contro

appliances of production had occasioned a portion of the fall in the prices of commodities and of the advance in the price of gold. That, however, was seriously combatted, so far as the staple articles are concerned, and I think successfully; but the statistics of China, where there has been no improved method of production, and where transportation and production are conducted in the same manner as they were a thousand years ago, we find the same appreciation of gold.

I do not propose to right the entire wrong, but an increase of 50 per cent in the obligations of all existing contracts, which amounts to an enormous sum, to many thousand millions of dollars, is manifestly unjust. I think if we now redress a part of the wrong, and, instead of reducing the amount of gold in gold

coin 50 per cent, we reduce it 25 per cent, we shall grant a just relief to that extent, and a very necessary relief if justice is to be maintained in this country. No person will have a right to complain, because the obligations or bonds of the United States are payable in gold or silver coin of standard value of July 14, 1870. There is an abundance of silver coin to meet those obligations, and if there were not, there is gold enough already coined for that purpose. So far as the equity between the debtor and creditor is concerned, certainly this is a measure of justice.

I offer this amendment entirely on my own responsibility, having consulted no Senator about it. I do not know that any Senator except myself will vote for it; but I ask that the Senate allow me to have the yeas and nays so that I may record my own vote in favor of this measure of justice.

The VICE-PRESIDENT. The question is on the amendment

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Nevada. [Putting the question.] The noes have it and the amendment is rejected.

Mr. STEWART. I demand the yeas and nays.
The yeas and nays were ordered.
The VICE-PRESIDENT. The Secretary will call the roll.
Mr. STEWART. I withdraw the demand for the yeas and nays upon the amendment.

The VICE-PRESIDENT. If there be no objection the order

Mr. VOORHEES. I understand the Senator from Florida [Mr. Pasco] has an amendment which he desires to offer. If there is no other amendment pending, his amendment will be in

The VICE-PRESIDENT. There is no other amendment

pending.

Mr. PASCO. I ask that my proposed amendment be read.

The VICE-PRESIDENT. The Secretary will read the amend-

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

The SECRETARY. It is proposed to strike out all after the emeting clause and insert:

SECTION I. That a commission, to be composed of three citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, to ascertain and determine by the lat day of January next the fair and just ratio between the actual and intrinsic values and gold, as a basis for the future coinage of silver, as hereinafter provided, without discrimination against either metal or charge for coinage, so that the dollar unit of coinage of both metals may be of equal actual and intrinsic value. And the said commission shall report to the Secretary of the Treasury the result reached by them as soon as practicable after the date hereinbefore named, and he shall thereupon fix and determine the weight of pure and standard silver to be coined in the silver dollar, authorized to be coined by this act, according to the said report; and the said silver dollars so authorized and thereafter coined shall be of the standard and weight thus fixed and determined by the Secretary of the Treasury.

Jazz. 2. That the coins mentioned in the previous section shall we on them coined, and shall be legal tender at their nominal value for all debts and dues, public and private, except when otherwise expressly stipulated by contract; and any owner of silver builion may deposit the same at the mints of the United States to be coined into dollars of the fineness and weight fixed in accordance with the provisions of the first section of this act.

SEC. 3. That any holder of the coins authorized by this act may, after the list day of March, 1894, deposit the same with the Treasurer or any assistant treasurer of the United States in sums of not less than \$10, and receive therefore certificates of not less than \$10 each, corresponding with the denominations of the United States notes. The coin deposited or representing the certificate shall be retained in the Treasury for the payment of the same on demand. Said certificat

The VICE-PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Florida.

Mr. PASCO. I desire the attention of the Senate for a few moments while I explain my amendment.

Mr. President, I stated in my speech on the 27th of September

the views which I hold on this silver question. This proposed substitute has been drawn up for the purpose of carrying out these views. I do not propose now to go over the entire subject, but will very briefly explain the purpose of my proposed amendment, which is a substitute for the entire bill reported by

amendment, which is a substitute for the entire bill reported by the majority of the Committee on Fin nee.

I had hoped that the minority of the committee would propose some way of carrying out the views of the Democratic party as expressed in their platform at Chicago. I had hoped that if they did not do so, some other Senator more experienced than myself in these financial questions would have done so. As that has not been done I have thought it proper, before a final vote shall be taken, that some proposition should be submitted to the Senate to corre, out the views expressed in our national plate. Senate to carry out the views expressed in our national plat-

This amendment proposes to treat silver exactly as gold is treated under existing laws, as one of the money metals of the country. It provides for its free coinage.

The difficulty to be encountered is the question of ratio. It recognizes the fact that the former ratio between silver and gold, which existed prior to 1873, has changed in consequence of the hostile legislation directed against it, and that it is necessary to ascertain what the ratio between gold and silver as money metals is before we can resume the free coinage of the latter metal.

It fixes the time for the commencement of the resumption of

the coinage as the 1st of March next.

It recognizes the fact that establishing silver as one of the money metals of the country will increase its value, and a commission is to be appointed, by the terms of the proposed amendment, to ascertain what that increase will be, and what the true ratio will be between gold and silver, after the coinage privilege is restored to silver, by the let day of January next, and to give to the country the benefit of the increment when the free coin-

age of silver is resumed.

It proposes to do this by a commission. I see no better way of ascertaining this ratio than through a commission. This commission is to be appointed by the President, by and with the advice and consent of the Senate; and after this ratio shall have advice and consent of the senate; and after this ratio shall have been ascertained by this commission, whose report is to be made as soon as practicable after the lst of January next, the Secretary of the Treasury is to fix the weight of the dollar that is to be coined after that time, so that the dollar of silver will have the same actual value as the dollar of gold. It will be worth 100 cents in each instance, according to the market value of silver. It will make a silver dollar and a gold dollar of equal value if the commission reports the proper and true relation.

I submit the amendment for the purpose of bringing about a

I submit the amendment for the purpose of bringing about a correct ratio between silver and gold as coin metals and fixing the value of the two kinds of dollars, of gold and silver, so that

they may be worth exactly the same.

The arrangements made in the other sections of the proposed substitute make it a complete system of itself; but I am not going at this late hour of the day to explain each section of the bill. It offers a complete coinage system. The last section repeals the entire act known as the Sherman act. I believe, Mr. President, that this is in accord with the views laid down by the Democratic party in its platform at Chicago; I believe also that it is in harmony with the views laid down by the Republicans in their platform. form at Minneapolis. If we are ever going back to the free coinage of silver, if we are ever going back to the time when dollars in silver and dollars in gold are to be of equal, actual, and intrinsic value, we must establish some such system as this.

With these few remarks, I submit my proposed substitute, and

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

o call the roll.

Mr. COCKRELL. (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON], who is necessarily absent. The Senator from Wisconsin [Mr. VILAS] is paired with the junior Senator from Oregon [Mr. MITCHELL]. An exchange of pairs has been made, and now the Senator from Iowa stands paired with the junior Senator from Oregon, and the Senator from Wisconsin and I will vote. I vote "yea."

Mr. GRAY (when his name was called). I am paired with the Senator from California [Mr. White]. That pair has been transferred to the Senator from New Hampshire [Mr. CHANDLER], and I vote "nay."

Mr. HAWLEY (when his name was called). Returning from a short absence, I find I have been paired with the Senator from Alabama [Mr. Morgan]. I do not see him in the Chamber. If he were present, I should vote "nay."

Mr. BUTLER. The Senator from Alabama [Mr. Morgan] requested me to announce that he had been called from the Senator by indisposition. Therefore I suppose his pair will stand with the Senator from Connecticut.

ate by indisposition. Therefore I suppose his pair will stand with the Senator from Connecticut.

Mr. HAWLEY. Then I shall not vote.

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

present, I should vote "nay."

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Georgia [Mr. Gordon]. If he were presented.

with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL]. That pair has been transferred to the Senator from Iowa [Mr. ALLISON], who is absent. I vote "nay."

The roll call was concluded.

Mr. PUGH. The Senator from Georgia [Mr. Colquitt] is paired with the Senator from Iowa [Mr. WILSON]. The Senator from Georgia would vote "yea" if he were present and not paired.

Mr. HAWLEY. The Senator from Florida [Mr. PASCJ], who is in charge of pairs on the other side, informs me that my pair

is in charge of pairs on the other side, informs me that my pair with the Senator from Alabama [Mr. MORGAN] has been transferred to the Senator from Georgia [Mr. GORDON], which leaves me at liberty to vote. I vote "nay."

Mr. PETTIGREW. Under that arrangement I am at liberty

Mr. PETTIGREW. Under that arrangement I and at liberty to vote, and record my vote in the negative.

Mr. PASCO. The Senator from Georgia [Mr. Gordon] has been called away from the city by business of urgent importance and desired me to announce his pair. Under the arrangement now made he stands paired with the Senator from Alabama [Mr. Market Laborated]. I shall not repeat the announcement to-day. will suffice.

The result was announced-yeas 20, nays 47; as follows:

		AS-20.	, 10210113.		
Bate, Berry, Blackburn, Butler, Cameron,	Cockrell, Coke, Daniel, Faulkner, Harris,	Hunton, Irby, Jones, Ark, Martin, Pasco,	Perkins, Pugh, Vance, Vest, Walthall.		
NAYS-47.					
Aldrich, Allen, Allen, Brice, Caffery, Camery, Cullom, Davis, Davis, Dixon, Dolph, Frye, Gallinger,	George, Gibson, Gorman, Gray, Hale, Hawley, Higgins, Hill, Hoar, Kyle, Lindsay, Lodge,	McMillan, McPherson, Minderson, Mille, Mitchell, Wis. Morrill, Murphy, Peffer, Pettigrew, Platt. Proctor, Quay,	Ransom, Rouch, Sherman, Smith, Squire, Stockbridge, Turpie, Vilas, Voorhees, Washburn, White, La.		
	NOT VOTING18.				
Allison, Call, Chandler, Colquitt, Dubols,	Gordon, Hansbrough, Jones, Nev. Mitchell, Oregon Morgan,	Palmer, Power, Shoup, Stewart, Teller,	White, Cal. Wilson, Wolcott.		

So the amendment was rejected.

Mr. JONES of Nevada addressed the Senate in continuation of the speech begun by him on the 14th instant. After having

Mr. HARRIS. Will the Scuator from Nevada yield? I desire to suggest that it is now twenty minutes after 6 o'clock. If it suits the Senator from Nevada to yield, I should like to move that the Senate adjourn until to-morrow at 11 o'clock.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). Does the Senator from Nevada yield for that purpose?

Mr. JONES of Nevada. Certainly.

Mr. HARRIS. I make that motion.

Mr. FAULKNER. I hope the Senator from Tennessee will

Mr. FAULKNER. I hope the Senator from Tennessee will not make the motion. I know the Senator from Indiana [Mr. VOORHEES], who is not now present in the Chamber, is very anxious, having charge of the pending bill, to complete the bill this evening, and I think he has so notified all on the floor. Therefore I hope the Senator will not make the motion.

Mr. HARRIS. Mr. President, I am as earnest as the Senator from West Virginia or the Senator from Indiana to end this struggle, but the clock indicates that it is twenty minutes after 6. I do not think that we are required to sit here to unreasonable hours in order to complete the decree already understood by all people. I am not inclined to move that the Senate take a recess, for our records show that everything has been on the 17th of October which has been transacted in the Senate up to to-day; but I think the Senate ought to adjourn, and we will meet here to-morrow and I hope dispose of the pending bill.

Mr. MORRILL. Will the Senater from Tennessee allow me

to make a suggestion?

Mr. HARRIS. In a moment.

Mr. MORRILL. Before the Senator makes the motion I

wish to make a suggestion.

Mr. HARRIS. I hope that the Senate will adjourn, and let the Record show the exact fact in respect of our action. Now, I will hear the suggestion of the Senator from Vermont.

Mr. MORRILL. I wish to make the suggestion whether we

may not be able to agree that the question shall be taken to-

morrow at 1 o'clock on the bill.

morrow at 1 o'clock on the bill.

Mr. HARRIS. I have no authority to answer for anyone but myself. I have been ready for days, I am ready now, I shall be ready at all times to take a final vote upon this question, but the practice we have adopted of taking a recess, and letting our RECORD show that every act of the Senate has been of the date of the 17th of October when not of that day, but of many other than the property absurd. I am not in favor myself of preparation. days, is utterly absurd. I am not in favor myself of presenting an obstacle to action on the bill, but I move that the Senate now adjourn until to-morrow at 11 o'clock.

Mr. VOORHEES. Mr. President—
Mr. FAULKNER. If the Senator from Tennessee will permit

me, just before-Mr. HARRIS. Mr. HARRIS. I will permit the Senator.
The PRESIDING OFFICER. Does the Senator from Tennessee withdraw the motion to adjourn?

nessee withdraw the motion to adjourn?
Mr. HARRIS. I do not.
Mr. FAULKNER. Temporarily?
Mr. HARRIS. Oh, I withdraw it for the purpose of hearing the Senator from West Virginia.
Mr. FAULKNER. I understand that the Senator withdraws his motion temporarily to let me reply to the suggestion of the Senator from Vermont. I am satisfied that no agreement can be made for a vote at any particular time.
Mr. HARRIS. There is no possibility of such an agreement.
Mr. FAULKNER. I have myself so learned from individual

Mr. HARRIS. There is no possibility of such an agreement.
Mr. FAULKNER. I have myself so learned from individual Senators, and therefore the whole question is whether we shall complete the bill to-night. As I stated before the Senator from Indiana came in, who has charge of the measure, I know it is his desire and purpose, if he has the majority at his back, to finish the consideration of the bill before an adjournment or a

Mr. HARRIS. Mr. President, I withdrew my motion in deference to the wish of the Senator from West Virginia, but—
Mr. MORRILL. I shall withdraw my suggestion entirely.
Mr. HARRIS. It is 6 o'clock and 25 minutes. I do not choose to sit here later. There is time to decide this question. There has been no disposition indicated to postpone it. I move that the Senate adjourn until 11 o'clock to-morrow.

Mr. HILL. Mr. President—
The PRESIDING OFFICER. Does the Senator from Tennessee again withdraw his motion?

Mr. HARRIS. I withdraw it in order that the Senator from

Mr. ALDRICH, Mr. WASHBURN, and others. Regular or-

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, that the Senate adjourn until tomorrow at 11 o'clock. (Putting the question.) The noes appear to have it.

Mr. HARRIS. Mr. President, I withdrew the motion.
Mr. VOORHEES. May I say one word?
Mr. HARRIS. I withdrew the motion in order that the Senator from New York might express his opinion, but if—
Mr. VOORHEES. I wish to say one word?
Mr. HARRIS. But if the question is to be determined, it shall be determined upon the yeas and nays on the demand of one-fifth of a querum. one-fifth of a quorum.

Mr. VOORHEES. The Senator from Tennessee is out of order in debating a motion to adjourn.

Mr. HARRIS. The Senator from Tennessee is not out of

Mr. VOORHEES. The Senator from Tennessee is out of order in debating a motion to adjourn.

The PRESIDING OFFICER. The Chair desires to say.

Mr. HARRIS. I call the Senator from Indiana to order. Mr. VOORHEES. Nobody knows as well as the Senator from

Tennescee that he is out of order.

Mr. HARRIS. I am not out of order.
Mr. VOORHEES. He knows he is.
The PRESIDING OFFICER. The Chair appeals to Senators to be in order

Mr. HARRIS. I yielded to the Senator from West Virginia

to make a suggestion and withdrew the motion.
The PRESIDING OFFICER. The Chair desires in justice to himself to say that he did not understand the Senator from Tennessee when he withdrew his motion to adjourn. The Chair thought the motion was still pending, and therefore put the question, but if there was no motion made the Chair was in error in that respect, and of course the vote goes for naught. The Senator from Nevada [Mr. JONES] is entitled to the floor.

Mr. VOORHEES. I desire to say one word by unanimous

Mr. HARRIS. I withdraw the motion to adjourn in order that the Senator from Indiana may be heard.

Mr. VOORHEES. We have been here a long time. It will take but a little while now to conclude our business and put this whole contest behind us -not over three-quarters of an hour at whole contest behind us—not over three-quarters of an hour at the outside. I have said all day, and I say now, not in any unreasonable spirit, but in the most natural spirit in the world, that I desire a vote on this question before we adjourn; and if a majority of the Senate will stay with me for the next hour, or until the discussion is ended, we shall end this controversy and put it behind us. I trust that nobody desires to go away under these aircumstances. circumstances

Mr. HARRIS. Mr. President, this has been a very great controversy, a controversy that affects the interests of every American citizen, upon one side of which capital and capitalistic influence have asserted and controlled power, upon the other side of which nine-tenths of the American people are opposed to capitalistic inluence. This controversy will be ended in favor of

dristic influence.

Mr. JONES of Nevada, Mr. President—
Mr. HARRIS I shall interpose no dilatory motion.

The PRESIDING OFFICER. The Senator from Nevada addresses the Chair. The Senator from Tennessee, the Chair underetands, occupies the floor by the courtesy of the Senator from Nevada.

Mr. HARRIS. The Senator from Nevada was entitled to the floor and yielded to me. If the Senator from Nevada claims it,

I yield.

Mr. JONES of Nevada. I should like to proceed. It will take me but fifteen minutes to finish what I have to say.

Mr. HARRIS. I yield, of course, because I occupied the floor by the courtesy of the Senator from Nevada. Mr. JONES of Nevada. I am very much obliged to the Sena-

tor from Tennes The PRESIDING OFFICER. The Senator from Nevada will

[Mr. JONES of Nevada resumed and concluded his speech.

See Appendix.] Mr. PEFFER. Mr. President, I shall occupy about fifteen minutes of the time of the Senate, and no more. I do not feel that I should have performed all of my duty in this great discussion if I did not enter once more my protest against the pas-

cussion if I did not enter once more my protest against the passage of the pending bill, which, in my humble judgment, is the crowning infamy of this century.

Mr. President, I voted against most of the amendments proposed because they discriminate against silver. Had these amendments been proposed by the other side and at the beginning of the debite, I would have considered it carefully, and in case nothing better could have been secured. I might have considered in the constant of the could have been secured. case nothing better could have been secured. I might have consented to vote for them, because in that event they would have come to us in a spirit of fairness, and we could not have doubted

the sincerity of their advocates.

But they did not come to us in that way. The friends of the bill are opposed to any and to all amendments. When the Democratic members of the Senate, by a majority of 37 to 7, agreed upon a compromise bill to be substituted for the committee's bill, and when everybody believed an adjustment of party differences was at hand and that the end of dispute was near, the Executive veto was published in advance, the hopes of party unity vanished in the gloom of despair, a majority was silenced and the Administration was compelled to accept the aid of Republican Senators in order to avoid utter and ignominious defeat

at the hands of the men who placed it in power.

I would not have voted for that proposed compromise and for much the same reason that I did not vote for these amendments. I refer to it only to show the imperious spirit in which the bill was thrust upon us and the houghtiness with which the attempt to compromise was east aside by the President.

Mr. President, I wish to repeat a statement made in the early control the distance of the compromise was cast aside by the President.

part of the discussion, that the movement which brought this part of the discussion, that the movement which brought this detestable and destructive measure here is the crowning infamy of the century. Party traditions had to be ignored in order to give it introduction here, and the convictions of a lifetime had to be violated in order to give it support. Of the 44 Democratic Senators only 7 favor unconditional repeal, and at least 3 of these 7 had always until recently been free-coinage men.

Party platforms declare for bimetallism, but the Senate proposes to establish monometallism; parties declare in favor of preserving parity between the money metals, and the Senate

preserving parity between the money metals, and the Senate throws one of them overboard to find its price level in the open market with wheat and corn and cotton; parties declare in favor of preserving and maintainin; the equal value and purchasing power of all the different classes of our currency circulation, but when a proposition is submitted to incorporate the party pledges with law, it has not support enough in the Senate to second a demand for a yea-and-nay vote upon it. The Senator from Indi-ana, chairman of the Finance Committee, who has charge of the bill, told us Saturday that he does not intend to be bound by his votes in opposition to amendments proposed to the bill. He voted against a free-coinage amendment; he voted against a limited-coinage amendment; he voted against each and all the other

coinage amendment; he voted against each and all the other amendments. And he says he will not be bound by these votes. Mr. President, he will be bound by them. He can not escape the responsibility. What the Senator has said in this debate is not lost, nor will it be dissipated by time. The record is made and it will remain. No recantation will ever satisfy either himself or the people at large, for his present course has been deliberately chosen. He marked it out for himself. The brief sketch of that Senator's life, as it appears in the Congressional Directory, shows that his great speech in favor of the free coinage of silver money, delivered in this Chamber on the 14th day of January, 1878, endeared him more than ever to the good people of Indiana, and they gave testimony of their good will by greatly increasing his party strength at the next election. That speech was a powerful philippic against the classes that he even now charges with manufacturing the panic which brought us here at this unusual time. That speech has not been excelled at any time in invective and in virulent denunciation. From the mouth of a Populist such aspeech would condemn him as an Anmouth of a Populist such a speech would condemn him as an An-

The speech referred to will be found on pages 331 and 338 of the CONGRESSIONAL RECORD, under date of January 15, 1878. I shall not detain the Senate long enough to read even the two paragraphs which I have marked, but will ask permission of the paragraphs which I have marked, but will ask permission of the Senate to incorporate them in my remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none.

The extracts referred to are as follows:

The extracts referred to are as follows:

In far distant times generations now unborn while examining the sources of the burdens that have descended to them will read the charge made in this presence by the late Senator from Indiana, that a combination of stock jobbers, as destitute of conscience as pirates, and inspired alone by greed for money, successful! thundered at these doors, and finally drove this Government into the mose stupendous act of bad faith and legalized robbery ever practiced upon any people since the dawn of history. Five hundred militons made by the great operators and five hundred militions bett to the plowman and the mechanic who have it all to pay.

And yet the authors, the instigators, the abettors of this crime, and the participators in its proceeds, fill the air with railing on the subject of repudiators, because they believe that a contract for the benefit of the people should be held as sacred as one for the benefit of the bondholder. Sir, for bearance on this point has ceased to be a virtue. Those who have at all times labored to keep the faith of the Government with its citizens and its creditors alike can not submit any longer to insult added to injury, to wholesale calumny added to national plunder. In some countries the habit prevails of building a cairn, a pile of stones, to mark the spot where some tragic event has happened. So let the American taxpayers, whenever the act of March, 1869, is cited each cast a stone upon it to mark the place in American history where repudiation began, and where the rights of the people were mercilessly and tracherously slaughtered.

And in every form in which the English language can be used the American people, and especially the people of the West, have been notified, not that their consent will be asked, but that they will be compelled to submit to the legislation which results in this British system of baronial landed estates, a dependent tenantry and pauper wages for the workingman. Sir, I have no word of menace to utter on this floor, but, in behalf of every laborand every owner of the soil whom I represent, I warn all such as value their investments that when these doctrines of despotism are sought to be enfored this fair land will again be convulsed in agony, and the fires of ilberty will blaze forth again, as they did a hundred years ago, in defense of the natural rights of man. May the wisdom of our fathers and the benignity of our God avert such an issue; but if it shall come, if infatuation has seized our councils, the result will only add one more instance to the long catalogue of human crime and folly, where avarice, like ambition, overleaps itself, and in its unholy attempt to rob others of their possessions losses its own.

Mr. PEFFER. No, Mr. President, the men to whom the people justly looked for help in this great struggle with the most powerful and dangerous influence among men, will be held to a strict accountability for the part they have taken here.

Mr. President, we all listened with profound sympathy to the pathetic words of the senior Senator from Colorado Friday, and the forceful eloquence of his colleague the next day. They

to the forceful eloquence of his colleague the next day. They described pictures which they saw—invisible fingers painting in the future. My heart goes out to them in this hour of darkness. the future. My heart goes out to them in this hour of darkness. But brave men as they are, strong and full of courage, they know that all is not lost. They are big enough to see beyond the horizon of their own State. They look far enough to see the fertile fields of Kansas, of Nebraska, the Dakotas, and of all the great country, and they know that the vast armies of toilers in every department of industry must suffer with the miners all the evils which follow the legislation of this session of Congress. Silver mining is but part, and a small part even, of the mining industry; and miners can soon adjust themselves to changed conditions. But farmers are tied to the soil. They must stay in and take what comes. Their homes are at stake.

Agricultural communities will suffer most from what of evil is

what comes. Their homes are at stake.

Agricultural communities will suffer most from what of evil is in store for the country. But let me say to miners, to farmers, and to all the rest of our toiling millions we need not long endure the burdens which this legislation places on our shoulders.

We have within ourselves every element of the power needed to throw off the yoke. We need only to husband our resources and organize our voters. This sixty days' debate has unmasked the power which oppresses. We now see the hand that smites Money is king

Money alone of all things has a value set upon it and maintained by law. Its owners are permitted to lend it at rates of interest many times higher than the average net profits on labor. It is usury, in one form or another, that is transferring wealth from the people who produce it to those who earn nothing.

This debate has disclosed the falsehoods of old party platforms and the hellowness of old party promises, and it has been been described in the hellowness of old party promises, and it has been been described in the hellowness of old party promises.

and the hollowness of old party promises, and it has brought to

and the hollowness of old party promises, and it has brought to light the secret forces of party patronage.

The great manufacturers, the great railroad managers, the great bankers, the stockjobbers, the brokers, the usurers, and all classes that feed and fatten on the profits of other men's toil these are for the passage of this bill.

The senior Senator from New Jersey Saturday said that the honor of this victory of the money power over the people will be shared jointly by the President of the United States and the senior Senator from Ohio. Who will want to deny the correctness of the prediction? Who is there to dispute the fitness of those two distinguished men to enjoy this inheritance? If they can extract any consolation out of the indignation and maledic

we have seen that all the great industries which have it.
We have seen that all the great industries which have been encouraged and protected by the Government, and all the great agencies for extracting profits that have been permitted to grow up among us, have taken sides against the people. We have seen that wherever the Government has been most lavish in its expenditures, wherever it has done most to foster and develop industry and commerce there is the most powerful combination against every demand of the people whose labor is constantly pouring trade through the channels of commerce. What are called the "business interests" have all the care of Congress, and these "business interests" are the personal interests of a few hundred speculators on the commercial exchanges. We have uncovered the banking system and shown its defects, its evils, and its dangerous tendencies.

We have seen that the Government is in partnership with the banks; that the Treasury Department is a member of the New York bank clearing house; that public moneys have been deposited by millions in national-bank depositories when there was no need of it. We have seen that high premium has been paid by the Government for its own bonds; that interest has been advanced on bonds not due, and that these premiums and advances of interest have amounted to more than a hundred million dolof interest have amounted to more than a hundred million dollars. We have seen that banks have been conducted in open violation of law, with the knowledge of all men, with the sunction and approval of the Administration, and with the open indorsement of the Senate. We have seen that these "business interests" are to be protected at all hazards, and that no appeal from the wealth producers is to be heard.

Mr. President, we insist on the use of both gold and silver as money metals; we want both coined freely and on equal terms, without discrimination in favor of or against either metal, just

without discrimination in favor of or against either metal, just as the laws provided before the rule of the money-managers began. To assent to some form of compromise, if proposed by the gan. To assent to some form of compromise, it proposed by the friends of the bill, might not be inappropriate, for it would be a concession on both sides and might result in good. But to propose and urge a proposition less than we are entitled to when we know it will be rejected with scorn is to place ourselves in the attitude of suppliants at the feet of power.

Mr. President, I represent a constituency that is not craven, and they would despise their representative if he were such. Kansas was born in the dawn of the last revolution; she stands Kansas was born in the dawn of the last revolution, she status in the vanguard of this. Her beautiful prairies are populated by an industrious and heroic people. Within the time of our generation they have conquered a wilderness and planted the highest and best form of civilization there. They have done generation they have conquered a visite highest and best form of civilization there. more than any equal number of men in the same length of time anywhere on earth. Their achievements have no parallel in the history of settlement. Misfortunes do not discourage them; they are ready for any emergency. They are brave men; they hate cowards and loathe traitors. They have not yet bartered their birthright, and they do not now propose to compromise

with wrong.

Kansas will take care of herself, sir. With her sisters, North, South, East, and West, in the valleys of the greatest rivers of the continent, we furnish the larger part of our foreign commerce—and it matters not to us where our customers for this

surplus dwell. If our trade is of no consequence to our Eastern neighbors, we have good easement to the south of us. We can shorten the distance to foreign markets and cheapen the cost of transportation by shipping our surplus products through ports on the Gulf of

We now have vast areas of fertile lands under cultiva-Mexico. tion, with a rapidly increasing population; and year by year we are increasing the amount of our contributions to the commerce of the world. An interstate railway from North Dakota to Galveston Bay would drain a great region that now sends its trade across the Mississippi River eastward on its way to Liverpool and London. We shall soon be able to reclaim the semiarid and London. lands west of us and populate them with small farmers whose

lands west of us and populated labor will add to our output.

Our lands produce cotton and flax and other fibrous plants, outseful in the manufacture of cloth and cordage. There is no useful in the growth of sheep and wool. We have timestally the growth of sheep and wool. better region for the growth of sheep and wool. We have tim-ber, iron, coal, lead, zinc, copper, tin, silver, and gold. South-ern iron and cotton cloth are produced as cheaply as anywhere; and lumber can be made without the aid of duties on the foreign Surely if our trade is not wanted East we can manage in a few years to accommodate ourselves to that state of fact. We have votes enough to change the financial policy of the Government and get rid of the usurer and extortioner, when money will be abundant and ready on call to move the crops and meet

our pecuniary obligations.

We shall always be able to take care of ourselves, and now that we have notice served upon us that the interests of the money centers of the East are more important than the commerce of the West and South, we need not further trouble ourselves about protective tariffs nor tariffs for revenue. If rich men have determined that this Government was established for their bene fit, let them bear the burdens of national taxation. Let tariff duties be levied only on luxuries, let the rest of the needed revenues for Government uses be raised by taxes on large landed estates and on incomes above the line of a fair living.

Yes, Mr. President, God reigns and the Republic will live to encourage and to bless mankind. The law of progress will impel us forward and we shall rise as we go. But we must contend with all the powers of evil. Evolution comes through storms and wreckage. A great struggle now approaches—it is at hand even now. His horizon is narrow, indeed, who does not see a

mighty people rising.
Mr. STEWART. Mr. President, the die is cast. The surreptitious and fraudulent act of 1873 demonetizing silver is ratified and confirmed. The gold kings are victorious. The labors of their champion, the Senator from Ohio [Mr. SHERMAN], at the Paris conference in 1867 and in the Halls of Congress in 1873, to destroy the people's money are crowned with success. The repeal of an act already nullified by Executive usurpation is decreed to exonerate the Secretary of the Treasury from the consequences of an open violation of law in refusing to purchase the four and one-half

open violation of law in refusing to purchase the four and one-half million ounces of silver per month commanded by the act of 1890. The interest on Gladstone's growing fabric of bonded debt heretofore "unknown in the history of the world" may now absorb the wealth of America. The allied power of bonds and national banks has won a great victory.

The Trojan horse of the gold kings, bedecked with flaming banners upon which were inscribed, "Democracy," "Bimetallism," "Local Self-Government," "Reduction of Taxation," and "Civil-Service Reform," to conceal the monometallic guns of concentrated money and bonds, made a triumphal entrance into the nation's capital. The people opened wide the gates, and millions sang hosanna to "Greeks bearing gifts."

And all the people came up after him, and the people piped with pipes

And all the people came up after him, and the people piped with pipes and rejoiced with great joy, so that the earth rent with the sound of them. A day of jubilee was proclaimed and a Democratic national love feast prepared. The new recruits and the scar-worn veterans of the Democracy from every State and Territory in this broad land made haste to reach the festive board of Federal

Armed Greeksfrom out the Trojan horse blocked every avenue of approach to all who bore true allegiance to the people's cause. Jeffersonian and Jacksonian Democrats retired with shame, while the Hessians, recruited for plunder and spoils, feasted and made merry at the national banquet and swore allegiance to the prophet of Wall street.

The veteran Greeks, reinforced by camp-followers, office-seek ers, national banks, a venal press, and other agents of the gold trust, rallied under the banner of the prophet of false pretense and hypocrisy, and gave battle for concentrated capital against labor and prodution.

They have captured the fort and dispersed the defenders of the people. But, unlike ancient Troy, Washington is not the only stronghold of the American people. The betrayal and capture of the White House and the two Houses of Congress is not the end of the war. There are other cities and other people in this country besides those who rule in Wall street and at the capital of the nation. The honeyed words, the false promises, and the glittering banners of the gold aristocracy have lost their power of deception. The experiment of the Trojan horse which

was successful in 1892 will fail in 1894 and 1896. The people will

"beware of Greeks bearing gifts."

The next campaign will be fought in the open field, with no traitors in the army that will do battle for justice and equal rights. Secret foes will be discovered, exposed, and drummed out of camp. If the tentacles of the national banks have extended into the two Houses of Congress they will be cut loose, and freedom of action secured for the representatives of the people. No Wall street general will lead the conquering hosts.

people. No Wall street general will lead the conquering hosts. The race of Jackson and Lincoln is not extinct, and a man of the people will be found. The independence of the corrdinate departments of the Government will be restored. The representatives of the people in both Houses of Congress will pass laws to secure justice and equal rights without Executive interference. No command will come from the other end of the Avenue to destroy the people's money and subject the masses to the rule of an alien gold trust. Financial independence of Great Britain and all other foreign powers will be declared and maintained at any sacrifice and at all hazards. tained at any sacrifice and at all hazards.

The temporary victory of avarice and fraud is an object lesson which will not be forgotten. The people of the United States have met and overcome all opposition and removed all obstruction to their grand murch to freedom and a higher civilization. They must now grapple with the most dangerous, the most insidious, and the most relentless foe with which humanity is compelled to contend—the power of concentrated capital. It is the most dangerous, because its weapons are cunning: the most in-sidious, because its methods are secret; and the most relentless, because it is soulless and deaf to the grouns of its victims. Concentrated capital must be dethroned. The lifeblood of

civilization must cease to slake the thirst of avarice. The normal circulation must be restored. The British pump must cease to drain the circulating medium of the United States into the reservoir of a London syndicate. An independent financial pol-

The schemes of the enemy will be exposed, and the paths to freedom and prosperity made plain. Concentrated capital must take warning. The luxury of revolution and extortion will be expensive. When justice is denied, the wrongdoers must take the consequences. This victory for injustice and wrong is only temporary. If capital repudiates contracts by contraction, the people will restore justice by expansion. If in the conflict the aggressor is despoiled, it will be his own fault, and not the fault of the victims he has forced to fight for self-preservation. of the victims he has forced to fight for self-preservation.

The motto in the next campaign will be not the preservation

of disgraced party names, but the eternal principle of justice: not the best dollar, but an honest dollar: not an appreciating measure of value for the rich to monopolize, but an honest measure of value which will do justice to all; not to multiply parasites, but to increase wealth producers; not to maintain a false standard of governmental credit by opening the vaults of the Treasury to speculators, but to maintain the honor of the Government by the payment of debts according to contract, and meting out equal justice to all; not by taxing the masses to make donations to the classes, but by compelling the rich as well as the poor to submit to the government of law; not to violate the obligation of contracts, but to maintain equity between debtor and creditor.

Justice and equality before the law is the full measure of the demands of the people. No oligarchy of foreign or domestic money-changers must rob them of their most sacred rights.

money-changers must rob them of their most sacred rights. The people must and will resist and strike until the last armed foe expires. Let the vote be taken; let the deed be done; let the object lesson be given. We will abide the result. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. If there be no further amendment to the bill, the question is, Shall the amendment be engrossed and the bill read a third time?

and the bill read a third time?

The amendment was ordered to be engrossed, and the bill to be read a third time.

The VICE-PRESIDENT. The question is, Shall the bill pass? Mr. STEWART and Mr. TELLER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. FRYE (when Mr. CHANDLER'S name was called). The senior Senator from New Hampshire [Mr. CHANDLER] is paired with the senior Senator from California [Mr. WHITE].

Mr. COCKRELL (when his name was called). Originally I was

Mr. COCKRELL (when his name was called). Originally I was paired with the senior Senator from Iowa [Mr. ALLISON] and the Senator from Wisconsin [Mr. VILAS] was paired with the junior Senator from Oregon [Mr. MITCHELL]. We have exchanged pairs, and the Senator from Iowa now stands paired with the Senator from Oregon. The Senator from Iowa, if present, would vote "yea" and the Senator from Oregon would vote "nay."

Mr. PASCO (when Mr. GORDON's name was called). The Senator from Georgia [Mr. GORDON] is paired on this vote with the

Senator from Alabama [Mr. Morgan]. I have transferred that pair as announced on the former vote. The Senator from Georgia, if present, would vote "yea."

Mr. GRAY (when his name was called). On this vote I had an understanding with the Senator from California [Mr. White] that I should pair with him. That pair has been transferred to the Senator from New Hampshire [Mr. CHANDLER], and I vote "wea."

Mr. PALMER (when his named was called). On this question I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]: I do not know how he would vote if present, but I should note if you."

Ishould vote "yea."

Mr. PERKINS (when the name of Mr. WHITE of California was called). My colleague [Mr. WHITE of California] is unavoidably absent. Before leaving, however, he paired with the Senator from Delaware [Mr. GRAY]. Since then that pair has been transferred to the Senator from New Hampshire [Mr. CHANDLER]. If my colleague were present he would vote "nay," and I am informed that the Senator from New Hampshire would vote "ray."

The roll call was concluded.

Mr. DUBOIS. The Senator from North Dakota [Mr. HANS-BEOUGH], who is paired with the Senator from Illinois [Mr. PALMER], would vote "nay" if he were present. The Senator from Oregon [Mr. MITCHELL], who is paired with the Senator from Wisconsin [Mr. VILAS], would vote "nay" if he were present. ent.

Mr. PASCO. I desire to state that the Senator from Georgia [Mr. ColQuitt] is unavoidably absent. He is paired with the Senator from Iowa [Mr. WILSON]. If present the Senator from

Georgia would vote "nay."

Mr. VILAS. I desire to state that on this vote, by the transfer announced by the Senator from Missouri [Mr. COCKRELL], the Senator from Oregon [Mr. MITCHELL] stands paired with the Senator from Iowa [Mr. ALLISON]. Mr. DUBOIS. I did not understand that. I simply wished

to announce the vote which the Senator from Oregon would cast

if he were present.

Mr. DOLPH. I will say to the Senator from Idaho that that has already been announced by the Senator from Missouri [Mr. Cockrell], or I should have announced it myself.

The result was announced—yeas 43, nays 32; as follows:

	YE.	A.S-43.	
Aldrich, Brice, Caffery, Camden, Carey, Cullom, Davis, Dixon, Dolph, Fau kner, Frye,	Gallinger, Glbson, Gorman, Gray, Hale, Hawley, Higgins, Hill, Hoar, Hunton, Lindsay,	Lodge, McMillan, McPherson, Manderson, Mills, Mills, Mirchell, Wis. Morrill, Murphy, Platt, Proctor, Quay,	Ransom, Sherman, Smith, Squire, Stockbridge, Turple, Vilas, Voorhees, Washburn, White, La.
	NA	YS-32.	
Allen, Bate, Berry, Blackburn, Butler, Call, Comeron, Cockrell,	Coke, Daniel, Dubois, George, Harris, Irby, Jones, Ark. Jones, Nov.	Kyle, Martin, Pasco, Peffer, Perkins, Pettigrew, Power, Pugh,	Roach Shoup, Stewart, Teller, Vance, Vest. Waithall, Wolcott.
	NOT VO	OTING-10.	
Allison, Chandler, Colquitt,	Gordon, Hansbrough, Mitchell, Oregon	Morgan, Palmer, White, Cal.	Wilson.

So the bill was passed.

Mr. VOORHEES. I move that the Senate adjourn until 12 o'clock to-morrow.

The motion was agreed to; and (at 7 o'clock and 28 minutes p. m., Monday, October 30) the Senate adjourned until to-morrow, Tuesday October 31, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, October 30, 1893.

The House met at 12 o'clock m. Prayer by the Rev. ISAAC W.

The Journal of the proceedings of Friday was read and approved.

SCHOOLS OF MINES. The SPEAKER laid before the House the bill (S. 1040) to aid the States of California, Oregon, Washington, Montana, Idaho, Nevada, Wyoming, Colorado, South Dakota, and Minnesota to support schools of mines; which was referred to the Committee on the Public Lands, and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PAGE, for two weeks, on account of sickness in his family. COMMITTEE LEAVE TO PRINT.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent for action on the resolution which I send to the Clerk's desk. The Clerk read as follows:

Resolved, That the Committee on Indian Affairs be authorized to have printed and bound all documents for the use of said committee that it may find necessary in connection with subjects in relation to appropriations being considered or to be considered by the said committee during the Fifty.

The SPEAKER. Is there objection to the request for con-

Mr. RICHARDSON of Tennessee. I want to ask the gentleman from Indiana if that privilege has heretofore been accorded to that committee.

Mr. HOLMAN. It has been accorded to all committees hav. ing appropriation bills in charge.

The SPEAKER. The Chair hears no objection to the present consideration of the resolution.

The resolution was agreed to.

DEATH OF CARTER H. HARRISON.

Mr. HUNTER. Mr. Speaker, I wish to submit the resolutions which I send to the desk and ask that they be read for the information of the House.

The SPEAKER. Does the gentleman ask for unanimous consent for the consideration of the resolutions?

Mr. HUNTER. I will, as soon as they are read, ask unani-

mous consent for consideration.

The SPEAKER. The gentleman asks unanimous consent for the consideration of the resolutions which the Clerk will now re-

The Clerk read as follows:

Resolved. That the House has received with astonishment and sorrow the announcement of the violent death of Carter H. Harrison, mayor of the city of Chicago, and formerly a member of this body.

Resolved. That these resolutions be published in the RECORD, and that the Speaker of the House cause a copy of the same to be transmitted to the family of the deceased.

The SPEAKER. Is there objection to the present consideration of these resolutions? [After a pause.] The Chair hears

The resolutions were agreed to.

MILITARY RESERVATION AT OKLAHOMA CITY, OKLA.

Mr. OUTHWAITE. Mr. Speaker, I ask that the Committee Mr. OUTHWAITE. Mr. Speaker, I ask that the Committee on Military Affairs be discharged from the further consideration of the bill (H. R. 1975) donating the military reservationat Oklahoma City, in Oklahoma Territory, to said city for the use and benefit of the free public schools thereof, and for other purposes, and that it be referred to the Committee on Public Lands. The bill was erroneously referred to the Committee on Military Affairs.

The SPEAKER. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Lands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its secretaries, announced that the Senate has passed a joint resolution (S. Res. 36) transferring the exhibit of the Navy Department, known as the model battle ship Illinois, to the State of Illinois. nois, as a naval armory for the use of the naval militia of the State of Illinois, on the termination of the World's Columbian Exposition, in which the concurrence of the House was asked.

The message also announced that the Senate had passed with amendments the bill (H. R. 4177) to provide for urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes.

URGENT DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill (H. R. 4177) to provide for urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. The Clerk will report the title of the bill so that the House may understand the question.

The title of the bill was reported.

The SPEAKER. The gentleman from Texas asks unanimous consent to nonconcur in the Senate amendments and to ask for a conference on the disagreeing votes of the two Houses. Without objection that order will be made.

There was no objection.

The following conferees were announced on the part of the

House: Mr. SAYERS, Mr. LIVINGSTON, and Mr. CANNON of Illi-

Mr. SAYER. Mr. Speaker, I also ask that the bill be printed as rmended.

There was no objection, and it was so ordered.

SUPPLIES IN THE DEPARTMENTS AT WASHINGTON.

Mr. DINGLEY. Mr. Speaker, I have a privileged report I desire to submit.

The Clerk read as follows:

A bill (H. R. 4248) to amend section 3709 of the Revised Statutes relating to contracts for supplies in the Departments at Washington.

Mr. DINGLEY. I ask that the substitute be read.

The substitute was read, as follows:

A bill (H. R. 4232) substitute for the bill H. R. 4248, to amend section 3709 of the Revised Statutes, relating to contracts for supplies in the Depart-ments at Washington.

the Revised Statutes, relating to contracts for supplies in the Departments at Washington.

Be it enacted, etc., That section 3709 of the Revised Statutes is amended by adding thereto the following:

"That hereafter in the several Executive Departments, the Department of Labor, United States Fish Commission, Interstate Commerce Commission, Smithsonian Institution, Government Printing Office, and the offices of the government of the District of Columbia bids for annual supplies of fuel, ice, stationery, and other miscellaneous articles, including those for the State, War, and Navy building, shall be opened at 20 clock p. m. upon the same day; that the Secretary of the Treasury, or an official named by him, shall esignate the days in each year upon which bids shall be opened in said Executive Departments and other Government establishments in the city of Washington, and notice of such designation shall be given to each of them opened in the usual way by the respective Departments and offices to which they have been submitted and awards recommended, before contracts shall have been awarded schedules of all such bids shall be prepared and submitted, together with a statement off the proposed action of the several Departments and offices thereon, to a board consisting of the chief clerks of the Treasury. Interior, and Post-Office Departments are such other official representative of each of said Executive Departments as the heads thereof may designate, and it shall be the chairman of said board, to make careful comparison of all of the schedules and statements so submitted, and to recommend to the persons authorized to make contracts acceptance or relection of any or all of said bids. If all of the bids for any one or more articareful comparison of all of the schedules and statements by submired. Since the recommend to the persons authorized to make contracts acceptance or rejection of any or all of said bids. If all of the bids for any one or more articles for any of said Executive Departments and other Government establishments are rejected on the recommendation of the board, proposals for such articles shall again be invited. after due advertisement, which said proposals shall be submitted by the Departments or officers receiving the same to the said board for comparison and recommendation."

Mr. DINGLEY. Mr. Speaker, I now ask order while the re-

port is being read.

The report was read, as follows:

The report was read, as follows:

The Joint Commission of Congress to inquire into the status of the laws organizing the Executive Departments, to whom was referred the bill (H. R. 428) to amend section 5709 of the Revised Statutes, concerning contracts for fuel, ice, stationery, and other miscellaneous supplies for the Executive Departments and other Government establishments in Washington, having considered the same, report herewith and recommend the passage of the following substitute therefor.

The purpose of the bill is to fix uniform dates for inviting proposals for fuel, ice, stationery, and other miscellaneous supplies for all of the Executive Departments and other offices in Washington, and to provide for a board to compare all of the bids received and to recommend acceptance or rejection of any or all of them before contracts thereunder are made by the several Departments and offices.

Under the operation of the proposed law, if it is enacted, advertisements for the supplies named for all the Departments and other offices in Washington will appear at one time, thus affording each person desiring to substitute its wanted not only by one Department or office but all of them, and the chance, if he so desires, to submit bids to supply what is wanted by one or more or all of them, according to his ability to furnish, and at uniform figures likely to be lower than they would be where bids are made for each Departments advertising therefor, it is proposed, shall be scheduled and referred to a board, consisting of the chief cierks of the Treasury. Interior, and Post-Office Departments, or such other official representative of each of said Departments advertising therefor, it is proposed, shall be scheduled and referred to a board, consisting of the chief cierks of the Treasury. Interior, and Post-Office Departments, or such other official representative of each of said negative and the chief of the effect of the such of the mass of the procuring supplies for all of said Departments as the heads thereof may de

F. M. COCKRELL,
JAMES R. JONES,
S. M. CULLOM,
Members on the part of the Senate.

Mr. DINGLEY. Mr. Speaker, the bill which has just been read is an amendment to section 3709 of the Revised Statutes, relating to the purchase of supplies for the several Departments and Government establishments in Washington. Section 3709 as it now stands provides that each Department and Government

establishment in Washington—
Mr. McRAE. Mr. Speaker, I rise to a point of order, and desire to make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.

Mr. McRAE. How does this bill come before the House? The SPEAKER. It is reported from the Joint Commission to

Investigate the Departments, having been referred to that com-

mission, with leave to report at any time.

Mr. McRAE. Would it not be subject to the point of order that it should receive its consideration in Committee of the

involves any expenditure.

Mr. DOCKERY. It does not. It relieves the Treasury to the amount of about \$75,000.

Mr. DINCLEY. The SPEAKER. The Chair has not looked to see whether it

Mr. DINGLEY. It does not involve any additional charge on the Treasury. On the contrary, it relieves the Treasury from a charge of about \$50,000.

Mr. McRAE. That is a matter of opinion. A great many bills come up here that gentlemen think would relieve the Treasury, but I notice that very often other gentlemen insist upon having them considered in Committee of the Whole. The title of this bill indicates that it is one which ought to be considered in Committee of the Whole.

Mr. CANNON of Illinois. I have no doubt that the bill is sub-

ject to the point of order.

Mr. DINGLEY. Although the point comes late, yet if there is any desire to go into Committee of the Whole for the consideration of the bill I have no objection.

The SPEAKER. In the judgment of the Chair, the bill is one which should be considered in Committee of the Whole.

Mr. DINGLEY. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the substitute.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MONTGOMERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill the title of which will be

The Clerk read as follows:

A bill (H. R. 4292) to amend section 3709 of the Revised Statutes of the United States relating to contracts for supplies in the Government Depart-ments at Washington.

The CHAIRMAN. Does the gentleman desire the entire bill

Mr. DINGLEY. Not unless somebody desires it to be read

again. It has been read in the House.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that general debate be considered as closed, and that the bill be considered under the five-minute rule.

There was no objection, and it was so ordered.

The Clerk read the bill by sections.

Mr. DINGLEY. Mr. Chairman, as I began to say a few minutes ago, this bill amends section 3709 of the Revised Statutes relating to the purchase of supplies for the several Departments and Government establishments in Washington. Under existing statutes each Department and Government establishment invites proposals separately for furnishing the incidental supplies which it requires. The result has been that there has been no uniformity of action either in inviting the proposals or in award-

ing the contracts.

There have been widely various prices submitted for the several articles required. We found on examination that in the different Departments the prices of articles vary from 5 to 15 percent, and that because of this method of inviting proposals separately wholesale dealers, as a rule, do not regard the matter as of sufficient importance to make bids. It has been thought desirable that all these proposals should in some way be practically brought together in order that the Government may get the benefit of wholesale rates, and in order that there may be uniformity as to the prices paid for these supplies for the several Departments Government establishments, and those prices always the

lowest. It has been found necessary, however, that each Department should have the control not only of the character of the list of supplies desired, but also of determining the quality. For that purpose, and in order to secure uniformity, this bill provides three amendments to the existing statute. First, that the Secretary of the Treasury shall designate a common time at which all these bids shall be opened. Secondly, that after each bid has been examined by whoever may be in charge of the matter in the several Departments the Secretary of the Treasury shall designate a board, to consist of one person representing each Department. nate a board, to consist of one person representing each Department, to examine the several proposals and especially the recommendations of the several Departments and decide which of the bids shall be accepted and which rejected.

The result will be that only the lowest bids will be accepted, and if it is found that a lower proposal is made for supplies for one Department than for another, then a new invitation for pro-

posals must go out as to the same articles for other Departments for which higher prices have been bid, in order that the several Departments may have the lowest prices, that there may uniformity on the prices, and at the same time that the Government may have the benefit of wholesale prices on these large purchases

I may state that the incidental supplies which this bill covers I may state that the incidental supplies which this bill covers now furnished to the several Departments and Government establishments in Washington amount to over a half million dollars annually. There can be scarcely any doubt that upon this plan there will be a saving of at least 10 per cent—the commission hope for more. If the saving should be only 10 per cent, it will amount to \$50,000 a year, and possibly it may be more. The commission, therefore, have unanimously recommended, after consultation with some of the officials of the Departments, the amendments of the existing statute which are now before the amendments of the existing statute which are now before the committee. Now, Mr. Chairman, if no gentleman desires to make any inquiry respecting the matter I will move that the

Mr. HUNTER. I desire to ask the gentleman whether this bill provides for the additional officers or inspectors who are to act for the Government in connection with the parties who propose to furnish these supplies?

Mr. DINGLEY. It simply provides that one person shall be who has charge of the business there, and that he shall represent the Department. The design is to have a board consisting of one representative from each Department.

Mr. RICHARDSON of Tennessee. The bill creates no new office ?

Mr. DINGLEY. It creates no new office.
Mr. HUNTER. There is already a person designated in each

Department to look after these supplies now, is there not?

Mr. DINGLEY. Yes; and that person will probably be the person designated to represent the Department if this bill shall

Mr. RICHARDSON of Tennessee. To act on this board in concert with the representatives of the other Departments.

Mr. DINGLEY, Yes, sir.
Mr. MORSE. Mr. Chairman, I do not rise for the purpose of debating this bill, but for the purpose of making a single remark on another topic. The gentleman from Illinois [Mr. HUNTER] introduced a resolution expressing the sentiment of the House in regard to the appalling assassination of the mayor of the city of Chicago. I sympathize with that resolution, and heartily approve it; and I want to call the attention of Congress and the country to the fact that this assassin is undoubtedly insane; that his name indicates he is a foreigner, and very likely when he landed on these shores he was insane. The European govern-ments are emptying their insane and their paupers and criminals upon this country. The section of the country I represent is overrun with expert foreign criminals, housebreakers, and thieves, and the State's prison and penal institutions of Massachusetts and New England are crowded with them; and I wish to call attention of Congress and the country to the necessity of additional legislation for the restriction of this dangerous class additional legislation for the restriction of this dangerous class of immigration and the necessity of enforcing existing laws for the exclusion of criminals, lunatics, paupers, and idiots, a far worse class than the comparatively harmless Chinese we have voted to exclude. Why, Mr. Chairman, it is only a few years since the streets of Chicago ran red with the blood of policemen and officers of the law, murdered in the discharge of duty, and their blood cries to heaven. I think it is important that attention should be called to this matter here and now, in view of the arreling arise which has again just agreeted the attention. awful appalling crime which has again just arrested the attention of the country at Chicago.

I call the attention of Congress and the country to the alarming increase of the awful crime of train-wrecking and attempts at wrecking by expert criminals who have largely avoided apprehension; and I call attention to the fact that nearly every one of the persons who has been apprehended is a foreigner, and I have no doubt most of them are hardened criminals and graduates from the jails and prisons of Europe.

This crime was unknown among the American people until European countries began to dump their jail birds and ticket-of-

leave men on these shores. The vilest wretch that curses the face of the earth is a train-wrecker. I am opposed to mob or lynch law, but if ever there was a case that justified it it is the crime of these wretches, who are lost to pity, and who put in jeopardy the life and limb of men, women, and children in the flying railroad train. I say I am op-posed to lynch law, but I would be glad to vote for a national and State law that would punish this crime or any attempt at it by execution one week after conviction.

As a Representative of Massachusetts I stand in my place and demand not only the enforcement of existing laws, as I have

said, but more radical and stringent law for the exclusion of the classes which I have recited.

Mr. DINGLEY. I move that the committee rise and report the bill back to the House with a favorable recommendation.

The motion was agreed to. The committee accordingly rose; and the Speaker having resumed the chair, Mr. MONTGOMERY reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 4292) to amend section 3709 of the Revised Statutes relating to contracts for supplies in the Departments at Washington, had directed him to report back the

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the last

vote was laid on the table.

Mr. DINGLEY. I ask that the original bill, House bill No. 4248, for which the bill just passed was reported as a substitute, be laid on the table.

There being no objection, it was so ordered.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed joint resolutions of the following titles:

Joint resolution (H. Res. 34) providing for the disposition of certain personal property and money now in the hands of a receiver of the Church of Jesus Christ of Latter-Day Saints, appointed by the supreme court of Utah, and authorizing its application to the charitable purposes of said church; and

On October 28, 1893: Joint resolution (H. Res. 66) that the acknowledgments of the Government and people of the United States be tendered to various foreign governments of the world who have participated in commemoration of the discovery of America by Christopher Columbus.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 55) for the reporting, marking, and removal of derelicts:

A bill (H. R. 1986) to amend section 6 of the act approved March A bill (H. R. 1888) to amend section of the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes;" and A bill (H. R. 3421) providing for the construction of a steam revenue cutter for the New England coast.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted on its amendments to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fis-cal year ending June 30, 1894, and for other purposes; had agreed to the conference asked by the House, and had appointed Mr. Cockrell, Mr. Gorman, and Mr. Cullom as the conferees on the part of the Senate.

CONGRESSIONAL ELECTION IN EIGHTH DISTRICT OF MICHIGAN.

Mr. WEADOCK. I present to the House, as a question of privilege, the memorial of Mr. Youmans, asking that the Congressional election in the Eighth district of Michigan be inquired into; and in connection with this memorial I present a resolution, which I move be referred to the Committee on Elec-

Mr. HOPKINS of Illinois. Mr. Speaker, I renew my point that this memorial and resolution do not, under the rules of the House, present a privileged matter, but should be referred through the petition box, as provided by the rule, to the Committee on Elections.

Mr. WEADOCK. Let the resolution be read.
Mr. HOPKINS of Illinois. I am well aware of the provisions of the Constitution that "each House shall be the judge of the election, returns, and qualifications of its own members." That is a power granted to this House; but it is a power which has

been exercised when the sitting member was sworn in and qualified as one of the members of the present Congress.

Now, the law has provided how the title of a sitting member to a seat in this House may be attacked; and the contestant in this case, Mr. Youmans, who comes forward with this memorial, has not followed the provisions of the statute in this respect. submit there is no warrant in law for him to come in in the manner now proposed and bring this memorial as a privileged mat-

ter before the House The Speaker the other day referred to the case of Mr. But-

terworth, which occurred in the Forty-sixth Congress, but I wish to call the attention of the Chair to the fact that that was a matter which was brought up on the first day of the session of the ter which was brought up on the first day of the session of the Forty-sixth Congress, when there were no rules at all and no committees; and although that resolution was brought in as a matter of the highest privilege, there was, even in that case, no rule established. After a running debate, in which many members engaged, it was finally agreed what the mode of procedure should be in that case, and by agreement a special committee was appointed to investigate the alloged (rands that were above). was appointed to investigate the alleged frauds that were charged in the memorial.

Now, what is this case? Here is a case which comes up after this Congress has been in session for three months. It is not like the case from Cincinnati, where a memorial was presented like the case from Cincinnati, where a memorial was presented by the electors of two Congressional districts claiming that grave frauds had been committed. This is a memorial brought here by the defeated candidate for Congress in the Eighth district of Michigan. He then knew all the charges embraced in this memorial, and knew the manner prescribed by the statute in which he could contest the right of Mr. Linton to a seat on this floor. He neglected to exercise his rights; and I claim, Mr. Speaker, that under well-recognized principles of law, his neglect to exercise the rights as defined by the statute will now deprive him of any privilege in this House.

of any privilege in this House.

As a further reason, I submit that at the present time this House has adopted a code of rules; and Rule XXII of that code provides that memorials may be delivered to the Clerk, the member presenting them indorsing his name thereon, and shall then be referred to the appropriate committee for action. Now we have provided for a Committee of Elections, a committee clothed with ample power to investigate all contested questions that may be presented to Congress by defeated candidates for Congress in any State of the Union. And the most this claimant can do will be to simply follow the rules of the House and present his memorial through the petition box and let it go to the Committee on Elections, and that committee is clothed with authority and power to present the matter to the House if in the judgment of the committee there is reason for it.

Now, the fact, if the Speaker please, that each House shall be the judge of the elections, returns, and qualifications of its own members is simply a power with which it is clothed. The statute that has been provided shows how that power shall be exercised; and inasmuch as this memorialist has neglected to follow the manner prescribed by the law he is deprived of any privilege or right other than that which would be conferred upon him by the ordinary usage as prescribed by the rules for all me-

The SPEAKER. Under the rules of the House all memorials, petitions, and private bills may be introduced and referred to the various committees by handing them to the Clerk. If it be a public bill it is introduced by handing it to the Speaker or to Clerk at the Speaker's table. Any memorial or resolution relating to the right of a member to his seat is a privileged matter. Any matter that is privileged may be presented or called up when no matter of a higher privilege is before the House. For instance, a committee not authorized to report at any time can only report when the committees are called for reports. committee authorized to report at any time need not necessarily report when the committees are called for reports, but it may make its report, as was done by the gentleman from Maine this

make its report, as was done by the gentleman from Maine this morning, by presenting it at any time as a privileged matter. Now, the Chair is of the opinion that any matter relating to the right of a member to his seatis privileged. It has always been so held. Therefore the Chair does not think it is necessary to present a memorial of that character through the Clerk. The question raised here, the one presented by the pending proposition, is whether it is in the power of the House, on objection being made, to proceed to consider the resolution, or whether the point being made the whole matter must be referred to the Committee on Elections under the rules.

The Chair believes, when a matter of this sort is presented and the point of order is made against it, that it should be re-ferred to the committee having jurisdiction of the matter under ferred to the committee having jurisdiction of the matter under the rules of the House, it must be so referred. There is a de-cision made by the immediate predecessor of the present occu-pant of the chair which is in conflict with that opinion—the Arkansas case in the Fifty-first Congress. The gentleman from Iowa [Mr. LACEY] presented a resolution relating to the investi-gation of the election in Arkansas, and called it up for consider-ation.

The present occupant of the chair objected and made the point that the resolution should be referred to the Committee on Elections, because, under the rules of the House (although the entire rules had not been adopted and there had been adopted a part of the rules relating to the committees and their jurisdiction) the question presented relating to the right of a member

to his seat it must be referred to the Committee on Elections, which had jurisdiction of such questions. It was held by the then presiding officer—I have the decision before me—that as it related to the privileges of the House it need not be referred to the committee, and the House adopted the resolution.

The present occupant of the chair thinks that the provision of the rule is the wiser one, which requires that all matters re-lating to the right of a member to his seat should be referred to the Committee on Elections.

Any member has a right to present such a memorial as a privileged matter, but when the point is made it must be referred to the Committee on Elections.

Mr. HOPKINS of Illinois. Under the ruling of the Chair this goes to the Committee on Elections?

The SPEAKER. If the point is made it will have to go. Mr. WEADOCK. My motion was to refer the whole matter to the Committee on Elections.

The SPEAKER. The Chair did not so understand. The Clerk will read the resolution.

The Clerk read as follows:

Resolved. That the memorial of Henry M. Youmans, an elector residing in the Eighth Congressional district of the State of Michigan, touching the election of William S. Linton as a member of the House of Representatives, to represent said district in this House, be referred to the Committee on Elections, which committee shall consider the allegation therein made, and, as speedily as possible, report to the House what action should be taken with reference thereto.

Mr. HOPKINS of Illinois. The point of order is made, Mr. Speaker, that this matter must go to the Committee on Elec-

The SPEAKER. It will be so referred.

Mr. DINGLEY. And this is done by the Chair because of the ules of the House and not because of any action of the House

The SPEAKER. Under the rules of the House.
Mr. DINGLEY. It is important to have that understood.
Mr. LINTON. Mr. Speaker, one moment, if I may be per-

The SPEAKER. For what purpose does the gentleman rise?
Mr. LINTON. To a question of personal privilege. I am the
member referred to in this memorial. I have no objection to its taking the regular course and being presented to the Committee on Elections. I ask for a full, free, and fair investigation, and I do not fear the result. I desire in the near future to speak, however, upon the subject, as a question of personal privi-

The SPEAKER. The regular order is the resolution presented by the gentleman from Illinois [Mr. SPRINGER] from the Committee on Banking and Currency.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the yeas and nays were ordered also the previous question, and that upon that resolution, and also the previous question, and that the resolution be recommitted to the Committee on Banking and Currency.

There are some members who were not present when the resolution was considered, and they have asked that it be recommitted. There is no reason that I know of why it should not be

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent to reconsider the vote by which the yeas and nays were ordered on the passage of the resolution, and also the vote by which the previous question was ordered, and that the resolution be recommitted to the Committee on Banking and Currency. Is there objection?
There was no objection.

REPORTS OF COMMITTEES.

The committees were called for reports, when bills of the fol-lowing titles were severally presented, and, with the accompany-ing reports, ordered to be printed, and referred to the calendars named below:

AMERICAN REGISTRY OF FOREIGN-BUILT SHIPS.

By Mr. FITHIAN, from the Committee on Merchant Marine and Fisheries, a bill (H. R. 2655) for the free admission to American registry of ships built in foreign countries—to the House Calendar.

Mr. DINGLEY. Mr. Speaker, I understand that as to that bill there will be a minority report. I do not know whether any of the members of the committee are here or not—
Mr. FITHIAN. No one asked leave to present a minority re-

port at the meeting of the committee; but if it is desired, there

is no objection to it.

Mr. DINGLEY. I ask that, if the minority desire to submit their views, they may have leave to do so?

The SPEAKER. If the minority desire to submit their views,

they will have the privilege, without objection.

There was no objection.

MILLE LAC INDIAN RESERVATION.

By Mr. HALL of Minnesota, from the Committee on Public Lands: Joint resolution (H. Res. 31) for the protection of those parties who have heretofore been allowed to make entries for lands within the former Mille Lac Indian Reservation, Minn. to the Union Calendar.

ADDITIONAL ASSOCIATE JUSTICES, OKLAHOMA.

By Mr. BRODERICK, from the Committee on the Judiciary: A bill (H. R. 288) to provide for three additional justices of the supreme court of the Territory of Oklahoma, and for other purposes-to the Union Calendar.

MORTGAGE DEBTORS.

By Mr. OATES, from the Committee on the Judiciary (adversely): A bill (H. R. 3436) for the relief of certain mortgage debtors, and for other purposes; ordered to lie on the table.

RAILROAD, HOT SPRINGS RESERVATION, ARKANSAS.

The SPEAKER. This completes the call of committees for The morning hour begins at ten minutes before 1 reports.

The Committee on Public Lands has a matter before the House, in Committee of the Whole. The gentleman from Texas [Mr. GRESHAM] had charge of the matter. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4248) granting the right of way for the construction of a rail-road and other improvements over and on the Hot Springs Reservation, Hot Springs, Ark.

On motion of Mr. GRESHAM the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill, with Mr. OATES in the chair.

Mr. GRESHAM. Mr. Chairman, I move that general debate be now closed, and that the bill be read by sections.

Mr. RAY. A parliamentary inquiry, Mr. Chairman. I have several amendments I desire to suggest to the bill, in different

The CHAIRMAN. They will be in order when the bill is read by sections for amendment.

The motion was agreed to.
The CHAIRMAN. The C

The Clerk will now report the bill by sections for amendment.

Mr. RAY. Mr. Chairman, I would like to ask at what time it will be in order to move an amendment to the title of the bill.

The CHAIRMAN. After the bill is passed. That is the last

thing that can be done.

Mr. RAY. I am advised by the gentleman in charge of the bill that all these amendments I desire to offer will be accepted by the committee.

The CHAIRMAN. The gentleman will offer the first amend-

Mr. RAY. Very good. The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the right of way 45 feet in width, upon which to construct, equip, operate, and maintain a railroad with one or more tracks, is hereby granted to George W Baxter, John D. Ware, Leslie Webb, and George M Baxter, their associates and assigns, upon and over the West Mountain of the Hot Springs Reservation, as follows: Commencing at a point on first line marked A. 7 feet east of the line marked M on Government plat survey, 1852, for topography; thence by a route to be approved by the Secretary of the Interior to the boundary line of said West Mountain reservation, or as near thereto as shall be necessary, but the said railroad shall not obstruct any highway contemplated by the plans for the improvement of the Government reservation of Hot Springs, Ark., and the said grantees shall, by the erection of substantial from bridges with closed band sides, or by means of tunnels, avoid rendering the crossings dangerous to passengers on the said highways, either in conveyances or on foot.

Mr. KAY. I offer the amendment which I sand to the deak.

Mr. KAY. I offer the amendment which I send to the desk. The Clerk read as follows:

In section 1, line 7, after the word "over" insert the words:
"That part of the Hot Springs Reservation known as;" and from lines 7
and 8 strike out the words "of the Hot Springs Reservation."

Mr. GRESHAM. There is no objection to that amendment.

The amendment was agreed to.
The CHAIRMAN. The Clerk will report the second amend-

The Clerk read as follows:

In section 1, line 9, insert the figure "1" after the letter "a; "so it will read "A1."

Mr. GRESHAM. Mr. Chairman, that was an error in the printing of the bill. Originally the bill did contain the correct designation, as proposed in the amendment.

The amendment was agreed to.
The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

In line 17, after the word "erection," insert the words "and permanent

Mr. GRESHAM. There is no objection to that amendment. The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amend.

The Clerk read as follows:

In line 20, after the word "foot," insert the following:
"Provided, That such roads so constructed and this grant shall not interfere with any grant within such reservation heretofore made."

Mr. GRESHAM. There is no objection to that amendment.

The amendment was agreed to.

The reading of the bill by sections was resumed and concluded.

Mr. GRESHAM. I move that the committee now rise and report the bill, as amended, to the House, with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OATES, chairman of the Committee of the Whole, reported that that committee had had under consideration the bill (H. R. 4243) granting the right of way for the construction of a railroad and other improvements over and on the Hot Springs Reservation, Hot Springs, Ark., and had directed him to report the same to the House with amendments, and with the recommendation that as amended the bill do pass.

The amendments recommended by the Committee of the

Whole were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

Mr. RAY. I now move to amend the title of the bill as sug-

gested by the amendment.

The title of the bill was amended so as to read:

A bill granting the right of way for the construction of a railroad and other improvements over and in the West Mountain of the Hot Springs Reservation, Hot Springs, Ark.

On motion of Mr. GRESHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

FEES OF THE CLERK OF THE UNITED STATES COURT FOR THE

INDIAN TERRITORY.

Mr. CULBERSON (when the Committee on the Judiciary was called). Mr. Speaker, I call up the bill (H. R. 4186) to regulate the fees of the clerk of the United States court for the Indian

The bill was read, as follows:

Be it enacted, etc., That in all cases where the clerk of the United States court for the Indian Territory is authorized or required to perform duties other than those performed by the clerks of the district and circuit courts of the United States, he shall be entitled to receive and retain for his own use and benefit such fees as may be allowed by law for such services.

Mr. CULBERSON. I yield the floor to the gentleman from

Texas [Mr. BAILEY]

Mr. BAILEY. Mr. Speaker, in the amendment to the law creating the court for the Indian Territory the clerk of that court is made a recorder of deeds and mortgages, is authorized to issue marriage licenses, and to perform marriage ceremonies. The law which imposes upon him these duties provides that he shall receive the same fees for their performance as are paid to the officers of the State of Arkaness for the performance of sim-ilar duties. It is the opinion of the judge of the court that un-der this provision of law the clerk is entitled to receive the fees and retain them.

It is also the opinion of the chairman of the Committee on It is also the opinion of the chairman of the Committee on the Judiciary, and, if my opinion were worth anything, I would say I am clearly of the same opinion; but the Comptroller, in the exercise of the discretion vested in him, while admitting that it is a hardship to require this additional labor of the clerk, and also admitting that the law is not clear, thinks h is not at liberty to allow these fees. To meet this case I introduced the bill. I will detain the House only long enough to state that there is no clerk of the Federal courts in America who represent more service than does this clerk in the ordinary. performs more service than does this clerk in the ordinary transactions of this court.

I believe he is entitled to these fees under the law as it now stands, but I have thought it best to introduce this bill in order to save a tedious lawsuit in the Court of Claims. The provisions of the bill are so plainly just that I assume there will be no objection to it, and if no gentleman desires to discuss it, I will ask

for a vote.

The bill was ordered to be engrossed and read a third time: and being engrossed, it was accordingly read the time, and

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARGES TO JURIES IN UNITED STATES COURTS.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H.R. 1956) to require judges of the courts of the United States to conform to the laws of the several States in delivering charges to juries.

The bill was read, as follows:

Be it enacted, etc., That the judges of the courts of the United States shall conform to the laws of the State in which they may be sitting, in giving instructions and delivering charges to juries in both civil and criminal cases.

An amendment recommended by the committee was read, inscring after the words "sitting," in line 4, the words "regulat-

ing the practice."

Mr. CULBERSON. I yield to the gentleman from Louisiana

Mr. BOATNER.
Mr. BOATNER.
Mr. Speaker, this is the same bill which was reported from the Committee on the Judiciary at the first session of the last Congress and was passed by the House, except that it is here amended so as to provide that the judges shall conform to the law of the State in which they may be sitting, "regulating the practice" in giving instructions and delivering charges to juries in both civil and criminal cases. The object is to make the practice in the Federal courts conform to the practice required by the laws in the States in which the judges may be sitting so as to secure certainty in the charges delivered to the juries, to prevent the judges of the United States courts from transcending the laws of the States in giving charges and instructions to juries. There was no controversy about the bill last year, and I suppose there will be none now. Mr. BOATNER

last year, and I suppose there will be none now.

Mr. OATES. Let me ask the gentleman whether he is certain that that bill was not passed in his absence? Every bill that the

committee had on the calendar except one was passed.

Mr. CULBERSON. I have made inquiry at the Clerk's desk and am informed that this bill has not been passed.

Mr. BOATNER. I am informed that it has not been passed. I call for a vote on the amendment.

The amendment recommended by the committee was agreed

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SECTION 5391 REVISED STATUTES.

Mr. CULBERSON. I call up the bill (H. R. 3981) to amend section 5391 of the Revised Statutes of the United States.

The bill was read as follows:

Be it enacted, etc., That section 5391 of the Revised Statutes be amended so

Be it enacted, etc., That section 5391 of the Revised Statutes be amended so as to read as follows:

"If any offense be committed in any place, jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State for the erection of a fort, magazine, arsenal, dockyard, or other needful building, the punishment for which fefense is not provided for by any law of the United States, such offense shall, upon conviction in a circuit or district court of the United States for the district in which it was committed, be liable to and receive the same punishment as the existing laws of the State in which such place is situated provide for the like offense when committed within the jurisdiction of such State; and no subsequent repeal of any such State law shall affect any such State law shall affect any such Prosecution."

Amend the title so as to read: "A bill to amend section 5391 of the Revised

prosecution."

Amend the title so as to read: "A bill to amend section 5391 of the Revised Statutes of the United States, relating to the punishment of certain minor offenses in reservations or places over which the United States has exclusive Jurisdiction.

The committee recommended the following amendment:

Line 11, strike out the words "such offense" and insert "any person com-Line 14, strike out the word "existing;" in line 15, after the word "situated," insert the words "now in force."

Mr. CULBERSON. I yield to the gentleman from Ohio [Mr.

Mr. LAYTON. Mr. Speaker, this bill is substantially a reenactment, with slight changes in the phraseology, of section
5391 of the Revised Statutes passed April 5, 1866. It simply
adopts the law of the respective States in which reservations
exist over which the United States has exclusive jurisdiction.
Last fall an indictment was found against certain parties for an aggravated assault or riot committed in the reservation known as Fort Logan, in the State of Colorado. A motion to quash the indictment was made, and was sustained by the court, on the ground that the law having been enacted prior to the admission of that State into the Union, it did not apply to Colorado, on Montana, or certain other new Western States, and this proposed reënactment is simply for the purpose of applying it to the States that have been admitted into the Union since the passage of the original act. The bill has been submitted to and is recommended by the Secretary of War and the Attorney General

Mr. OUTHWAITE. I wish to ask the gentleman a question.
As I introduced the bill it contained the words "existing law," and I notice that the committee propose to strike out the word
"existing" and to insert the words "now in force"?
Mr. LAYTON. Yes, sir.
Mr. OUTHWAITE. Suppose that after the passage of this

bill a State should change its law with regard to any of these minor offenses, will not the expression which the committee proposes apply to the law at the time of the passage of this bill and fail to reach a case where the State has changed its law after the

passage of the bill?

Mr. LAYTON. That will be the effect, and that was well understood by the committee.

Mr. OUTHWAITE. But if the words "existing law" were

Mr. OUTHWAITE. But if the words "existing law" were retained would they not cover a case where the State changed its law after the passage of this act?

Mr. LAYTON. They would; but the committee thought it was not wise to put in that provision because we do not know what the laws of the States may be in this respect. In case of changes in the laws it will simply be necessary to reduce this statute from time to time. Mr. Chairman, if there is no desire for further discussion I move the adoption of the amendments.

The amendments of the committee were agreed to. The bill as

The amendments of the committee were agreed to. The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

On motion of Mr. LAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATURALIZATION LAWS.

Mr. CULBERSON. Mr. Speaker, I call up the bill (H.R. 3299) to amend the naturalization laws of the United States. The bill was read, as follows:

A bill to amend the naturalization laws of the United States.

A bill to amend the naturalization laws of the United States.

Be il enacted, etc., That no alien who has ever been convicted of a felony of other infamous crime, or misdemeanor involving moral turpitude, or who is an anarchist or polygamist, or who immigrated to the United States in violation of any of the laws thereof, or who can not read the Constitution of the United States shall be naturalized or adjudged by any court to be a citizen of the United States or of any State; nor shall any alien be naturalized who has not continuously for five years next preceding his application resided within the United States, and for the last preceding twelve months within the State, district, or Territory in which the application is made. No class of aliens who are ineligible to naturalization by cristing law shall be rendered eligible by this act, except as herein provided. Any Indian, born in the United States, who has adopted the manners and customs of civilized life, may become a citizen of the United States by conforming to the requirements of this act, so far as the same may be applicable to hair but such naturalization shall not forfelt any interest he may have in any money or land by virtue of any treaty or his former tribal relations.

SEC 2. Thatevery alien who desires to become a citizen of the United States shall file in one of the courts having jurisdiction a petition, substantially in United States of America:

shall file in one of the courts having jurisdiction a petition, substantially in the following form, namely:

"United States of America."

"To the — court of ——;

"Your petitioner, a subject of ——, avers that he is over the age of 2i years, and has been a bona fide resident of —— in the United States of America, for more than five years next preceding this date; that he was born in ——, in the year ——, and has since resided at ——; and now resides at [particularly describing the place of his residence]; that he never has been convicted before any court or other legal tribunal of felony, infamous crime or misdemeanor involving moral turpitude, and that he is not an anarchist or polygamist, and that he did not immigrate to the United States in violation of any of the laws thereof: that he can read the Constitution of the United States; and that he has resided within the United States continuously for the five years last preceding this date, and for the last twelve months thereof within (the State, District, or Territory in which he then resides); that he makes this declaration of his purpose and intention to become a citizen of the United States of America, and to that end hereby renounce forever his allegiance to any foreign prince, potentate, state, or sovereignty, and particularly to ——, and hereby declares his allegiance to the United States of America.

"This —— day of ——:

"[Petitioner's name.]" Which petition shall be verified by the affidavit of petitioner, substantially in the following form, namely:

"United States of America:

"In the — court of the —;

"In the — court of the —;

"Before me [name and style of officer], personally came —, whose name is signed to the foregoing petition, who being known to me [or made known and identified by the oath of ——, having personal knowledge of him], being duly sworn, on oath saysthate all of the avermens and statements made in the foregoing petition and declaration of intention to become a citize of the United States are true, as therein set forth.

"[Petitioner's name.] "Sworn to and subscribed before me this — day of — day of — "[Name and style of officer.]"

"Sworn to and subscribed before me this — day of —
"(Name and style of officer.)"

SEC. 3. That upon filing a petition and declaration in the form and verified in the manner provided in the preceding section with the clerk of any court having jurisdiction of the naturalization of aliens, such clerk shall enter the same upon a docket to be kept for that purpose, and give notice in writing to the district attorney, solicitor, or public prosecutor, whose duty is is to represent the United States. State, District, or Territory in such court; and such petition shall be heard and tried by the court in preference to other causes; and upon such hearing the United States shall be represented by the district attorney or his assistant, and if in a State court the State may be represented by the United States district attorney or State's attorney, prosecutor, or solicitor, whose duty it shall be to defend the Government against such petition and to see that the allegations thereof are fully proven. If upon such hearing the court is satisfied from all the evidence that the allegations of the petition are true and that the petitioner is good moral character and a fit and proper purson, according to law, to become a citizen of the United States, such court shall render judgment accordingly; but if the court is not satisfied from the evidence that the petitioner is entitled to the relief sought, the petition shall be dismissed, all of which shall be entered of record in said court. All legal evidence, or all and written, shall be received and considered by the court, but the petitioner shall in no case be admitted to citizenship upon hisown uncorroborated evidence; but the corroboration shall not be required to extend to any period

of time or acts and facts anterior to the residence of such petitioner within the United States. The petitioner shall pay the cost of the proceeding, and thereupon shall be entitled to a copy of the judgment, or decree of the court, properly certified, with the seal of the court attached, which shall be evidence of the contents thereof in any court or tribunal, State or Federal, throughout the United States.

Sec. 4. That any petitioner for naturalization who shall knowingly swear falsely in respect to any material matter or thing alleged in his petition, or which is in issue upon the hearing thereof, and any person who shall knowingly swear falsely as to any material matter or thing on the hearing of any such petition, or in relation to any materise on the connected therewith, shall be deemed guilty of perjury, and upon conviction thereof before any court having jurisdiction under this act shall be imprisoned at hard labor not exceeding five years, and may be fined not exceeding \$1,000, one or both, in the discretion of the court trying the same.

Sec. 5. That the district and circuit courts of the United States and the highest original common-law jurisdiction, being the next highest courts of record to the supreme courts of the Territories and the State courts of the instruction of the naturalization of aliens.

Sec. 6. That no alien who has filed his declaration of intention to become actitizen of the United States nor other person who has acquired rights under existing law to that end shall inanywise be affected by this act.

Sec. 7. That any alien who is eligible to be naturalized under the provisions of this act, except as to residence of five years and ability to read the Constitution of the United States, shall by making affidavit to his eligibility and of his intention to become actitizen of the United States, thereupon been titled to the benefits of the homestead law, but no patent to said homestead land shall issue to such alien homestead law, but no patent to said homestead land shall issue to such

Mr. CULBERSON. I yield to the gentleman from Alabama [Mr. OATES

Mr. OATES. Mr. Speaker, before I proceed I would like to know how much of this hour remains.

The SPEAKER. Thirty minutes.

Mr. SPRINGER. I would like to inquire whether it is pro-

posed to call for a vote during this morning hour?

Mr. CULBERSON. As I understand the rule, we have now the balance of this hour and also an hour to-morrow. We propose to ask a vote on the bill to-morrow, if that be the pleasure of the House. Mr. SPRINGER. You do not propose to insist on a vote to-

Mr. CULBERSON. No, sir.
Mr. OATES. We will vote to-day, if we get ready.
Mr. SPRINGER. Well, I do not think you will get ready.
Mr. SPRINGER. If you are going to allow any discussion against the bill there are some very important objections to the measure which will be stated.

Mr. OATES. Mr. Speaker, this is a very important bill: If gentlemen will give me their careful attention I will endeavor to explain as clearly as I possibly can its provisions and the necessity for its enactment. I will ask for the reading of the report of the committee when I have indulged in a few remarks by way of explanation.

Our naturalization laws are exceedingly loose and uncertain, and subject to abuse, especially in the matter of negligence on the part of a great many of the courts which now under the law have the right to naturalize aliens. Gentlemen will find mentioned in the report some of the many abuses in the administra-tion of the courts in respect to naturalization.

The first question which we should consider is this: Is it worth anything to be an American citizen? Should there be any formalities about it? If there should be, then they ought to partake of a certain solemnity, and the law should require inquiries to be made so that the courts may know and the public may realize that any alien who is declared to be a citizen is worthy of the honor. I have been a member of committees which have for years past investigated both the question of immigration and the vio-lation of the naturalization laws; and great volumes of testimony have been reported touching both these questions, volumes which are accessible to every member.

The greatest abuses have grown out of the fact that under our present law an alien may readily declare his intention to become a citizen; and in most of the States he is at once endowed with all or very nearly all of the privileges of acitizen. And in many cases persons who have thus declared their intention, neglect to take out final papers of naturalization. A few years ago we had a heated contest in this Hall over the eligibility of a member from the State of Indiana who when he came to this country many years before declared his intention; and the question was whether he was eligible in the absence of naturalization papers, or if he ever did go through the final process necessary to obtain

them in a regular and proper manner.

This question is shown to be one of vast importance in another respect. Our Government during a period of a good many years has been in many cases involved in controversies through our State Department with foreign governments as to the status of aliens who have been here and become partially naturalized.

This bill is not all I would like it to be. It is usual for the courts of the United States alone to be required to enforce the laws of the United States; and the first bill of this character I ever introduced here committed the power of naturalization to the Federal courts alone. But the Committee on the Judiciary, which has considered this measure not only in this Congress but in several previous ones, concluded that for the convenience of aliens who frequently reside many miles from where there is any United States court, it would be better to embrace in the provisions of the bill several of the State courts, deeming their action perfectly safe and reliable.

The provision of the bill in that respect is a restriction. commits that power to the courts of the United States and to a sufficient number of State courts of record—courts next highest to the courts of appeal—courts which have a clerk and a seal. It is believed that no one will be inconvenienced by this change, and yet it is considered safe. In some of the State courts that have been intrusted with this jurisdiction some subordinate officer has gone forward with the process of naturalization even

in the absence of the judge.

Yes; citizens have been ground out at the rate Mr. MORSE.

of two a minute.

Mr. OATES. Why, sir, in the gentleman's own State, the State of Massachusetts, some years ago it was so easy a matter to obtain naturalization and there were so many aliens seeking naturalization and so many abuses connected with the proceeding that the Legislature of that State enacted laws regulating the proceedings of the State courts in that respect so as to require identification and also proper proof that the applicant was the kind of a man who ought to be naturalized. That law caused the great bulk of applicants to abandon the State courts and seek the United States courts.

It is in proof, as cited in the report, that in some cases the clerks of the court or perhaps the deputy clerks, in the absence of the judge, have taken aliens in droves of ten and conducted them with the witnesses and papers to the door of the court room where the officer would say: "Consider yourselves in the presence of the court;" he would then admister the formal oath and issue the naturalization papers, although no judge was there and no court was open. One of your committees developed the fact that in one of the courts in the city of Brooklyn there existed—without fault on the part of the judge, for he knew nothing about it as the matter was carried on through one of his subordinates— a sort of secret organization engaged in the business of making citizens for pay; having control of the seal of the court and the forms of certificates this organization would for \$25 make any man a full-fledged American citizen three days after he had arrived in this country.

Mr. MORSE. Even if he had Asiatic cholera.
Mr. EVERETT. Will my distinguished friend from Alabama

allow me to interrupt him for a question just there?

Mr. OATES. With much pleasure.
Mr. EVERETT. As the report alludes to these practices taking place in the city of Boston, I would like to ask the gentleman if there is any evidence that such things occurred while Judge Lowell was on the bench?

Mr. OATES. No, sir; we had no evidence that they did. We had one judge, whose name is mentioned, Judge Nelson, before

the committee

Mr. EVERETT. I have reason to believe that in Judge Lowell's time nothing of that sort was allowed.

Mr. OATES. We have no evidence touching anything done

in Judge Lowell's time.

Now, sir, this abuse has grown out of the provision of the law which allows this declaration of intention on the part of the alien. Hence this is a bill to reach that evil and provide a remedy for it. It provides, not with reference to any case already begun, because they are excepted and will be governed by the resent law; this is to have no retroactive effect whatever, it provides that five years' residence and good behavior in this country shall be necessary to entitle anyone to naturalization. As it is now they can declare their intention to become naturalized and reside the period required by law, then go through the process to obtain full naturalization papers. There is nothing under the present law regarding the right of Government to defend a case when such application is presented.

The alien applicant comes before the court or judge and says he wishes to take out his papers; they are formally made up, and the judge usually signs them without anything except the mere formal examination of the affidavits presented. There is no close scrutiny of each case as it arises. This bill provides that a man after he has resided for five years and shall have filed a petition in proper form, setting forth his claims, under the provisions of the bill, in a court having jurisdiction, the place of his nativity, where his former residence was, his residence in this country, that he has resided here for five years, and in the

State or district prior to the filing of the petition for one year; that he is not an anarchist or a polygamist, and has never been convicted of a felonious offense, or any crime involving moral turpitude, and when that is done the United States district attorney, if it be in a United States court, shall be notified by the clerk and shall deny the allegations so as to make it incumbent on the applicant to produce proof. He makes his proof, and then on the applicant to pass on the question. If the proof, and then the judge is to pass on the question. If the proof is sufficient and satisfies his mind, he makes an order or decree admitting him to naturalization, and there is an end of it, while such degree is prima facie evidence of the fact of his naturalization in all the courts of the country.

If the papers be filed in a State court having jurisdiction, it is likewise the duty of the clerk to notify the prosecuting attorney of that court, who shall appear and deny the allegations contained in the petition and represent the Government to the extent of requiring a sufficient amount of proof, which must be produced to entitle the applicant to a decree or judgment of naturalization.

The petition is required not only to set forth the things that I have named, but also to describe his present location or residence. That would involve, if it be in a city, the giving of his number, street, etc., so that he may be identified. In other words this provision of the bill is to prevent fraud or imposition, and at the same time allow every worthy alien to be admitted to American citizenship. At the same time it excludes all those who are not entitled to citizenship, and prevents them from imposing on the courts or obtaining the benefit of citizenship contrary to the law or when they are not entitled thereto.

Now, sir, there is another provision which I would like to have incorporated in the bill. I did introduce a bill containing it in a former Congress, but it met with some opposition, and might meet with it in this case, and hence it was omitted. It is this: Before I introduced that bill I conferred with Mr. Bayard, the he was Secretary of State, as to this provision, and it fully met with his approval. It was a section which required the court, the section of the sect when it admitted to naturalization, to send a certification of the fact to the State Department, where it should be filed for future use and in aid to the State Department. The reason why it met with objection was that it involved some additional expense. Bayard, however, estimated that it would not require the services of more than three additional clerks. I am still in favor of that provision, although it is not embodied in this bill.

Mr. MORSE. It ought to be all the same.

Mr. MORSE. It ought to be all the same.
Mr. OATES. It may be offered when the bill is open to amend-

Now, sir, some gentlemen I have met and conversed with on this subject seem to oppose the bill because they thought it this subject seem to oppose the bill because they thought it would have a deleterious effect on the elections, and would obstruct the right of aliens to vote. It will not by any of its provisions (and that is referred to in the report), because the right to vote is conferred by the laws of the State in which a man resides. In my own State, under the provisions of the constitution, an alien who has declared his intention to become a citizen. and who has resided there for twelve months, can vote and hold some offices.

There are other States with similar provisions; while I think a great many of the States, in fact I know it, provide by law that a voter must be a citizen. It is all, however, a matter of State regulation as to who shall vote, and the States can do as they like about that. But the practice of imposing on the court to obtain naturalization, and in some places a practice participated in by political parties (according to my information all political parties), when elections are impending, of mustering up great crowds and hordes of these foreigners, and many of these too ignorant to know even who the President of the United States and running them through some sort of a naturalization mill, and taking them like dumb driven cattle to the polls and voting them, is something which ought not to be tolerated in this great American Republic of ours. [Applause.] I noticed in the New York papers a few days ago an account

of an instance where some practices of this kind are being indulged in. Questions were put to some of these men seeking to qualify themselves as voters, on the one side or the other, according to the hands they fall into and the amount they receive, and actually one of them stated that George Washington was now the President of the United States. [Laughter.] Mr. BLAIR. How long had these men been in this country?

Mr. OATES. The most of them will be found to have come over very recently. Now, practices of this kind, whether indulged in by my own party or a party opposed to it, are wrong. We ought to rise above that, and so far as Congress has power in the premises we ought to remedy it.

That is the effort which is made in this law, not to regulate or qualify voters, but to raise the standard of citizenship for these

aliens and require them to come forward after residing here a sufficient period of time, and to present a case to the courts, sustained by credible testimony, which will show that the applicant is worthy of this great boon of American citizenship. When that is done it will have at least a moral influence, if not a direct one, upon the practices in our States of prematurely manufacturing voters out of aliens who are utterly ignorant of the questions upon which they have to vote.

In addition to this bill having no retroactive effect, there is a provision in it of a humanitarian and proper character, that all Indians who have severed their tribal relations and who attain to a degree of intelligence that makes them worthy may be naturalized as citizens of the United States.

There is also a provision that any alien who comes to this country and desires to engage in the industry of tilling the soil, who desires to take a home under the homestead laws on the public land and to engage in farming, may make his declaration of intention as a part of his application to the Land Office and receive his homestead, and then when he settles upon it and cultivates it for five years, as our own citizens are required to do before they can get title, if at the expiration of that time he obtains his citizenship by being naturalized, having resided on the land for five years, he gets the title to his homestead.

Mr. GOLDZIER. I would like to ask the gentleman a ques-

tion. Under this law, suppose a farmer takes up his residence, files his declaration of intention, and resides on his homestead for five years, but during that time has not learned enough of the English language to read the Constitution of the United States, what becomes of his homestead and of his title?

Mr. OATES. I thank the gentleman for his inquiry. It is provided in the bill that one of the qualifications for citizenship shall be that the applicant must be able to read the Constitution. Now, my friend from Illinois [Mr. GOLDZIER] makes a very perit does not meet the case. The language of the must be able to read it in the English tinent inquiry. the bill is no language, but wat he must be able to read it. If he can read it in German, or in his native language, that would be a compliance with the law, and it seems to me, Mr. Speaker, that there ought to be some sort of educational qualification for a man to become a citizen of the United States.

That is about as low a standard as we can fix. It does not say that he shall read the entire instrument before the court, but he must show to the court that he is able to read it. That would be shown if he could read a part of it in any language, so that he could understand it.

The Constitution of the United States, as all men know, is that instrument which brought into life and still maintains this great We have frequent controversies and dis-Government of ours. agreements about what different clauses of that instrument mean, but all will concede the importance of it, and that it is the foundation of our Government.

While some contend for a latitudinous construction and others for a strict one, no one would abolish it; and is it not important that every citizen should for himself be able to read it, even though he may not be able to read it as a statesman or a professor might read it, yet that he should be able to read it in some language, so that he would have some idea of the fundamental law of the country which he is willing to adopt as his own? He required to take an oath to support that instrument, and yet if he is unable to read it it is not to be expected that he, like the native American, who, though ignorant of books, is taught by tradition from his cradle up to revere that instrument and pro-

Mr. HAUGEN. I would like to ask the gentleman from Alabama a question. Mr. OATES.

Certainly.

Mr. HAUGEN. I understand from the gentleman's statement that a man who had declared his intention at the land office in applying for a homestead, and who had lived upon his land for five years and cultivated it, would still lose it unless he was able at the time of applying for his final papers, to read the Consti-

tution of the United States?

Mr. OATES. The bill does not say—

Mr. HAUGEN (continuing). If that is so, and I infer from the gentleman's remarks that it is so, would it not be better to apply this reading test at the time that the man declares his in-

I do not know about that, Mr. Speaker. Mr. OATES. it is more charitable that the law should allow him five years in which to learn to read the Constitution; and if he does not learn it in five years he must, indeed, be a very dull scholar.

Mr. HAUGEN. That would depend somewhat upon the age

of the applicant.

Mr. OATES. I think any man young enough to open a farm and cultivate it successfully would be young enough in five years to learn to read the Constitution in some language.

be filed two years before the naturalization papers are taken out.

Mr. OATES. Yes. Mr. HAUGEN. At present the declaration of intention must

Mr. HAUGEN. Now, under this bill, what do you do with those who have declared their intention before it takes effect? Mr. OATES. The bill provides that its provisions shall not

touch such a case as that mentioned by the gentleman, but provides that such cases may go on and be perfected under the existing law. No part of the bill has a retroactive effect.

isting law. No part of the bill has a retroactive effect.

The SPEAKER. The hour has expired. The Clerk will report the special order.

BANKRUPTCY BILL.

The Clerk read as follows:

A bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States.

Mr. OATES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bankruptcy bill. The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OUTHWAITE in the

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of a bill the title of which the Clerk will report.

The title was again reported.

Mr. BRODERICK. Mr. Chairman, as the bill under consideration has been so ably and elaborately discussed in detail and in all its phases and relations to commerce should it become law, In all its phases and relations to commerce should it become law, I shall content myself with stating briefly what appears to me a valid objection to section 2, which is intended to fix and establish the "acts of bankruptcy." But before doing so I want to say a few words concerning bankuptcy legislation generally.

The gentleman from Alabama [Mr. OATES], in opening this debate, spoke of the progress made during the present century

in abolishing imprisonment for debt and in granting exemptions from execution and establishing stay laws for the security and protection of debtors. I heartily agree with everything the gentleman said on this line. Every true American feels an especial pride in the part performed by his country in abrogating and forever setting aside the harsh and inhuman rules of law which formerly existed for the collection of debts, and which had been harded down from the less enlightened ages. But I had been handed down from the less enlightened ages. But I fear, instead of advancing, if this bill is enacted into law without amendment it will tend to hamper and embarrass, rather than benefit, a large class of honest debtors.

I have never been convinced that national bankruptcy legisla-

tion is good for the country except in extraordinary times and under conditions which can only result from great national disasters. These conditions generally arise from war, pestilence, or some great financial disturbance. At such times it has been assumed by Congress that the States were not able to give the full measure of relief required by commercial conditions and by unfortunate debtors. And out of these causes and considera-tions have been produced three national bankruptcy laws.

While in the enactment of this legislateon the object has always been to relieve both debtor and creditor, yet I question very much if any bankrupt law ever enacted in this country has accomplished any substantial good. Under each act passed grave abuses and vicious practices became the rule. The most violent abuses and victous practices became the rule. The most violent opposition was aroused. All classes soon became dissatisfied and with one voice demanded repeal. This supports the conclusion of the present day that all bankruptcy legislation in the past history of the country has been a conspicuous failure. It has been of no benefit either to the debtor or his creditors. Instead of relieving and aiding the business classes it constantly tended to their annoyance and embarrassment. The officers appointed and charged with the custody and disposition of the estates were doubtless as honest and competent as other people, but because doubtless as honest and competent as other people, but because the law became a reproach nearly every official connected with it or charged with its administration was regarded with suspi-

cion.

It is said that the bankruptcy system originated with the Romans, and that it at first required substantially that a debtor who was unable to pay might "yield up" all his property to his creditors and be secured against being dragged to jail by violence. This ancient origin entitles it to consideration, but I submit that instead of the system being improved it seems to have been degenerating, for under any national law we have had while the debtor constructively ceded his property to his creditors, as matter of fact he "yielded it up" to a register or other official, who had to dispose of the goods, often at great sacrifice, so that when the cost of proceeding and charges were satisfied there was little left for distribution among creditors. These enormous charges attending the settlement of estates have con-

tributed more perhaps than any other defect to the sentiment against the system of legislation.

It is believed and contended here, however, that the waste and extravagance incident to the administration of former laws will be avoided by the proposed system. If gentlemen here did not believe that this would be so I apprehend that no one would be found supporting this bill, for all admit the weaknesses and vices inherent in all former laws on the subject.

There is no question as to the power of Congress to chacken uniform system of bankruptcy, but it is significant that during our entire national existence as a constitutional government this our entire national existence as a constitutional government this our entire national existence as a constitutional government this our entire national existence as a constitutional government this has only been done for about fourteen years. It is also significant that the several States of the Union which have enacted insolvency or assignment laws have retained them. These facts show the preferences of our people. The States from time to time, as experience warrants, amend their systems, but never abandon them.

Under these State insolvency acts, which constitute a system of voluntary bankruptcy, the estates are settled under the di-rection of the State courts by assignees appointed by the creditors. These courts are held in every county and within reach of all persons interested. They are the tribunals to which our people are accustomed in the transaction of their ordinary legal business and the ones to which they are most attached.

The Federal courts at best can only be held at a few places in each State. In the larger States, in many instances, these courts are held at great distances from the majority of the people. This is especially true in the West, where all the States are large and where but few of them have more than one Federal judicial district. Litigation in these courts is necessarily bur-densome and expensive, and the people avoid them as long as it is possible to do so.

While the national bankruptcy laws have been in force the State insolvency acts, so far as there was any conflict, have been suspended in their operation, but not abrogated, so that when the national law was repealed the State laws sprang into full force and effect. So far as I have been able to ascertain nearly all the States have insolvency or voluntary assignment acis under which estates can be equitably settled and with less ex-pense than under any bankruptcy law yet enacted. But it is ob-jected, first, that the several State laws are not uniform; and, second, that they are inadequate to grant discharges and give full and merited relief in all cases; that many of them fail absolutely to do equal justice in adjusting settlements between the insolvent debtor and his creditors.

While it is doubtless true that no State statute has been fram not subject to one or more of these criticisms, it is also true that no national law on this subject has been written upon the statute book which has not failed, or at least fallen short, of the object and purposes of its enactment. These national laws have been enacted and they have remained in force respectively one. two, and eleven years, and it can be truthfully said that no legislation in this country ever became more obnoxious to the whole people. And if this bill passes I have not the slightest doubt

but that in a short time there will be a demand for its repeal.

But, believing that at this time there is a necessity for such measure to relieve to some extent the distress of the last few months, and if possible to provide for releasing from the bondage of debt many who will surely be the victims of the unjust and unAmerican legislation which is being forced through this Congress, I shall, if modifications are made, vote for the bill, but if compelled to vote upon it without amendment shall vote against it. We can not close our eyes to the fact that we have passed through a panic which has disturbed commercial interests and wrecked thousands of business men all over the country. We can not hope for better things until changed conditions are wrought out. There are doubtless many among the failures who should be given another chance; but this can not be done in all s under the State laws.

I am opposed to the involuntary features of this bill as reported because, in my judgment, if this were the law of the land it would be too easy to force men into bankruptcy. One-half of the retail business houses of the country would be in danger. From a careful and studious reading of section 2 of this proposed act it will be readily seen that it contains too much. The common mind can not understand it, and, if it passes, the courts will disagree as to its interpretation. If it were the law business people would have to watch by day and by night that something might not be done inadvertently to make them amenable to some of these provisions, and I fear that as to many dealers who are doing business on small capital bankruptcy might become the rule and insolvency the exception. I refer more especially to the second, fifth, sixth, minth, and tenth grounds or subdivisions.

Mr. BOATNER Can not the bill be amended to cover these

Mr. BRODERICK. I am coming to that question.

The section reads:

The section reads:

SEC. 2. a Acts of bankruptcy.—Acts of bankruptcy by a person shall consist of his having within six months prior to the filing of a petition scalinst him (1) concealed himself, departed or remained away from his place of business, residence, or domicile with intent to avoid the service of civil process and to defeat his creditors: (2) failed for thirty days while insolvent to secure the release of any property levied upon under process then until three days before the time fixed for such sold under such process then until three days before the time fixed for such sale and until a petition is fied; (3) made a transfer of any of his property with intent to defeat his creditors; (4) made an assignment for the benefit of his creditors or filed in court a written statement admitting his inability to pay his debts; (5) made while insolvent a contract personally, or by agent, for the purchase or sale of a commodity with intent not to receive or deliver the same but merely to receive or pay a difference between the contract and the market price thereof, at a time subsequent to the making of such contract; (6) made while insolvent a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference; (7) procured or suffered any insolvent and the market price thereof any of the property to avoid its being levied upon under legal process against himself with linear to defeat his creditors; (8) secreted any of his property to avoid its being levied upon under legal process against himself and to defeat his creditors; (9) suffered while insolvent an execution for 5500 or over, or a number of executions aggregating such amount against himself with intent to defeat his creditors; (a) the property of the

Here are nominally ten specific grounds or acts of bankruptcy, but in fact more. If the bill passes into law some of them would be fruitful sources of contention and litigation. Appeals would be taken from court to court until the entire system would undergo judicial construction, and during all this time waste and shrinkage of values would be inevitable.

A large proportion of the local dealers in every community

depend to some extent on their credit, and instead of the pro-posed law helping this class it would be a constant source of alarm, embarrassment, and in some cases would result in hardships and disaster.

It seems to me, Mr. Chairman, that before passing this bill there should be substituted for this objectionable section only three grounds for involuntary bankruptcy. First, actual fraud in contracting the debt or debts of creditors who seek to avail themselves of the provisions of the act; second, disposing of property by the debtor for the purpose of defrauding his creditors; third, departing from his place of business or domicile with intent to avoid the service of civil process and defraud his cred-

If these amendments are made, and such others as will make the system harmonious, it might result in some good, by way of relieving a class of debtors who have become hopelessly involved, and will be driven into liquidation. But I do not believe it possible for this Congress or any other to enact a bankruptcy law which would be satisfactory, and which would remain upon the statutes any considerable time. It requires too much machinery to execute such a law. So many and intricate are the obstacles in the way that they seem to be insuperable. They have challenged the ingenuity and skill of the greatest lawyers. It is not at all surprising that members of any committee of lawyers should disagree upon such a measure. In view of the difficulties, it would be a wonder if they should agree.

For these and other reasons I question very much if we should in any event try to make this a part of our permanent system of laws, but if enacted should provide that the law shall remain in force for three years. If at the expiration of this time it should be found just and equitable in its operation, it could be extended or reënacted.

As a member of the committee I have given this subject some study and have reached the conclusion that overreaching, or a mere failure to meet obligations when due, should not be grounds for adjudging one insolvent. There is no necessity for such a rule of law, and so far as I am able to ascertain there is no urgent demand for it.

The wholesale merchants have adopted the best possible methods for ascertaining the business, moral, and financial standing of their customers in every community. Imposition in bolstering up a failing business is now rarely practiced with success. ing up a failing business is now rarely practiced with success. There need be no loss to the wholesale people with the present facilities for doing business except through actual fraud or unavoidable misfortune. For the latter I am unwilling that the debtor should be forced into insolvency. For the former, that is, if the debtor has been guilty of fraud in procuring credit, or in endeavoring to defeat his creditors by fraudulent sales, or by concealing himself to avoid service of process, then he should be required to surrender his property, not exempt, for the benefit of all his creditors. And as to failing debtors residing in one State and doing business in another, they should be allowed an election between the exemption laws of the two States.

I have very little objection to the voluntary provisions of this bill, but shall not consent in any manner to a law by which men can be thrown into bankruptcy except for causes clearly contain-

can be thrown into bankruptcy except for causes clearly containing the elements of actual fraud. Other causes or grounds

would be subject to abuses and would result disastrously to business interests and bring reproach upon the law. [Applause.]
Mr. DRAPER Mr. Chairman, the few remarks that I shall

make upon this bill are from a business rather than a legal stand-point. My knowledge of law has been gained by experience as a client rather than as counsel; and while I am aware that legal knowledge and ability are essential in framing statutes, I also know that statutes are or ought to be framed to meet the needs

of the business community.

Now, insolvent or bankrupt legislation is, at certain times at least, one of the necessities of business life. All men, unfortunately, do not succeed in business. In fact a large share of those doing business, if not the majority, fail at some time or other during their commercial career. The statement of the eminent Boston merchant, Mr. Abbott Lawrence, that, after a business life of fifty years, he had found that thirteen out of fourteen men who had been associated with him commercially in his early days had at some time been insolvent is probably as true of the commercial classes to-day as it was then.

Now, in addition to other causes of bankruptcy, panics sweep over the land from time to time, leaving their paths strewn with commercial wrecks. When the number of insolvents doing or trying to do business reaches a certain percentage (I will not attempt to tell what that percentage is), some provision must be made for the settlement of the accumulated indebtedness and a fresh start, or the credit system itself will be substantially destroyed. Conservative business men will not sell except for cashdown when the goods they sell are liable to be seized as soon as delivered to pay old debts, and men who do take such risks must charge prices in accordance with the risk taken, and that brings about injury to the final consumer.

Now, Mr. Chairman, State laws can not and will not provide adequately for these troubles. They may provide for settlement with local creditors; but no State can discharge a debtor from an obligation entered into with a citizen of another State. For this purpose a national bankrupt law is a necessity, and it was considered by our fathers so important that special constitutions. considered by our fathers so important that special constitu-tional provision was made securing to Congress the power to pass such a law. Congress has taken advantage of this power two or three times in the past, and it is as certain that they will do it again as it is that the number of insolvents will increase with the lapse of time

Now, Mr. Speaker, I have read over this bill with some care, and I have also read the report of the committee, and have listened to most of the discussion thus far. I do not propose to discuss the legal points of the bill. As a business man I do not feel competent to do so; but I will leave them to be discussed by the eloquent legal gentlemen in this House on my side of the question. Outside of my own examination of the bill, I have the proposed on the specific property of the committee which have great confidence in the ability of the committee which has re ported it. It is made up from all sections of the country, and I know that this bill has been considered with more than ordinary care. I also am told that it has been submitted to most of or many of the commercial associations of the country, and that it has received their approval.

At this point I propose to read a report and memorial of the National Board of Trade on this subject, a report of a special committee appointed by the board to consider the Torrey bank-rupt bill. Now, Mr. Speaker, I understand it is not the Torrey bill that is before us, but it is substantially that bill, amended, as I am informed by the gentleman from Alabama [Mr. Oates], in the direction of greater leniency toward insolvent debtors. This report says:

NATIONAL BOARD OF TRADE-TWENTY-SECOND ANNUAL SESSION.

NATIONAL BOARD OF TRADE—TWENTY-SECOND ANNUAL SESSION.

Your committee finds a similarity between the present conditions which prevent honest unfortunates from securing relief and which obstruct commerce, both due to the fact that there is not a national backrupt law, and the condition of interstate commerce when bulk was broken at the crossing of State lines at great loss and unnecessary expense, and expresses the belief that the passage of such a law will promote the best interests of the people and of commerce, as the increase and extension of transportation facilities has done, in this, that it will enable such persons to secure relief, expedite the administration of estates, diminish dishonest acts, increase transactions on credit, and reduce the price of commodities to consumers.

The people of this country are for the most part honest in their transactions, but there are creditors and debtors who are unfortunately devoid of the sense of moral right; those who are so shortsighted as to be willing to commit wrongs as a temporary makeshift and those who feel constrained to perpetrate wrongs in order to perform a higher duty to their dependents which they believe justifies such wrongs. There can not be a diversity of opinion upon the proposition that there should be a law for the guidance of creditors and debtors who are without moral perception, for the perpetration of wrongs under the impulse of fancied right.

We have carefully examined the Torrey bill to see whether it meets the requirements as above, and find that it does, and that provisions are contained therein which are in harmonious relationship with the rest of the bill, providing as follows: For the allowance of State examptions to, and the discharge of, honest insolvents; the complete surrender of the assets of bankrupts; the strict accountability of officers; the prompt and inexpensive compromise or arbitration of controversies; the conducting of all procedings without secrecy; the prevention of the giving and receiving of preferences; the enfor

ones; the pro rata distribution of the assets of bankrupts to creditors of the same class: the administration of estates quickly and cheaply, and the prompt and just realization of the rights of all parties by judicial process without in any respect modifying the methods of honest men.

If we were told to-day that a member of this body came from a State where it was the law that when a man was upon his deathbed his friends to whom he happened to be indebted came to selze and carry away his property instead of to console his family, we would accuse such member of tolerating a law unworthy of enforcement in the barbarous ages, and adisgrace to the enlightened nineteenth century. If we modify the statement so as to place the man, not upon a physical, but upon a financial deathbed, the accused member would, while pleading gulity, justly claim most of us as his brothers. In other words, the laws of most of the States are such that when a man becomes involved financially his creditors are compelled, in self-defense, to seize his property before the debtor secretes it in order to protect his dependents, or before some other creditor carries it away; as a result, these laws for the most part weaken the weak, encourage the dishonest, and make imperative the selfish struggle between the strong.

There should be a law such that men who honestly become unfortunate may have the conlidence of their creditors; a law so just that a debtor's family would be better protected under its provisions than by his wrong; doing: a law so comprehensive and wise in its provisions that the creditors would be served better financially by trusting to its administration than by invoking compulsory processes. After all, such processes are designed only as cruel weapons against the dishonest, instead of a just defining of the rights of honest creditors against the honest but unfortunate debtor. There should be a law which would enable the debtor to be honest and the creditor to be considerate; but there is none.

We have carefully examined the

honest.
The committee therefore reaches the conclusion that the Torrey bill is a wise measure and ought to be enacted in the best interests of the people of every condition and in every part of the country.

It is recommended that an address to Congress be sent to the President of the Senate for presentation to the Senate, and to the Speaker, to be laid before the House of Representatives, as follows:

The memorial is as follows:

To the Senate and House of Representatives in Congress assembled:

The National Board of Trade, while holding its twenty-second annual sesion at the above time and place, respectfully states as follows: That its members represent the great body of the commercial toilers of the country, North, South, East, and West, and those who are dependent upon

Country, North, South, East, and West, and those who are country. North, South, East, and West, and those who are thereby becoming a debtor to many creditors in the several States, and as producers or distributors sell articles all over the country, each thereby becoming a creditor of many debtors; they are therefore interested in having a bankruptcy law passed by Congress which shall be fair to them as both debtors and craditors.

creditor of many debtors; they are therefore interested in having a bankruptcy law passed by Congress which shall be fair to them as both debtors and creditors.

That to successfully pursue a modern vocation is a complex problem; it not only involves good judgment and untiring industry on the part of the individual, so far as his capabilities are concerned, but as to the difficulties he has to encounter it involves conditions which he can not control. He must combat the ever-varying conditions and effects of seasons and climates, and in the end his capabilities have been exerted simply to serve a single purpose, i. c., to supply the needs of the people.

This complex problem is a duty of gigantic proportions; a duty which in its performance furnishes occupation for the human race and thereby provides the happiness of life. The lawmaking power has no function except to make the performance of this duty possible. Its function is wisely exercised when the duty is rendered of easy performance.

If this was an ideal age, in which every one of those duty performers was capable and honest, the burdens would be easily borne, but unfortunately there are in the world those who are not capable, those who are not honest, and therefore the burdens are shifted, and those who are not honest, and therefore the burdens are shifted, and those who are not capable in a selfish struggle, but should have their rights so firmly defined and their responsibilities so clearly fixed that the incapable would be strengthened and the dishonest would be curbed, to the end that when the unavoidable shifting of burdens came because of incapacity or dishonesty they should be transferred to the shoulders which should bear them. Unfortunately the conditions are such under the present laws that the vills of incapacity and dishonesty are not infrequently visited upon the innocent and not upon the guitty or those who are not farguently visited upon the innocent and not upon the guitty or those who are not fault.

That the colonial patriots foresaw t

Now, Mr. Speaker, the National Board of Trade is not a local institution and does not represent merely any one section of the country. I will read the names of the commercial bodies that go to make it up, in order to show that it is really national in its character:

Constituent bodies of the National Board of Trade are the Albany Chamber of Commerce; Ashland (Wis.) Business Men's Association; Boston Merchants' Association; Boston Paper Trade Association; Bradford (Pa.) Board of Trade; Bridgeport Board of Trade; Brunswick (Ga.) Board of Trade; Buffalo Merchants' Exchange; Cario (Ill.) Board of Trade; Chester (Pa.) Board of Trade; Chicago Board of Trade; Chicago Paper Trade Association; Cincinnati Chamber of Commerce; Detroit Board of Trade; Duluth Chamber of Commerce; Fort Worth (Tex.) Chamber of Commerce; Grand Rapids (Mich.) Board of Trade; Helena (Ark.)

Chamber of Commerce; Indianapolis Board of Trade; Jackson Chamber of Commerce; Indianapolis Board of Trade; Jackson (Miss.) Board of Trade; Jamestown (N. Y.) Board of Trade; Kansas City Commercial Club; Kansas City Commercial Exchange; Knoxville (Tenn.) Chamber of Commerce; Louisville Board of Trade; Memphis Merchants' Exchange; Milwaukee Chamber of Commerce; Milwaukee Merchants' Association; Memphis Merchants and Indianatical Association; Montgomery (Ala.) Commercial and Industrial Association; Nevada State Board of Trade; New Orleans Board of Trade, Limited; New Orleans Chamber of Commerce and Industry of Louisiana; New Orleans Maritime Exchange; New York Board of Trade and Transportation; New York Chamber of Commerce; New York Italian Chamber of Commerce; Omaha Board of Trade; Philadelphia Board of Trade; Philadelphia Grocers and Importers' Ex-Change; Portland (Oregon) Chamber of Commerce; Providence Board of Trade; Rochester Chamber of Commerce; Scranton (Pa.) Board of Trade; St. Joseph (Mo.) Board of Trade; St. Louis Associated Wholesale Grocers; St. Louis Mechanics' Exchange; St. Louis Merchants' Exchange; Shreveport(La.) Board of Trade; Toledo (Ohio) Produce Exchange; Trenton Board of Trade; Washington (D. C.) Board of Trade; Wichita (Kans.) Board of Trade; Williamsport (Pa.) Board of Trade; Wilmington (Del.) Board of Trade; York (Pa.) Board of Trade. Board of Trade:

Now, believing as I do in national bankruptcy legislation, I feel confident, for the reasons I have stated, that we can safely adopt this bill; and if after all the care that has been exercised defects are found in practice, they can be remedied after discovery. Mr. Speaker, we are in the midst of a condition of affairs where bankruptcy unfortunately is common, and I fear that it is likely in the near future to become much more so. Under these circumstances some provision of national law is necessary by which an insolvent debtor can surrender his property and receive a discharge which shall be good in any State in the Union, and by which his creditors can each receive their fair proportion of the insolvent's estate.

I have listened with great interest to several of the eloquent speakers on the other side of this question, and outside of the legal points raised, which, as I said before, I will leave to my legal colleagues on this side of the question, it seems to me that the pith of the contention on the other side is that this bill is in some way opposed to the interest of the poor man. Now, gentlemen, the poor man never lacks advocates if he does lack friends, and there have been in every legislative body enough of both to warrant the opinion that poverty ought to have been and would have been abolished long ago if the knowledge and judgment of those who spoke for him had been equal to their eloquence and kindly feeling. [Laughter.] Mr. Speaker, I wish to do all I can for the poor man myself, in fairness to the rest of the community, and I am willing to resolve all questions of doubt in his favor; but alas, time has shown that many measures intended to help him have really resulted in detriment to his interests or else have done him no good at all.

It seems to me that careful and unprejudiced study of the best way to help him will be much more beneficial than unlimited declamation without it. But how is this bill to injure the poor man? In the section which I come from, New England, the wageearner is generally appealed to as the poor man par excellence. Now, that title does not apply to a large proportion of the wage-earners, but the wage-earners are exempt from the provisions of this proposed bankrupt act. In the South and West the farmer is generally spoken of as the poor man. I am glad to believe that he is far from it in many cases at least, but even if not this law does not apply to him either. It is especially designed, as I

understand it, for manufacturers and merchants. Now, the class of manufacturers is alleged and believed by many to be so pampered by a protective tariff as to be very far removed from any danger of bankruptcy [laughter], and as to traders, they are not generally included in the enumeration of the poor. But beyond that, gentlemen, there are poor men among creditors as well as among debtors. I doubt if there is one single member on this floor who does not know personally of cases where insolvent debtors are living in comfort and luxury and paying none of their past debts, while many of their cred itors are in want. I know of a case myself where an insolvent debtor was driven to a meeting of his creditors in his own carriage, while his creditors, some of them at least, were obliged

to go on foot. But, admitting that the great mass of debtors that this bill is to provide for are poor as well as insolvent, is not a law which enables the poor insolvent debtor to give up his property and receive a discharge for all past debts, a good thing for him rather than a hardship or an oppression? And, if a settlement is to be made, Mr. Speaker, how can it injure the debtor if a fair rather than an unfair division of his property is to be made among his creditors? This I understand to be the object that this bill is intended to accomplish, and in that view and on that ground I desire to be counted in favor of it. [Applause.]

[Mr. CULBERSON addressed the committee. See Appen-

Mr. DINGLEY. Mr. Chairman, I have listened with great interest to the able speech of the gentleman from Texas [Mr. interest to the able speech of the gentleman from Texas [Afr. CULBERSON] who has just taken his seat. I regret exceedingly, however, that he should have marred so able a speech by an appeal, at its close, to partisan prejudice. The question that is before us is purely a business question. There is not in it appropriately a single element of partisanship, or any principle which divides men on party lines.

I had not intended until this afternoon to say anything upon

this question, preferring to leave the discussion to the able gentlemen, members of the bar, members of the Judiciary Committee, and others who have had practical experience in administering bankruptcy laws.

While I agree with some of the criticisms of the details of the bill before us, which have been made by my friend from Texas [Mr. CULBERSON], I must take this opportunity to dissent from so much of his speech as is directed against any bankruptcy

I do not agree with all that is in the bill before us. I propose at a later stage of these proceedings when the bill is considered in committee for amendment, to indicate some of the features to which I object, and to endeavor to have a modification of them.

In view of my judgment of the wisdom and even the necessity of some bankruptcy legislation, I propose to vote for this measure in the shape in which it shall be when it shall emerge from the Committee of the Whole, in the hope, I may say in the expectation, that when it shall also have been fully considered by the Senate, and shall have been adjusted in conference, we shall have a measure which I can heartly support and which I believe will be in the interest of the whole country.

I do not propose, therefore, at this time to discuss the details of this measure, but simply to briefly indicate some reasons why it seems to me this Congress should take affirmative action with respect to bankruptcy legislation.

And first, Mr. Chairman, it must be agreed that the framework of our Government contemplates national bankruptcy legislation. The framers of our Government, in constructing that great instrument, the Constitution of the United States, in drawing the line of demarcation between the States, in drawing the line of demarcation between the State and national power, intrusted bankruptcy legislation to the Congress of the United States, and withheld it from the Legislatures of the several States of the Union.

If there is to be bankruptcy legislation at all, therefore, comprehensive legislation, covering the ground which the framers of our Constitution intended should be covered, it must be national. It can not be simply State.

And, Mr. Chairman, I hold that the framers of our Government, in intrusting the power to enact bankruptcy laws to the national rather than to the State authority, acted wisely, with a keen comprehension that such legislation is a necessary incident of domestic commerce, and that we shall be false to the highest interests of the country if we allow prejudice or distrust of the national authority to lead us to refuse to enact such laws.

I know that we have had bankruptcy legislation for only comparatively short periods in the existence of this nation—three laws in all; the last of which remained only eleven years upon the statute books of the nation. I think, however, that we can discover in the early condition of the country and in some of the features of this legislation an explanation for the comparatively short lease of such legislation.

In the early history of this country, before interstate com-merce had been developed to the extent that it has within recent ears, before the construction of railroads and telegraphs and the growth of the intimate business relations now existing be-tween every part of this country, which makes Texas commer-cially as near to New York and New York as near to San Francisco as Philadelphia was to Pittsburg seventy-five years ago, we can see in the development of the means of communication a reason, a necessity, for national bankruptey legislation that did not exist fifty or seventy-five years ago. We have become a great nation commercially as well as politically. Every part of this country is commercially linked with every other part. The merchant in New England is dealing every day with the merchant in New Orleans and Galveston. The merchant of Boston every day. State lines have been broken down commercially in the day. State lines have been broken down commercially in the progress of this nation.

Now, Mr. Chairman, in consequence of the improvement of the means of communication in this country, and the immense development of interstate trade, it has become necessary that Congress should use the power which the framers of this Government placed in the Constitution, and enact laws which shall be national in their character as relating to bankruptcy

and insolvency. We can not defer action in this direction without serious evils arising. Indeed such evils are already here.

There have been elements in the bankruptcy legislation here tofore enacted which have almost inevitably aroused opposition. I need not stop to recall them, because you gentlemen are aware of them. One of those elements was the unnecessary expense attending the administration of our bankruptcy laws in the past.
To a great extent this bill has overcome the difficulties which have been so fruitful of criticism in the past. It seems to me there may be amendments adopted which will serve still more to overcome those difficulties. It can not be possible, after all our experience in administering such laws, with all parts of this country commercially interlinked as never before, with the necessity upon us for some legislation in this direction, that the wit of man can not conceive uniform bankruptcy legislation extending from Maine to Texas, from New York to Oregon, which shall work with facility, with efficiency, with justice, and with reasonable satisfaction; secure justice; conserve the interests of both debtor and creditor, and promote the best interests of the

both debtor and creditor, and promote the best interests of the vast business of a great people.

Mr. BOATNER. If the gentleman will pardon an interruption, I would suggest that if you could devise a system which would discharge the bankrupt and at the same time leave him in possession of his property, it would probably be satisfactory to some of the opponents of the bill.

Mr. DINGLEY. It would appear that much of the opposition to the bankruptcy bill is based on such a desire.

Mr. BOATNER. I doubt whether any other system of bankruptcy would be satisfactory.

mr. BOATNER. I doubt whether any other system of bankruptcy would be satisfactory.
Mr. DINGLEY. Mr. Chairman, there is a second renson for
national bankruptcy legislation. Justice to the debtor—humanity at least, requires it. Under our laws as they exist to-day,
and as they must exist under the Constitution which withholds from the State the power of releasing obligations to nonresident creditors, it is not possible for any insolvent debtor, however op-pressed may be his condition, to lift from himself any liability to creditors outside of the State in which he resides by anything else than absolute and complete payment. He may surrender all his property, but the liability to pay the balance still hangs over

Gentlemen know honest neighbors in their several localities, just as I know neighbors in the State where I reside who to-day, being insolvent through their misfortunes, are unable to engage in active business because of debts hanging over them which they have contracted to creditors in other States. If we could know correctly how much the country is losing through the forced in ctivity of a large body of insolvents, honest men who desire to be freed from the debt burdens which oppress them, and to enter upon the work of production and distribu-tion again in this country, and yet can not lift their hands in their own name to enter upon active business, it would aston-

Now, it is inhumane, it seems to me, in the legislation of any country to leave honest but unfortunate debtors in this plight, this inability to habilitate themselves and enter once more upon their work as honest and efficient citizens No other country does leave any of its debtors in such position through the failure to legislate.

And yet, because gentlemen pretend to be fearful that any national legislation may be used to make the condition of debtors worse, they refuse to take a single step toward lightening the burden of men known to all of us, who are thus unable to enter again upon the active work of life. Our country is losing every year through these men thus forced to be inactive more than

an possibly be imagined.

I have heard during the past few days lurid denunciations of a national banking law, alleged to be an engine for the oppression of debtors; and when I have heard them I have carefully listened for an intelligent explanation of such results, and I have not as yet heard any.

Now, instead of placing new burdens on the honest debtor, I assert—and I ask for proof to the contrary—that it will improve his condition. Of course it is admitted that it will improve the condition of the hopelessly insolvent debtor by relieving him from the entire burden of his indebtedness on the surrender of his property.

is property. So much is clear gain.

Again, take the case of the debtor who is not able to pay his aper at maturity, but who yet expects in due time to meet all is obligations. What is his situation now? His property is paper at maturity, but who yet expects in due time to meet all his obligations. What is his situation now? His property is subject to attachment under State laws. Each of his creditors, especially those out of the State, fears that other creditors, especially those in the State, will endeavor to get ahead and attach the creditor's property, for "first come, first served."

The chances are more than even that in this state of uncertainty one creditor will secure his debt by attachment, or a preferential conveyance, and then all the others will follow like a

pack of wolves, trying each to get in ahead, and the infortunate creditor will be made hopelessly insolvent. If a national bank-ruptcy law existed, so that neither creditor could get an advantage of the other, and that in case the debtor should fall each would come in for his share, all would allow the debtor to go on, and even give him a helping hand.

and even give him a helping hand.

In short, under any and all circumstances, the national bankruptcy law would improve the situation of the honest debtor, and have thousands from bankruptcy who would be carried down by State attachment laws, or by the inability of State insolvent or

Thirdly. Justice to the creditor, particularly the creditor who resides in States other than that in which the debtor lives, requires national bankruptcy legislation. As it is now, legislation in some States practically discriminates in favor of creditors within their own borders, or at least allows a debtor to prefer creditors in such a way as to deprive the outside creditor of a just share of the insolvent's estate. Indeed, even if laws allowing the preferment of credits do not exist, the fact of nonresidence makes it probable that they will come in last in a race of attachments on the estate of a failed debtor. Everyoutside creditor wants only to share equally with other creditors in cases where debtors become insolvent. Why should he not?

But it is in cases where there are fraudulent acts on the part of the debtor that the outside creditor suffers most. For in such

But it is in cases where there are fraudulent acts on the part of the debtor that the outside creditor suffers most. For in such cases the chances are that inside creditors are mixed up with the fraudulent transactions of the debtors—transactions which can rarely ever be reached except by a court of bankruptcy. It is for these reasons that a national bankruptcy act not only

It is for these reasons that a national bankruptcy act not only protects and sustains the honest debtor, but also at the same time secures the just rights, and only the just rights, of the creditor to a proportionate share in the property of the insolvent debtor.

Much has been said in the progress of this debate in derogation of the creditors of this country. We might get the idea from the frequent reference to what has been styled the creditor class, that there is a distinct body of men in this country who are perpetual and irrevocable debtors, and another distinct class who are perpetual and irrevocable creditors. Now, there is no such state of things in this country.

The creditor of to-day is also the debtor of to-day in almost every instance, and the debtor of to-day is likely to be the creditor of to-morrow, and vice versa. There is no fixed class of debtors and creditors in a country like this. There is no class of men who, on the same day or within the same series of months, are simply debtors and not creditors.

We have beared a great deal said about the seconded room men

We have heard a great deal said about the so-called poor men of this country, the workingmen who are held up as debtors, and to whom this bill is said to be inimical. Why, Mr. Chairman, are you not aware that the largest body of creditors in this country are the workingmen? They have to-day over \$1,700,000,000 deposited in the savings banks of this country, placed there to their credit, and loaned to the debtors of this country; and it is through the lo unsout of the savings of these workingmen, whom you are pretending to care for as debtors who want to avoid payment of their debts, that the business of this country is being largely carried on to-day. My experience as a business man is that the largest debtors are men of means, the men who are engaged in large business operations, and who are obliged to

engaged in large business operations, and who are obliged to constantly hire money to do their business.

I have had some opportunity to observe to whom loans were being extended by banking institutions, and I want to say to you, Mr. Chairman and gentlemen, what many of you know, that the debtors of this country are not to a great extent the poor men, but they are the men of means.

I repeat, there is no distinct class of debtors in this country.

I repeat, there is no distinct class of debtors in this country. All are at the same time or at different times both creditors and debtors. What is for the interest of the creditor is for the interest of the debtor also, and justice to each secures the highest welfare of each. I am tired of sitting in this House and hearing from day to day gentlemen claim to be the special friends of the poor man and of the workingman, and, under the guise of championing their interest, declaiming against legislation that is for their interest as much as it is for the interest of any other people

In this country.

Let us have done with this class talk. Whatever legislation commends itself as in the interest of all should be supported because it is wise, not declaimed against on the assumption, false in most cases, that it is for the interest of the "money power" and against the interest of the poor man. When the laws of the State do equal justice to both creditor and debtor, they subserve the interests of both in the highest degree.

an most cases, that it is for the interest of the "money power" and against the interest of the poor man. When the laws of the State do equal justice to both creditor and debtor, they subserve the interests of both in the highest degree.

Is it necessarily a misfortune to be a debtor? Is it a crime to be a creditor? Why, sir, a large portion of the existing debts in this country mean simply that those who have contracted them are the active, carnest, pushing men in every community, and

it is because they are able to make such loans that they are doing the best for themselves and for the communities in which

they live.

This leads me to speak of a fourth reason why I am in favor of national bankruptcy legislation. That reason is that it tends to strengthen the great credit system of this country. Ninety per cent of the business of this country is conducted on credit. In every community there are pushing young men and men of middle age who, having little capital of their own, are obtaining loans and are thus enabled to enter upon active business and bring prosperity to themselves, to their employés, and to the communities in which they reside. Do you want to break down or weaken the credit system or do you prefer to strengthen it I should judge from what has been said by many gentlemen in the course of this debate that they would consider it a misfortune to have the credit of the people of their State or communities strengthened?

Why, sir, I have heard not only now, but in the past, complaints from the southern portion of this Union, that they have not capital aufficient to develop their resources, and that because of this lack of capital their prosperity is hampered. That part of our country is among the fairest on God's earth, filled with resources awaiting development; and you are inviting capital and energy to come in and develop it. But capital and energy will not go there unless there is confidence in your States, confidence in your justice and laws, confidence that when loans are extended to you they will be repaid. And gentlemen who legislate or fail to legislate in any direction that serves to weaken this confidence are doing their own States an injury that can not be overestimated.

Gentlemen who think that in their own States they can enact laws that make it difficult to collect debts, or who enact or withhold legislation which will enable the debtors in a State to make their own citizens preferred creditors, as against outside creditors, and who think they are gaining through such a process are making a great mistake. For rest assured that whatever weakens your credit increases the cost of what you have to buy and raises the rate of interest on your loans.

The one thing that the South needs to-day is the confidence of the men who have capital—the very men whom some of you stigmatize as the "money power," the gold bugs"—and any legislation which tends in that direction, which gives the creditor in one State confidence that the debtor in the other State will treat him just as well as he will treat the creditor in the State in which he resides, any legislation which will tend to secure such confidence, as a national bankruptcy law does, will give that portion of our country what it wants, more capital to develop its great resources and greater prosperity.

develop its great resources and greater prosperity.

Mr. Chairman, for these and other reasons I am earnestly in favor of wise and well-adjusted national bankruptcy legislation. It is enjoined by the Constitution. It is necessary to conserve the best interests of debtors. It is essential to do justice to creditors. It is called for to strengthen credit and promote business and industrial prosperity. And it will contribute to further cement the Union formed to advance the commercial as well as political interests of this great nation. [Applause.]

as political interests of this great nation. [Applause.]
Mr. OATES. I move that the committee now rise.
The motion was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE reported that the Committee of the Whole on the state of the Union, had had under consideration the bill (H. R. 139) to establish a uniform system of

bankruptcy throughout the United States, and had some to no resolution thereon.

ORDER OF BUSINESS.

Mr. OATES. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day, it be to meet at 11 o'clock to-morrow morning, or that we take a recess now until that hour The SPEAKER. The gentleman from Alabama [Mr. OATES] asks unanimous consent that the House now take a recess until

asks unanimous consent that the House now take a recess until 11 o'clock to-morrow merning.

Mr. KILGORE. I object.

Mr. OATES. I move then that the House adjourn.

Mr. OATES. I move then that the House adjourn.

The motion was agreed to: and accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4276) to increase the pension of Joseph Craig, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions and me-

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morials of the following titles were introduced, and severally

referred as follows:
By Mr. BAILEY: A bill (H. R. 4293) to repeal the laws providing for the retirement of officers of the Army of the United

States—to the Committee on Military Affairs.
Also, a bill (H. R. 4294) to repeal the laws providing for the retirement of officers of the Navy of the United States-to the Committee on Naval Affairs.

Also, a bill (H. R. 4295) to repeal section 714 of the Revised Statutes of the United States—to the Committee on the Judi-

By Mr. HOLMAN: A bill (H. R. 4296) to amend an act, approved May 2, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma," etc.—to the Committee on Indian Affairs.

By Mr. CURTIS of New York: A bill (H. R. 4297) to create western judicial circuit of New York-to the Committee

the western judicial circuit of New 1012—to the Country on the Judiciary.

By Mr. McALEER: A bill (H. R. 4298) to authorize the sale to the Schuylkill River East Side Railroad Company of a lot of ground belonging to the United States Naval Asylum in the city of Philadelphia, Pa.—to the Committee on Naval Affairs.

By Mr. WAUGH: A joint resolution (H. Res. 81) requiring the Commissioner of Pensions to furnish a copy of charges or information tending to defeat the granting or continuation of a pension already granted in certain cases—to the Committee on Invalid Pensions. Invalid Pensions

By Mr. FITHIAN: A resolution asking for a day to be fixed for the consideration of the bill (H. R. 2655) for the free admission to American registry of ships built in foreign countries—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following

titles were presented and referred as follows:

By Mr. CARUTH: A bill (H. R. 4299) granting a pension to
Mary L. Tweddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4300) for the relief of John Veeley-

Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 4301) for the relief of George D. Biggs and Samuel C. Downing—to the Committee

By Mr. CRAIN: A bill (H. R. 4302) to amend an act approved May 12, 1890, granting to the Araness Pass Harbor Company the right to improve Araneas Pass, Texas—to the Committee on Rivers and Harbors

Rivers and Harbors.

By Mr. JOY: A bill (H. R. 4303) for the relief of the heirs of Joseph Kulage, deceased—to the Committee on War Claims,
By Mr. MOBGAN: A bill (H. R. 4304) for the relief of David Hogan—to the Committee on War Claims.
By Mr. TATE (by request): A bill (H. R. 4305) for the relief of An on B. Sams—to the Committee on War Claims.
By Mr. WOLVERTON: A bill (H. R. 4306) for the relief of John W. Pullman—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of the Congregational Ministers' Union, of Chicago, for the repeal of the Geary law—to the Committee on Foreign Affairs.

By Mr. BAKER of New Hampshire: Memorial of citizens of Cheshire County, N. H., in regard to the alcoholic liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. BELDEN: Resolutions of Central New York Pomona Grange, of Syracuse, N. Y., representing 47 granges in central New York. against any reduction in tariff on farm products—to the Committee on Ways and Means.

New York, against any reduction in tariff on farm products—to the Committee on Ways and Means.

By Mr. CUMMINGS: Protest of 200 exhibitors at the World's Columbian Exposition against the passage of House resolution 77, conferring diplomas upon designers, inventors, and expert artisans—to the Committee on Appropriations.

By Mr. DOOLITTLE: Memorial of the Port Townsend (Wash.) Chamber of Commerce, calling the attention of Congress to the present condition of the laboring classes of the State of Washington and petitioning the proportion of public waysks to accompany to the present condition of the laboring classes of the State of Washington and petitioning the proportion of public waysks to accomington, and petitioning the promotion of public works, to accom-

pany House bill 4288—to the Committee on Military Affairs.

By Mr. ELLIS of Oregon: Petition of 98 citizens of Dufer and 66 citizens of Wasco, both of Oregon, asking for the passage of a bill to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes "-to the Committee on the

By Mr. FLETCHER: Petition of Presbyterian Ministers' As-

sociation, of Minneapolis, Minn., in favor of the repeal of the Geary law—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of 23 citizens of Rockford, Ill., in behalf of the passage of House bill 3188 for punishment of train wrecking—to the Committee on Interstate and Foreign Com-

By Mr. PAYNE: Protest of 50 mechanics of Meriden, Conn., against any change in tariff—to the Committee on Ways and Means

By Mr. POST: Petition of W. Rector and W. A. Vaughan, and 36 other citizens of Smithfield, Ill., in favor of the passage of a bill for the punishment of train wrecking—to the Committee on Interstate and Foreign Commerce.

By Mr. RAYNER: Petition of the ministers and elders convened as the Synod of Baltimore, asking for the repeal or modification of the Geary law—to the Committee on Foreign Affairs.

By Mr. RUSSELL of Connecticut: Petition of Norwich Typo-

graphical Union, No. 100, for time work on the contemplated new Government Printing Office—to the Committee on Appropriations.

By Mr. WEADOCK: Petition of H. M. Youmans, asking that the election of William S. Linton be vacated on the ground of fraud-to the Committee on Elections.

SENATE.

TUESDAY, October 31, 1893.

'rayer by the Chaplain, Rev. W. H. MILBURN, D. D. The VICE-PRESIDENT. The Journal of the proceedings of the last legislative day will be read by the Secretary.

The Secretary proceeded to read the Journal of the proceed-

ings of the legislative day Tuesday, October 17, 1893.

Mr. SHERMAN. As the Journal covers many days, I think it would be hardly worth while to read it. Most of it is merely formal matter. I move, therefore, to dispense with the reading of the Journal.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered. The Journal will stand approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communica-tion from the Secretary of the Treasury, transmitting a state-ment from the Acting Director of the Mint in relation to an appropriation of \$15,000 for freight on bullion and coin between mints and assay offices for the current fiscal year; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of Typographical Union, No. 72, of Lansing, Mich., praying for the immediate construction, by day labor, of a building for the Government Printing Office; which was referred to the Committee on Public Buildings and Grounds.

Mr. VEST presented a petition of the Commercial Club of Kansas City, Mo., praying for such modification of the duties on imports from Mexico as will encourage trade between that counand the United States; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MILLS, from the Committee on the Library, to whom was referred the joint resolution (H. Res. 71) to permit the sculptor to exhibit the statues of Columbus and Isabella in Statuary Hall, reported adversely thereon, and the bill was postponed indefi-

Mr. VOORHEES, from the Committee on the Library, to whom the subject was referred, reported a bill (S. 1137) to provide for the printing of the report of the Joint Committee of Congress and proceedings at the centennial celebration of the laying of the corner stone of the Capitol; which was read twice by its title, and, on motion of Mr. VOORHEES, referred to the Committee on Printing. Committee on Printing.

Mr. PALMER, from the Committee on Pensions, to whom the subject was referred, reported a bill (S. 1138) to repeal so much of a proviso of an act entitled "An act making appropriations of a provise of an act entitled. An act making appropriations for invalid and other pensions of the United States for the fiscal year ending June 30, 1894, and for other purposes," approved March 1, 1893, as relates to the payment of pensions to nonresidents who are not citizens of the United States; which was read twice by its title.

COURTS IN SOUTH DAKOTA,

Mr. PUGH, I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2799) to provide for the time

and place of holding the terms of the United States circuit and and place of North Baketa, to report it with amendments. The Senators from South Dakota are very anxious for the passage of the bill, and I ask unanimous consent for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the

Whole, proceeded to consider the bill

The first amendment of the Committee on the Judiciary was in section 2, line 7, after the word "Todd," to insert, "Beadle, Kingsbury, Crow Creek, and Lower Brule;" and in line 11, to strike out the words "Beadle, Kingsbury."

The amendment was agreed to.

The next amendment was in section 2, line 13, to insert "McPherson, Edmunds, Campbell, Walworth;" in line 16, to strike
out "McPherson, Edmunds;" and in line 17 to strike out "Campbell, Walworth."

The amendment was agreed to.

The next amendment was in section 2, line 20, after the words "Standing Rock," to insert "and;" and in line 21, to strike out the words "Lower Brule, and Crow Creek."

The amendment was agreed to.

The next amendment was to add at the end of section 6:

And all grand and petit juries for the circuit and district courts shall be drawn by the clerk of the circuit court, and all grand and petit jurors summoned for service in each division shall be residents of such division.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SETTLERS UNDER DESERT-LAND ACT.

Mr. WALTHALL. I am directed by the Committee on Public Lands to report back favorably, with an amendment, the bill (S. 592) to extend the time for making final payments on entries under the desert-land act, and to ask for its immediate consideration. It is a very short bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendment of the Committee on Public Lands was, to strike out all after the enacting clause and insert:

That the time of making final payments on entries under the desert-land act is hereby extended for one year from the date when the same become due in all cases where desert-land entrymen are unable to make final payments from causes which they can not control, evidence of such inability to be subject to the regulations of the Secretary of the Interior.

Mr. HOAR. I do not wish to interfere with anything which the Senator from Mississippi thinks desirable, unless some question of principle is at stake; but it seems to me that this is important legislation and should come in the ordinary way, unless

there be some good reason for haste.

Mr. WALTHALL. I will state the reason why immediate action is desired. The bill is intended to afford some slight relief to the desert-land entrymen. Most of the desert land entries are located in what are called the mining States. The people of those States, for reasons which have been pretty fully discussed here of late, are in a condition of considerable financial distress. The bill as originally introduced proposed to extend the time to make final payment on entries under the desert-land act for three The amendment of the committee proposes to extend the time not for three years, but for one year, and to limit the benefits of the extension to persons who deserve it and ought to have it. It is very apparent that the bill ought to pass at once if it

Mr. POWER. I hope the Senator from Massachusetts will not object to the consideration of the bill. I introduced the bill at the request of settlers of Montana and other mining States, and it is important that the time should be extended one year.

reported favorably by the committee on the recommendation of the Commissioner of the General Land Office.

Mr. WALTHALL. I will state further for the information of the Senator from Massachusetts that a bill even more liberal than this has passed the Senate and passed the other House at the present session for the benfit of homestead settlers in Okla-

Mr. HOAR. I interposed the objection without knowing what bill was before the Senate, and of course without knowing what were its particular provisions. I merely wanted to call attention to the fact that it is not a wise method of legislation to pass important general bills in this way, out of order and in the morning hour. But on the statement which has been made by the Senator from Mississippi, and especially by the Senator from Montana who introduced the bill, I shall not press objection to this measure

Mr. WALTHALL. I wish to state further, for the benefit of the Senator from Massachusetts, that the bill is unanimously re-ported by the Committee on Public Lands. It has met the ap-

proval of the Commissioner of the General Land Office. There eems to be no possible objection that can be urged to it. Otherwise I should not have asked that it be taken up at this time

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to. The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. COKE introduced a bill (S. 1139) to amend an act of Congress approved May 19, 1890, granting to the Aransas Pass Harbor Company the right to improve Aransas Pass; which was read twice by its title, and referred to the Committee on Commerce, Mr. HUNTON introduced a bill (S. 1140) for the relief of Wil-

liam Bushby; which was read twice by its title, and referred to

the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 1141) for the relief of S. J. Block and A. P. Baurman, of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. POWER introduced a bill (S. 1142) directing the parting and refining of bullion to be carried on at the United States assay office at Helena, Mont.; which was read twice by its title, and referred to the Committee on Finance.

Mr. HOAR introduced a bill (8. 1143) for the speedy determination of constitute to the committee of the speedy determination of constitute to the committee of the speedy determination of constitute to the speedy determination of constitu

nation of questions touching the jurisdiction of circuit courts; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT OF THE RULES.

Mr. BLACKBURN submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved. That the Committee on Rules be instructed to inquire and report to the Senate what revision of or amendments to the rules, if any, should be adopted to secure a more efficient and satisfactory disposition of the business of the Senate.

Mr. GORMAN subsequently said: I ask unanimous consent that the various amendments proposed to the rules which are lying on the table be referred to the Committee on Rules.

The PRESIDING OFFICER (Mr. FAULKNER in the chair).

The Senator from Maryland asks unanimous consent that pending amendments to the rules of the Senate be referred to the Committee on Rules. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so or

HOUR OF MEETING.

On motion of Mr. JONES of Arkansas, it was Ordered, That the hour of the daily meeting of the Senate be 12 o'clock meridian, until otherwise ordered.

COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. GEORGE. Mr. President, I ask leave to introduce a resolution to continue the powers and duties of the Committee on Agriculture and Forestry as defined by resolutions heretofore passed by the Senate. Owing to the extra session the duties which were imposed by the Senate upon that committee could not be performed, and it is the purpose of the committee to go on now and perform the duties. The money for this purpose has already been provided and set apart by the Senate upon the report of the Committee on Contingent Expenses. It is necessary new to research the resolution continuing the powers. essary now to pass another resolution continuing the powers and duties of the committee during the recess and the next session of Congress. I therefore introduce and ask for the present consideration of the following resolution:

Resolved, That the powers conferred and duties imposed on the Committee on Agriculture and Forestry, and all the provisions of the resolutions of April 19, 1892, and March 3, 1893, be continued during the recess after the expiration of the present session and during the next session of the Senate.

I ask for the consideration of the resolution at this time. Mr. WHITE of Louisiana. I ask the Senator from Mississippi if the resolution does not provide for the expenditure of money from the contingent fund of the Senate?

Mr. GEORGE. The matter has already been referred to the Committee on Contingent Expenses and the sum necessary for the investigation allotted by the Senate on the report of the committee.

Mr. WHITE of Louisiana. I understand, then, that the purpose of the resolution is simply to cover the allotment of funds

already made. Mr. GEORGE. It is an allotment already made, and the money remains unexpended because the committee were unable, owing to the present extra session of Congress, to perform the duties

imposed on them.

Mr. HOAR. I wish to inquire of the Senator from Mississippi if he can inform this side of the Chamber what he understands, so far as the purposes of the majority are concerned, by the re-

cess of the Senate of which the resolution speaks. I suppose there are a good many of us who would like to make arrange-ments for a recess, if one is to be taken. In my own State there ments for a recess, of olde is to be taken. In My Will State the is an important political campaign going on which I should like to take part in if I can do so without sacrificing other public obligations. What recess does the Senator anticipate?

Mr. GEORGE. I was informed by the financial clerk of the Senate that if there is a recess of the Senate, the powers and duration will exprise.

ties of the committee will expire. It was to cover a contingency of that kind that I have offered the resolution. It is to be done should a recess occur, but I do not know whether a recess will bet ken. The object of the resolution is to continue the powers of the committee during the recess, if one should occur, and during the next session of the Senate. I know nothing about any

arrangement concerning a recess.

Mr. HOAR. I of course have no desire to pry unduly into any parliamentary secrets, and I do not know that there are any anywhere to be pried into.

Mr. GEORGE. There are none so far as I am concerned. I

Mr. HOAR. But it would be very gratifying to a great many Senators on this side of the Chamber if, when the majority have determined what the condition and exigencies of the public business require, they would at the earliest moment make the information public, so that we could make our arrangements for the future. Whether there is to be a continuous session until the 1st of December or whether the Senate will probably adjourn as soon as the important bill passed yesterday has been dealt with elsewhere we should be very glad, indeed, if we could be informed. Probably the Senator from Maryland [Mr. GORMAN] can inform

Mr. GEORGE. I am unable to give any information on that

subject. Mr. BATE. As a member of the Committee on Agriculture and Forestry, I desire to say that the appropriation was made, the committee had their arrangements all made to go and make the investigation required of the committee, but were unable to do so simply because of the call for an extra session. Our arrangements were made to consummate the intention of the resolution in the month of August, but we were unable to do it, and now, perhaps, the opportunity will occur, and hence the resolution of the Senator from Mississippi should be passed.

Mr. GORMAN. I do not desire to interfere with the passage

of the resolution. Mr. GEORGE. I ask that the resolution be passed.

The resolution was agreed to.

Mr. GEORGE. I ask leave of the Senate that the subcommittee of the Committee on Agriculture and Forestry charged with the duty of investigating the question concerning cotton have leave of the Senate to sit during the sessions of the Senate and at the next session as well as the present.

The VICE-PRESIDENT. Is there objection to the request of

the Senator from Mississippi?
Mr. PEFFER. What is the request?
The VICE-PRESIDENT. That the subcommittee of the Committee on Agriculture and Forestry charged with an inquiry into the decline in the price of cotton have leave to sit during the essions of the Senate at the present and also at the next session of Congress. The Chair hears no objection, and it is so ordered. Mr. GORMAN. The Senator from Massachusetts asked me

a question a moment ago, or rather referred to me in the matter of an adjournment. I wish to say to him frankly that, so far as I know, there has been no conference amongst Senators in the majority in regard to an adjournment, but I understand that the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, which has come over from the House of Representatives, should be disposed of. There are interests involved which has the property of may be very injuriously affected if the bill is not disposed of at the present session. Beyond that my belief is, and it is only the expression of an opinion, so far as I can gather, with the business for which we were called together dealt with and that measure disposed of, in all probability we shall adjourn or take a recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 36) transferring the exhibit of the Navy Department, known as the model battle ship Illinois, to the State of Illinois, as a naval armory for the use of the naval militia of the State of Illinois, on the termination of the World's Columbian Exposition.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the

A bill (H. R. 1956) to require judges of the courts of the United

States to conform to the laws of the several States in delivering es to juries;

A bill (H. R. 3981) to amend section 5391 of the Revised Statutes of the United States, relating to the punishment of certain minor offenses in reservations or places over which the United

States has exclusive jurisdiction;
A bill (H. R. 4186) to regulate the fees of the clerk of the United States court for the Indian Territory;

A bill (H. R. 4243) granting the right of way for the construc-tion of a railroad and other improvements over and on the West Mountain of the Hot Springs Reservation, Hot Springs, Ark .:

A bill (H. R. 4292) to amend section 3709 of the Revised Statutes, relating to contracts for supplies in the Departments at Washington.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL submitted the following report:

Mr. COCKRELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 417) "to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recode from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and 5, and agree to the same. On amendment numbered 6 the committee of conference has been unable to agree.

F. M. COCKRELL,

A. P. GORMAN,

S. M. CULLOM,

Managere on the part of the Senate.

JOSEPH D. SAYERS,

L. F. LIVINGSTON,

J. G. CANNON,

Managere on the part of the House.

Mr. COCKRELL, Amendment numbered 6, upon which the

Mr. COCKRELL. Amendment numbered 6, upon which the committee of conference have been unable to agree, reads as follows:

To pay clerks to Senators and per diem clerks to committees retained in the service of the Senate during the recess of the Fifty-first Congress, under resolution of the Senate of September 30, 1890, \$22,088.

The Senate will remember that that resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, was reported favorably, and was passed; the lia-bilities were created; and the question is whether the Senate will insist upon this provision for the payment of these liabili-I move that the conference report be concurred in.

The motion was agreed to.

Mr. COCKRELL. I move that the Senate further insist upon its amendment numbered 6, disagreed to by the House of Representatives

The motion was agreed to.

COMMITTEE ON PACIFIC RAILROADS.

Mr. BRICE. I am instructed by the Committee on Pacific Railroads to ask for authority from the Senate for the committee as a committee, or through its subcommittees, to sit during

the recess of Congress.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and the request is granted.

MINING CLAIMS.

Mr. STEWART submitted the following report:

Mr. STEWART submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3845) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

Strike out all after the word "shall," at the end of the first line, and insert in lieu thereof the words "not apply to the State of South Dakota."

And the Senate agree to the same.

R. F. PETTIGREW,

WILLIAM B. BATE,

Managers on the part of the Senate.

THOMAS A. E. WEADOCK.

THOMAS A. E. WEADOCK,
J. V. COCKRELL,
Managers on the part of the House.

The report was concurred in.

DEPARTMENTAL SUPPLIES AT WASHINGTON.

The Vice-President laid before the Senate the bill (H. R. 4292) to amend section 3709 of the Revised Statutes relating to contracts for supplies in the Departments at Washington; which

was read twice by its title.

Mr. COCKRELL. That bill was reported to the House of Representatives from the Joint Commission to Inquire into the Status of the Laws Organizing the Executive Departments, etc. and has been passed by the House. I desire now on the part of the Senate members of the Joint Commission to report favorably in behalf of the same bill. I submit the report, and ask that only the bill as passed by the House may be printed, that the Senate report be considered an indorsement and recommenda-

tion of the passage of that bill, and that the bill from the House of Representatives may be placed on the Calendar.
The VICE-PRESIDENT. Without objection that order will

be made.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles,

and referred to the Committee on the Judiciary:

A bill (H. R. 1956) to require judges of the courts of the United States to conform to the laws of the several States in delivering

charges to juries;
A bill (H. R. 3981) to amend section 5391 of the Revised Statutes of the United States relating to the punishment of certain minor offenses in reservations or places over which the United States has exclusive jurisdiction; and

A bill (H. R. 4186) to regulate the fees of the clerk of the United States court for the Indian Territory.

The bill (H. R. 4243) granting the right of way for the construction of a railroad and other improvements over and on the West Mountain of the Hot Springs Reservation, Hot Springs, Ark., was read twice by its title, and referred to the Committee

NEW YORK AND NEW JERSEY BRIDGE.

Mr. HILL. If the morning business is concluded, I move that the Senate take up for consideration order of business No. 76, being the bill (H. R. 3289) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State

of New Jersey.

Mr. McPHERSON. I rise for the purpose of objecting to the motion made by the Senator from New York, as necessarily, if this bill shall come up now in the morning hour, under Rule VIII but five minutes will be allowed for debate by each Senator. I wish to ask the Senator, wihout being considered factious at all with respect to a vote upon this bill, that it may lie over until to-morrow, if no longer time be allowed. tor knows that we have been very busy here with other matters for some time past. I have given no attention to the report made by the committee. I notice, however, that the bill as re-ported is unlike the bills which have heretofore been reported on the same subject.

on the same subject.

The people of my State are very much interested in having this question properly presented to the Senate, and I have been unable, as I have said to the Senator, to give the subject the attention which I desire to do before its consideration. I should prefer that the Senator would allow the bill to go over until the December session, but if he objects to that I hope he will consent to its going over at least until to sent to its going over at least until to-morrow morning, so that I may have a sufficient amount of time to lay my views in regard to the bill before the Senate. I think also that the people of a good many other States besides those of New York and New Jersey feel interested in this matter.

Mr. HILL. Mr. President, in regard to the first point made by the Senator from New Jersey I have only to say that it is not well taken. I shall move the consideration of the bill, and if the Senate shall see fit by a vote to take it up, debate upon it will not be limited to five minutes, but it will be subject to unlimited debate, an expression with which we have become somewhat familiar in the Senate. The five-minute rule will not apply where the Senate by a vote sees fit to take up a bill. Therefore there is nothing in that point. If the bill is taken up, the

Senate proceeds with its consideration the same as upon any other bill taken up by vote.

I should be very glad to oblige the Senator from New Jersey, but, nevertheless, I am led to the opinion that the Senator is entirely familiar with this question, and has kept track of the progress of this bill in the committee and electrons. ress of this bill in the committee and elsewhere. It can not have escaped his attention that the bill passed the House of Representatives almost unanimously, there being, I think, but one vote against it.

I desire to state for the information of the Senate that the bill has been before the Senate Committee on Commerce, and re-ceived their most patient and careful consideration, and the unanimous report of that committee. I can not imagine what objection there can be to the bill. It is not a complicated bill,

and there are no complicated questions arising out of it.

The motion to take up the bill, I am aware, is not debatable, and I shall not impose further on the Senate. I hope the mo-

tion will carry.

The VICE-PRESIDENT. The question is on the motion of the Senator from New York to take up the bill indicated by him. The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3280) to author-ize the New York and New Jersey Bridge Companies to con-atruct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in the second clause, line 16, after the word "may," to strike out "lay upon or," and insert "locate, construct, and maintain;" in line 17, after the word "bridge," to insert "and the approaches thereto;" and in line 18, after the word "railroads," to strike out "and locate, construct, and maintain such connections as are necessary and proper with railroads at the ends of said bridge, or approaches thereto:" so as to read:

Second. That the companies may locate, construct and maintain over such bridge and the approaches thereto railroad tracks for the use of railroads.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in the same clause, line 22, after the the word "connect," to strike out "their" and insert "its;" in line 23, before the words "itsapproaches," to strike out "tracks" and insert "and; "in the same line, after the word "approaches," to strike out "and connections;" in line 24, before the words "rolling stock," to strike out "their" and insert "its," and in line 27, after the words "decided by the," to strike out "Interstate Commerce Commissioners of the United States under set. state Commerce Commissioners of the United States, under such

rules and regulations as they may prescribe "and insert "Secretary of War;" so as to read:

Provided, That any railroad on either side of said river shall be permitted to connect its tracks with said bridge and its approaches, and shall have equal rights of transit for its rolling stock, cars, passengers, and freight upon equal and equitable terms, and if a dispute as to the equality or equity of the terms shall arise, it shall be submitted to and decided by the Secretary of War. tary of War.

The amendment was agreed to.

The next amendment was, in the same clause, line 32, after the words "city of New York," to strike out:

Words "City of New York," to strike out:

And provided further, That no railroad or railroads shall be operated on
the approaches of said bridge companies in the city of New York except on
such approaches as have been located in said city with the approval of the
commissioners of the sinking fund of said city of New York: And provided
further. That nothing in this act shall authorize the laying down of any railroad tracks upon the approaches in the city of New York except such as
may be approved by the commissioners of the sinking fund of the city of
New York.

The amendment was agreed to.
The next amendment was, in clause 8, line 97, after the word "reserved," to strike out:

And nothing herein shall be construed as a repeal or interference with any right to build a bridge across the Hudson River heretofore granted by Congress to any company, or bind this or any other Congress not to extend or renew the same;

And insert:

And the provisions of subdivision 3 of this act shall be extended to any other bridge company, heretofore authorized by Congress to bridge said river at New York City: Provided, That such company shall submit plans and location of its bridge, pursuant thereto, to the Secretary of War within one year after the passage of this act.

So as to make the clause read:

Eighth. The right to amend, alter, modify, or repeal this act is hereby reserved, and the provisions of subdivision 3 of this act shall be extended to any other bridge company, heretofore authorized by Congress to bridge said river at New York City: Provided, That such company shall submit plans, and location of its bridge, pursuant thereto, to the Secretary of War within one year after the passage of this act.

The amendment was agreed to.

Mr. McPHERSON. I have one or two amendments to offer to the bill, now that the committee amendments have been agreed to; although I suppose, the Committee amendments have been agreed to; although I suppose, the Committee on Commerce of this body having decided to surrender to the persistence of this bridge company, that it is hardly worth while for me to try to prevent the absolute destruction of that great harbor surrounding the city of New York. The determination seems to be to cripple it at least. I wish, in the first place, to offer an amendment, which I send to the desk, to come in on line 32 of the bill.

The VICE-PRESIDENT. The amendment will be stated

The VICE-PRESIDENT. The amendment will be stated.
The SECRETARY. In clause second, line 42, after "New York," it is proposed to insert:
And in the State of New Jersey by the board of chosen freeholders of the

county of Hudson.

Mr. VEST. Now let the text be read as it will stand if amended. The VICE-PRESIDENT. The Secretary will read as re-

The Secretary read as follows:

Provided. That the location of all approaches of said bridge in the city of New York shall be approved by the commissioners of the sinking fund of the city of New York, and in the State of New Jersey by the board of chosen freeholders of the county of Hudson.

Mr. McPHERSON. The object of the amendment is simply this: Provision is made in the bill that the approaches to the bridge in the city of New York shall be approved by the commissioners of the sinking fund of the city of New York, and no provision whatever is made to have any supervisory power on the approaches to the bridge on the New Jersey side of the river. The bridge will necessarily pass through the township of Union, the city of Hoboken, and Jersey City. It may go upon the level of the streets or it will have under this bill the authority of Congress to take a roving commission and go where it pleases, of Congress to take a roving commission and go where it pleases, without any restriction whatever by the local authorities. That is a very unwise and improper neglect. The idea of passing through two great cities and through two townships on the Jersey side of the river without the company being restricted. by the approval of the municipal authorities is something which should not be permitted. This privilege is guarded as to the city of New York, but it is left unguarded as to the State of New

I propose to provide by my amendment that the board of chosen freeholders of the county of Hudson shall exercise this supervision, because they are the county board and represent what is known in many of the States as the board of supervisors. what is known in many of the States as the board of supervisors. The subject can hardly be left to the municipal authorities of two or three cities and the townships, and therefore by my amendment I propose to place the power in the hands of the county authorities, covering, as the authority granted by the bill will do, a large amount of territory, and running, as it will, 2 or 3 miles, according to their maps and plans, on the Jersey side.

I trust there will be no objection to the amendment.

Mr. DOLPH. The Senator from New Jersey will perceive that by the report of the committee on this bill the provision which was contained in the bill as it came to the Senate apparently conferring upon the bridge corporation additional power to construct railroads has been stricken out, and also the provi-sion for the location of the connections. All that the term "approaches" means, I apprehend, as used in the bill are the ordinary approaches to the structure; and I suppose that the municipal authorities of Jersey City, or the other municipal authorities on the Jersey shore, would have ample power to make any regulations necessary in regard to the approaches to the proposed

I do not understand that Congress is conferring upon the bridge company the right to proceed to condemn or otherwise occupy private property; but they must proceed to get the right to construct their approaches the same as if nothing had been said in the bill about approaches. If the Senator from New Jersaid in the bill about approaches. If the Senator from New Jersey is not willing to leave the question of location to the city authorities, where I suppose the control of such improvements is left, we may, I suppose, substitute some other body; but I apprehend, as a rule, it would be better to leave such questions with the body which represents the municipality, and which can not only approve of a location but can provide the conditions upon which approaches may be erected.

There has been a controversy in the city of New York in regard to who should exercise the authority relative to the construction of the approaches to the bridge there, and especially

struction of the approaches to the bridge there, and especially the question of connections, which was stricken out. I under-stand the city authorities have preferred, instead of leaving it to the city council, that it should be left to the board which is

mentioned in the bill.

The term "approaches to the bridge" simply means that portion of the bridge which extends on to the land, which it is necessary to go upon in order to get the proper elevation over the water. If the Senator from New Jersey thinks there is anything to be gained by requiring some other board in the county to approve of that location I do not know that there will be any objection, but I do not think that approval would be final. think the bridge company would still be required to get the per

mission of the city authorities as to the conditions upon which they may occupy the land.

Mr. McPHERSON. That may be necessary under some general law of New Jersey; but as the approaches necessarily are very long upon the Jersey side of the river, they strike an elevation upon that side and pass on down to the meadows below. where they connect with the different railroad systems, and they necessarily will have to pass through the town of Union, which has a municipal government, through West Hoboken, which has a municipal government; perhaps through some part of the city of Hoboken, which has a mayor and board of aldermen, and that portion of the territory of Jersey City, which would require the consent of four municipal governments. I prefer to leave the question with a power equally responsible, which is the board of chosen free-holders of the county of Hudson, which can represent the city of the county of Hudson, which can represent the city of the county sent the city authorities in county matters.

sent the city authorities in county matters.

Mr. DOLPH. I wish to suggest to the Senator that, according to my best judgment, by the adoption of his amendment we should only be putting upon the bridge company the necessity of securing an additional approval of the location. I do not believe that Congress has the power to take the matter out of the hands of the several municipal corporations, nor do I think the approval provided for by the Senator's amendment would prevent the necessity of cetting respirations from the several municipal. the necessity of getting permission from the several municipali-ties to the location, and having it prescribed by ordinance or by some other proper provision as to the conditions upon which the company might occupy streets.

Mr. McPHERSON. In the absence of any law, I do not understand how the company would be required to obtain the consent of the city authorities. I see that provision is made in the bill that, notwithstanding there is a municipal government in the city of New York, the approval does not rest with the mayor and the board of aldermen of that city, but a representative board is

the board of aldermen of that city, but a representative board is named, a board appointed by the mayor of the city of New York, to wit, the board of sinking-fund commissioners.

Mr. DOLPH. Does the bill provide that that matter shall not be left to the city authorities?

Mr. McPHERSON. The bill provides that the location of the approaches in the city of New York shall be approved by the commissioners of the sinking fund; and therefore I suppose, under the wording of this bill, as I presume it will be pissed, that is all the authority they need. If the Congress of the United States provides not only for the building of the bridge, but the approaches, it should also designate the particular board which shall approve the location so far as the city is concerned. I can see no reason why the amendment I have offered should not be agreed to. It leaves the question to a proper and appropriate board, one entirely competent to deal with the subject, and a board which will have the entire confidence not only of the people of the city but of the surrounding country in the State of New Jersey.

Mr. DOLPH. That only goes to the question of location. The

Mr. DOLPH. That only goes to the question of location. The Senator does not propose that this company may go on and at its option determine the character or extent of the approaches, or what the elevation shall be, or the kind of structure which shall

be had, and how it shall interfere with private property.

Mr. McPHERSON. The location of the approaches in the city of New York shall be approved by the commissioners of the sinking fund. My amendment states that the location and approaches of the bridge from the State of New Jersey shall be approved by the board of chosen freeholders of the county of Hudson.

Mr. HILL. I see no necessity or propriety in this amendment. If I understand the situation correctly, the approaches of the proposed bridge do not enter Jersey City at all. They are on the west side of Jersey City entirely, I understand.

Mr. McPHERSON. No; it runs for 3 miles through Jersey City as the man indicates.

City, as the map indicates.

Mr. HILL. Not the bridge proper or the approaches proper.

Mr. HILL. Not the bridge roper or the approaches proper. Mr. McPHERSON (indicating on plan). Here is the point where it crosses the river. It runs down here in a straight line and passes through Jersey City on the west side of the hill near the Hackensack River.

Mr. HILL. But all the provision for connections with the bridge have been stricken out. The committee saw fit not to make any provision in reference to connections. That will have to be done by the local legislatures of the two States, and necessivily by the local authorities.

The bridge company is incorporated by virtue of the charter

The bridge company is incorporated by virtue of the charter of the Legislature of the State of New York and also by virtue of an act of the Legislature of the State of New Jersey. The Legislature of the State of New Jersey gave its consent for the construction of this bridge in the following language:

That the said company shall have the power to erect, construct, and maintain a permanent bridge over the Hudson River, and construct and operate a railroad over the same between some suitable point in the city of New York and a point north of the southerly line of the township of Union, in the county of Hudson, in this State, and to lease, purchase, sequire, and hold as much real estate as may be necessary.

The Legislature of New Jersey, presumably as careful of the rights of the people of that locality as the Senator from New Jersey can possibly be, did not think it necessary to restrict this bridge company as to the particular spot beyond the designation

I hold in my hand a copy of the charter of the North River Bridge Company, which I understand the Senator from New Jersey championed in the Senate; and in that very bill, pussed here several years ago, there is no limitation whatever as to the particular point between certain points where the bridge company may locate the bridge. Certain points are designated, but beyond that the particular location or the particular roads are not specified. That was a bill the Senator himself championed in this body, I am informed, and I think he will acknowledge the fact. I can see no reason why this bill should be more specific than was the bill for what is called the North River Bridge

Mr. President, there was no real necessity for the incorpora-tion of this provision about the city of New York, which I will

Provided, That the location of all approaches of said bridge in the city of New York shall be approved by the commissioners of the sinking fund of the city of New York.

The city authorities insisted upon having some such provision, and rather than antagonize the local authorities of the city it was deemed best by the friends having the bill in charge and by

the committee to allow the provision to be made. I do not think any member of the committee thought there was any necessity

Bear in mind, the construction of this bridge is to a certain extent limited and restricted by the bill. It cannot be below Sixty-sixth street in the city of New York; It must be above; and as to the particular point on the side of the city of New York, of course the authorities of the city are at liberty to designate where that I do not understand that the local authorities of Jersey shall be. City or the local authorities of the townships to which the Senator refers have asked for any such limitation or restriction. No petition has been presented here asking for this amendment, and no amendment has ever heretofore been suggested such as the Senator presents. I can see no propriety in the amendment, and I do not think there is any.

Mr. McPHERSON. The Senator from New York speaks of

the North River Bridge Company, which he said I championed on the floor of the Senate. I do not know that I championed that bridge charter specially. I was in favor of it; I voted for it, as I am in favor of building bridges across the Hudson River provided they are built without placing any piers in the chan-

provided they are built without placing any piers in the channel of the river and thereby obstructing navigation.

The New Jersey charter of which the Senator speaks was passed in 1868, at a time when in that part of the country through which this bridge and its approaches are now to be placed and located there was not a single building. It was a goat pasture. There was scarcely a street opened. No public attention was called to it. called to it.

Mr. HILL. On the Jersey side?
Mr. McPHERSON. Yes. To-day it is covered with immense blocks of buildings; streets are opened, and there is no reason in the world why this company may not locate it, in order to suit their special convenience, right through blocks of buildings, taking possession of streets and destroying boulevards and avenues which are now being built through that city. Therefore, in order that there may be no conflict of authority whatever, I claim that there should be some authority to supervise the bridge company to the extent that the approaches shall be laid in a manner least inconvenient and least troublessome and offensive and injuries. least inconvenient and least troublesome and offensive and injurious to the people. On the New York side the bill makes such For the New Jersey side you make no provision.

a provision. For the New Jersey side you make no provision. Now, the Senator says that these municipalities have not petitioned. I do not know that any petitions have been offered here respecting it, but I want to say another thing. The people of New Jersey have never believed that it was possible for the Senate of the United States to pass such a bridge bill as is now before this body, which proposes to locate upon the Jersey side of the river, 1,000 feet from the Jersey shore and near the center of that river, great large piers that will require for their foundation a territory almost equal to an island. That is exactly what you propose to do, and the people of New Jersey have left with the document of the propose to the theory was such a worst of intelligence and out the idea that there was such a want of intelligence and proper regard for commerce in the Congress of the United

States as would ever permit it to be done.

Mr. VEST. Mr. President—

The PRESIDING OFFICER (Mr. FAULKNER in the chair).

Does the Senator from New Jersey yield to the Senator from Missouri?

Mr. McPHERSON. Yes.

Mr. VEST. The question of intelligence is an open one, and the Senator subjects himself to some suspicion when he makes the statement he has done in regard to the committee. I want him to point out a provision in the bill that locates these piers

Mr. McPHERSON. Near the middle of the river—
Mr. VEST. I want him to point out the provision.
Mr. McPHERSON. I said near the middle of the river.
Mr. VEST. I want to see the provision that puts it near the

middle of the river, or in the river at all.

Mr. McPHERSON. It does it, impliedly if not expressly.

As the Senator knows, the third section of the bill provides

no pier shall be built on the New York side of said river outside of the existing pier-head line, and on the New Jersey side only at such a point as will make a clear water way of not less than 2,600 feet from the pier located on the New York side.

Now, we are told that the distance across the river at this point Now, we are told that the distance across the river at this point is about 3,100 feet. Then, 2,000 feet from the pier-head line on the New York side will leave a pier on the New Jersey side 1,100 feet from the pier-head line there. There is the authority that you grant in this bill to locate a pier on the New Jersey side of the river 1,100 feet in the channel from the Jersey shore, and from the pier-head line in the great harbor of New York, which is to-day doing a great share of the commerce of the whole of the United States of America.

Mr. VEST. The Senator, unintentionally doubtless, overlooks a provision on the third page of the bill, which is to the effect

a provision on the third page of the bill, which is to the effect

that the construction of the bridge shall not be commenced until all the plans are approved by the Secretary of War. If the Secretary of Warcomes to the conclusion that putting a pier at any point in the river is an obstruction to navigation he at any point in the river is an observation to havigation he can prevent it. The only provision we make in regard to the piers is that the span shall be in any event not less than 2,000 feet, but if the Secretary of War requires a span of 3,000 feet he has the right to doit. I assert there is no such provision in the bill

the right to doit. I assert there is no such provision in the bill as the Senator from New Jersey has stated.

Mr. McPHERSON. Well, I read from the bill.

Mr. VEST. Yes, but you leave out the discretionary clause which gives to the Secretary of War the right to approve or disapprove of any plans for the bridge.

Mr. McPHERSON. Ah, yes; but I am told then, in the very next breath, that application had been made at the War Department, and that a report had been received by the Board of Engineers indorsing and approving this bill. Now, I want to know, if they have been to the War Department and got a bill approved in advance by the Secretary of War and by the Board of Engineers, what kind of a power do you leave in the face of Engineers, what kind of a power do you leave in the face of such a report in the hands of the Secretary of War to undertake

to move the pier out of the river?

Mr. VEST. Mr. President—
The PRESIDING OFFICER. Does the Senator from New

Jersey yield?

Mr. McPHERSON. Yes, I yield.

Mr. VEST. The Senator from New Jersey this morning indulging in a latitude of expression that is unusual for him and for the Senate. Permit me to say to him that he is entirely mistaken, to use no stronger term, in stating that the Secretary of War has approved the plan of this bridge. On the other hand, Gen. Casey, the Chief of Engineers, came before our committee and remained there during the whole time this bill was under discussion, and gave the committee to understand that he would consider carefully the plan and see that no ob-struction to navigation should be put in the river. I should like to know the authority upon which the Senator makes the statement that the Secretary of War in advance has approved

of the pending bill.

Mr. McPHERSON. I will tell the Senator the authority upon which I make it. When I was handed a copy of the engineer's report I visited the Secretary of War and I asked him to explain how it was that I could be informed by outside parties that the War Department had approved a bill pending here which asked the power, and the other House had granted the power in the bill then before the committee of the Senate, which permitted a pier to be built within 1,100 feet of the Jersey shore and near the middle, certainly one-third of the distance across the river, the pier being large enough to obstruct the ice and obstruct commerce and everything else. He handed me a copy of the bill. I then asked the Secretary of War, "As an officer of this Government, with that bill before you, how much authority have you got to act in the premises?" "Well," he said, "I suppose I might require that the span should be larger."

Mr. VEST. Did he say that he had approved already the re-

Mr. McPHERSON. The report is signed by the Secretary of War, transmitting the report of the board of engineers to Conwithout criticism.

Mr. VEST. I understood the Senator to say that the Secretary of War in advance had approved this plan.

Mr. McPHERSON. I said the board of engineers to whom he

referred it, and the report was sent by the Secretary of War to

Congress in reply to an inquiry.

Mr. VEST. Oh, the board of engineers. There is a report by the board of engineers which has not been adopted, and we therefore put specifically in the bill a provision that Gen. Casey, the Chief of Engineers, shall approve of the plan before any portion of the construction of the bridge shall be begun. Now, the Senator says the Secretary of War has approved of it in advance, and he goes on to state that the Secretary of War told him, on the other hand, that he would have a right to demand under the provision as he understood the proposed legislation, a longer

provision, as he understood the proposed legislation, a longer span than that named in the bill.

Mr. McPHERSON. Then you are told again by the bridge company that inasmuch as they want to build an inexpensive bridge, they want to build a cantalever bridge, and they can not build it with more than 2,000 feetspan. It seems as though a kind of report had been received here from the Engineer Department, of report had been received here from the Engineer Department, contrary, I understand, to every recommendation heretofore made by Gen. Casey, the Chief of Engineers, that no pier should ever be allowed in that river. Now, then, the effect of it is this: It simply enables this company to build a cheap, economical bridge at the expense of the commerce of that great port. In my opinion, if the people of New York and New Jersey were consulted to-day upon this question they would prefer to pay one-half the entire expense of the construction of this bridge. and they could afford to do it, rather than have piers put in the

Mr. GRAY. If the Senator will allow me, I certainly hope that the bill is sufficiently protected by those provisions which require the Secretary of War to carefully consider what obstruction may be presented by the construction of the bridge to the commerce of the country; but I wish to call attention to one feature that presents to my mind a special danger in the construction. tion of all bridges over tidewater streams as distinguished from streams that are not tidewater. It is not the obstruction a pier presents to the commerce of the country by preventing or interfering or making troublesome the going to and fro of craft, but every pier large or small placed in the tideway of a stream presents a measurable obstruct to the flow of the tide up that stream.

Just so much less water flows up as is represented by the cubic contents of that pier or obstruction, and of course there is just so much less to come down. Now a tideway stream like the Hudson might by obstructions, by the building out of wharves on both sides, be brought to a mere filum aquæ, to a mere thread of water that would be perfectly useless for the purposes of navigation. In fact a tideway stream may be blocked off entirely by a dam, and the water will rise on the face of the damand will not flow up at all, thereby differing from such streams as the Mississippi where the current of the water collected from all its affluents and its watershed must flow down and make a channel

The water that flows down the Hudson and other tideway streams is the water that goes up, and you measurably prevent water from going up by every obstruction you place in the tideway. So I hope the bill will be guarded by an authority to the Secretary of War sufficient to compel his attention to the exercise of the power of the General Government to protect the navigability of the great streams of our country.

Mr. RANSOM. Will my friend from New Jersey yield to me? Mr. McPHERSON. Oh, yes. Mr. RANSOM. I do not wish to interrupt the Senator's remarks but it is right that I should say the Committee on Commerce in considering this bill felt called upon to invite Gen. Casey, the Chief of United States Engineers, before it. He was before us Chief of United States Engineers, before it. He was before us for a long time in consultation upon the bill and the provisions in the bill were drawn when he was present, with the distinct statement by him that its provisions would furnish every protection to commerce and to the people on the borders of the river that could be afforded. The bill was constructed with that view after full consultation with him.

Mr. McPHERSON. Then the Senator from North Carolina says that Gen. Casey has already assented to it in the presence of the committee. This is too much; it fairly staggers belief, considering Gen. Casey's record upon this subject.

of the committee. This is too much; it fairly staggers belief, considering Gen. Casey's record upon this subject.

Mr. RANSOM. Gen. Casey has approved of this proposition. He has said as an engineer, so far as an engineer could say so. that the bill would furnish all the protection to commerce that it could have, and that the final clause of the bill, stating that all of the bridge construction must be left to the discretion of the Secretary of War, is the very best proposition that could be put in to accomplish the object the Senator from New Jersey has in view. If my friend will pardon me one moment (I know how I am imposing on his patience), I will state that the bill provides that there must be a water way of not less than 2,000 feet, but the pier may be located as much further as the Secretary of War, under the advice of the engineers, shall determine to be nec

Mr. McPHERSON. The Maritime Association of the city of New York, that I suppose represents the great commercial interests of that port quite as accurately as does the Senator from New York, are here with a protest. The Maritime Association of the port of New York are supposed by the people of the city of New York, the port of New York, and the State of New York to look after any encroachment upon the commerce of that great port, and it is presumed that they are doing so. They are here with a protest against the passage of this proposed act.

I will state the reasons urged by the Maritime Association why this pier should not be put in the river; and I want to call the attention of the Senator from New York to a single fact connected with the legislation of his own State. In 1890 this company asked the Legislature of New York for the privilege of his control of the privilege of the of the priv building a bridge to connect with the Jersey bridge. The State Legislature of New York absolutely denied to them the right to put a pier in the river either upon the New York or the New Jersey side. They said it should be a single span across the entire river. I read the language of the act:

"The said bridge shall be constructed with a single span over the entire

But this company purchased an old charter in New Jersey passed in 1868. They then went to the Legislature of the State of New York, and the Legislature denied to the company the

right to put a pier in the river anywhere, and denied to them the right even to lay a railroad track over their bridge. Now, they come to Congress, and ask the Senate of the United States to assist them in destroying this great waterway for no reason

on earth except that it will save them a certain sum of money in the construction of the bridge.

The North River Bridge Company of which the Senator spoke has a charter passed by Congress three or four years ago. It proposes to span the entire river, 3,000 feet, with a suspension bridge. It has been ready to go on with its work, the money was in sight to build it, at least very largely, until an application came to Congress for a rival bridge. Capital said, "There is not a sufficient amount of business to warrant the building of two bridges across the Hudson River, and until you decide to two bridges across the Hudson River, and until you decide to build but a single bridge we will not furnish the capital to proceed with it?" The available of the capital to proceed with it?" The engineers in charge of that work say that there are no reasons in the world why they shall not span the entire river with a suspension bridge. Why not then amend the pending bridge bill so as to enable this company to span the entire river with a suspension or any other bridge of that kind that they see fit to make?

I have no objection to the passage of the bill. The gentlemen who are interested in this bridge are my friends. The gentlemen interested in the other bridge are my friends. I am as anxious to assist my friends in all their business enterprises, where they are consistent with the public interest, as any man possibly can be, and I make no distinction between the two bridges. I favor this bridge as much as I favored the other, and with like restrictions as to piers, I will vote for it quite as freely; but I would resign my place in the Senate before I would vote for a bill that would tend to put an obstruction in that great water way, the Hudson River at New York, in the manner that

The Senator from Delaware has stated here a case where water was passing up by the action of the tide. Let me apply it to this particular location. It is proposed here not only to give permission to this company, remember, to put a pier in the river, but it is proposed to permit the other company also to put a pier in the river. What would be the effect of it? Let me say to the Senator from Delaware I have seen the ice blocked up in the Hudson River for miles above Jersey City. If these piers are put in the river it will absolutely block out the tidal current, especially when there is ice in the river, for when the tide comes in it blocks the ice which comes down the Hudson River. These piers would make a lodgment for it, and it would be impossible for the ice to be dislodged from these structures placed in the river; and therefore only one-half of the tidal cur-rent necessary to scour out the great water way for ships at Sandy Hook would come into the river.

The Board of Engineers of the War Department have required

even in building the piers on the New York and the New Jersey side that the largest amount of areashould be left to the storing of the tidal currents that come in from the ocean, in order that when the tidal currents pass out they shall scour the channel through which the great vessels are obliged to go. I ask the Senate to consider the great steamship lines with a steamship 600 feet long of 8,000 tons displacement, going to and from Liverpool and Southampton and Havre and all European ports, carrying only about one-half a cargo, because of the fact that the water is too shoal at the entrance to let the ship go out with a full cargo, and they are obliged to sail with half a load of

freight.

freight.

Mr. GEORGE. Where is that?

Mr. McPHERSON. I am speaking of the channel down at Sandy Hook, where the water is shoal and where the sand wishes down from above and fills up the channel.

Mr. President, these ships, as I said, can get neither in or out except at a very high tide, and then with only half a load. Now it is proposed to shut out a part of the tide in order that you may limit it still more, and to that extent increase the transportation cost of the products that we send abroad. And now I portation cost of the products that we send abroad. And now I ant to say something as to what the Maritime Association of

New York have to say about that matter.

Mr. GEORGE. Does the Senator mean to say that it would increase the price of cotton and wheat sent abroad?

Mr. McPHERSON. I say it would increase the freight

Mr. GEORGE. I thought the Senator said it would increase the price

Mr. McPHERSON. If I did not say it I say it now, and emphasize it now; it necessarily increases the cost of transportation when only half a cargo is possible. Mr. GEORGE. I thought the Senator said it would increase

the price of those products?

Mr. McPHERSON. If I made such a statement it was a mistake, and I beg the Senator's pardon. I have now corrected it.

The Maritime Association, speaking of the act passed by the New York Legislature, say:

New York Legislature, say:

It was not until 1890 that an act was passed at Albany incorporating the New York and New Jersey Bridge Company, and then it stipulated that:

"the said bridge shall be constructed with a single span over the entire river." No piers were to be permitted outside the established pier-head lines on either side. This condition was deemed essential to the interests of New York. The State had connected the Hudson River with the great West by means of the Eric Canal, and would not allow that magnificent water way upon which commercial New York depends, to be obstructed at its very outlet. But since then the company has repeatedly sought to obtain authority from Congress to build a bridge with piers. In 1890 their bill was adversely reported both in Senate and House. At every session since it has been offered, only to meet adverse action in Senate committee, and fail of passage. Now it again appears, and it again should suffer defeat. Its promoters seek to violate the distinct prohibition of piers in the North River as conditioned in the New York charter, as well as the rights of all the navigation interests of this port and its northern and western connections.

We should not be understood as opposing North Hiver bridges. On the contrary, we favor them. They are a necessity, but it is equally a necessity that they be only with a single span across the river.

It says:

This bill is worded so as to conceal its true intent. Its stipulation is that; "No pier shall be built on the New York side of said river outside of the existing pier-head line, and on the New Jersey side only at such a point as will make a clear water way of not less than 2,000 feet from the pier located on the New Yorkside." This places the pier dangerously near the middle of the river. A proviso follows: "That nothing herein contained shall be construed as taking away from the Secretary of War the right to require a greater width of span than 2,000 feet," but as Secretary Lamont has informally approved the plans, the enactment of the measure would fix the pier near the middle of the river, contrary to the stipulation of the New York Legislature and against the interests of the port.

Mr. HILL. If the Senator will allow me, let me ask how does this voluntary Maritime Association in New York know about what the Secretary of War has formally approved or informally It is a mere assertion.

approved? It is a mere assertion.

Mr. McPHERSON. They speak of a public document which was handed to me first in the Senate Chamber and is floating about the Capitol and afterwards in the War Department by the Secretary of War himself. There were no secrets about it. It was signed by an engineer named Adams, I think, and it was forwarded here by the Secretary of War himself. I presume the Maritime Association would find no difficulty in getting processes for of such a decument, as it was public property. possession of such a document, as it was public property.

The report of the House Committee on Commerce upon the bill shows that the consequence of its passage are not realized. It says: "It is fair to say that the New Jersey side of the river does not embrace the main channel, and by the recent order of the Treasury is set apart for an anchorage ground for vessels, thus taking it out of the navigable part of the river, so that any pier which might be constructed or allowed to be constructed by the Secretary of War would not interfere with the navigation of the river."

That is unwittingly—

Says the Maritime Association-

a strong argument against the bill. Its introduction shows the unpractical character of the report, and displays lack of information as to the needs of shipping. For the very reason that the pier is proposed to be placed in the anchorage grounds, the pier renders a considerable portion of the anchor-

are grounds useless.

No large vessels could safely drop their anchor nearer than 1,200 feet of it. It therefore becomes as effective an obstruction for anchorages as if it were more than a semicircle of 2,400 feet in diameter.

Equally untenable is the assertion that the main channel is on the New York side. On the contrary, the pier is placed in the channel, with ample depth of water on the west side as well as on the east, for the largest ships that float.

The committee also expresses the opinion—

And here is a matter to which I want to call the attention of the Senate especially-

The committee also expresses the opinion that without such a pier it would be impossible to construct the bridge; or that its cost would be so enormous as to make it a financial impossibility. Therein they differ from engineers and capitalists who propose the other North River bridge without a pier, with a single span, both longer and with greater capacity than this,

Now, then, here comes the special point that the Maritime Association makes as against this bridge:

Again they say "snow and ice in the winter and fogs at other seasons of the year, frequently render the crossing of the river almost impossible and very unsafe."

the year, frequently render the crossing of the river almost impossible and very unsafe.

This assertion is so true that it constitutes one of the chief objections to the bill. A stone pier is proposed to be placed in one of the chief highways of commerce. Not merely ferry boats, but craft of all kinds are constantly passing, tows, lighters, passenger steamers, elevators, rafts. The pier according to the plan, is to occupy a square of 200 feet. In fogs it will be a constant source of peril to life and property affoat. In winter it will obstruct the passage of ice. Experience shows that it es accumulates around piers, and the result would be the frequent closing of the river to navigation. Again, who can doubt that if the proposed pier were a natural rock in the middle of the North River, like Diamond Reef off the battery, or Pot Rock in Heil Gats, to remove which millions have been spent, neither Congress nor the State nor the city would rest until it were effectually destroyed so as to render the navigation of the channel perfectly safe and clear. We have one of the finest streams in the world, with a commerce that has made New York the Empire City and the Empire Sit, si, but this bill proposes to erect almost a tits mouth a tower that would be a monument to the folly of the people permitting it.

Another case in point are the Smith and Windmill Islands in Philadelphia Herbor, that are to-day being removed from the channel at a cost of millions of dollars.

Now, Mr. President, the water where they propose to locate these piers is very deep on the Jersey side, and I have somewhere seen it stated that in building the bridge across the Firth of Forth in Scotland the size of the pier was 430 feet in one direction and 280 feet in the other. So you can follow it. Further, in a criticism in the Engineering News, a competent authority which I believe nobody questions, it is stated that it would re quire quite as large a foundation here as it does at the Firth of Forth, because that was a solid rock with nearly perpendicular sides, and it would require as much space here to be occupied by a pier in the body of the river. Therefore you can form some kind of an idea as to how much of an obstruction it is to become.

Mr. GEORGE. Will the Senator inform the Senate what class of persons compose the Maritime Association of New York?

Does he know?

Mr. McPHERSON. The Maritime Association of New York is composed of shipowners, people who manage ships, all of the commerce transportation interests of the portand harbor of New York, together with the foreign commerce and the domestic com-York, together with the foreign commerce and the doinestic commerce up and down the coast. I do not suppose you could find in any country in the world a more respectable body of men in point of character and ability than the Maritime Association of New York. With respect to transportation it is exactly like the board of trade or the chamber of commerce with respect to ob-

jects which make commerce. One represents the commerce itself, that is, the transportation itself, the other represents the products which make commerce. There is no doubt, I will say to the Senator, as to the character and qualifications of these

Mr. GEORGE. They are supposed to know all about it?
Mr. McPHERSON. Surely. Let it be remembered by the
Senator [Mr. Hill] that the State of New York itself, in its
Legislature, denied to this company the right to put a pier in
that river, and if the application were made to-day it would be denied. Remember the legislation in New Jersey was made in 1868, even before the Brooklyn Bridge was built, and it was not supposed at that time that a bridge could be built with a very long span; but Roebling demonstrated that between New York

long span; but Roebling demonstrated that between New York and Brooklyn, and he has built a bridge there with a 1,600-foot span, and I think Roebling to-day will tell you that he can build a bridge with a span of 3,000 feet as readily as one of 1,600 feet.

Mr. GEORGE. Does the Senator wish to be understood as saying that the Legislature of New York denied to this bridge company the right to put a pier in the Hudson River?

Mr. McPHERSON. Most assuredly, and more than that this company relies upon its charter obtained from New Jersey, simply because that old charter permitted piers to be built 1,000 feet apart in the river; and as it could not be more than half the river in any event, here come the gentlemen whom my friend from New York is representing here as the incorporators of this company, and when they come to ask their own Legislature for a bill permitting them to bridge the river with piers, ture for a bill permitting them to bridge the river with piers, the Legislature not only said, you shall not put piers upon the New York side of the river, but you shall not put them upon the New Jersey side of the river; there shall be a span over the entire river.

Mr. WHITE of California. Has the Senator a copy of that

Mr. McPHERSON. I have it here. I will read it. Mr. WHITE of California. I do not wish to disturb the line

Mr. WHITE of California. I do not wish to disturb the line of the Senator's argument.

Mr. MCPHERSON. I have a copy of it.

Mr. GEORGE. This is a very important matter and it is a very instructive debate. I suggest the want of a quorum. The Senate ought to be here to hear it.

The PRESIDING OFFICER. The Senator from Mississippi suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their papers: swered to their names:

Allen,	Frye,	Martin,	Sherman,
Bate,	Gallinger,	Mills,	Shoup,
Berry,	George,	Mitchell, Wis.	Stewart,
Blackburn,	Gibson,	Palmer,	Stockbridge
Brice,	Gorman,	Peffer,	Teller,
Caffery,	Hale,	Perkins,	Turpie,
Cameron,	Harris,	Pettigrew,	Vest,
Cockrell,	Hawley,	Power,	Vilas.
Colso.	Hill.	Pugh,	Voorhees,
Daniel,	Kyle,	Quay.	Walthall,
Dubois.	Lindsay,	Ransom,	White, Cal.
Faulkner.	McPherson,	Roach.	White, La.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum of the Senate is present. Senator from New Jersey will proceed.

Mr. McPHERSON. In order that I may be exactly correct.

let me read from a letter received this morning from one of the members of the maritime association:

The New York charter, given on pages 9 to 14, contains in paragraph 24

the distinct provision for a single span over the entire river and prohibits plers in the river within the established pler-head lines.

This provision was inserted at the behest of the navigation interests, who opposed the bridge bill in Albany at that time, and who wishdrew their opposition after paragraph 24 was changed to meet their views.

It was to span the river.

Now, it appears that that company intended it merely as a blind, and the claim is made now that the State of New York has no right to legislate beyond its boundary, and that paragraph 4 is void. But nevertheless it ought to be regarded as a distinct declaration of the policy of the State of New York toleave the North River at New York City unobstructed by bridge plers; and it is quite certain that if the State of New Jorsey could legislate on this master now (which it can not under the constitution adopted in 1876, prohibiting special legislation), it would also prohibit plers in the river.

Mr. HILL. Does the Senator mean to tell the Senate that the constitution of New Jersey by the prohibition of special legislation prohibits an amendment of the charter?

Mr. McPHERSON. I have not stated it. I am only reading

what the gentleman says.

Mr. HILL. I understood the Senator to say they could not amend their previous charter in a particular way. I say the prohibition of special legislation does not prevent the Legisla-I say the

promotion of special legislation does not prevent the Legislature of New Jersey from amending a previous special act.

Mr. McPHERSON. I am only reading a gentleman's letter, who seemingly does not understand the power of the New Jersey Legislature as well as the Senator and myself. They certainly would have the power to amend the act.

Mr. VEST. May Lintanguet the Senator and selections.

Mr. VEST. May I interrupt the Senator from New Jersey?
Mr. McPHERSON. Certainly.
Mr. VEST. The Senator certainly knows what his Legislature has done in the past. I ask him if that charter has not been amended three times within twenty years by the Legislature of New Jersey, and the amendment approved by the attorney-general of the State and the governor of the State?

Mr. McPHERSON. I prefer not to speak on that subject at all. I know nothing about it. I understand it to have been re-

vived only, and yet the Senator may be correct in saying that

new powers were given in subsequent acts.

Mr. GEORGE. The Senator made a statement a little while ago which I did not exactly catch about the probable size of one of these piers and how much of an obstruction it would be in the river.

Mr. McPHERSON. I will read from the engineer's report what would be the size of the pier of the North River Bridge Company, the one which was chartered three years ago, and that is located within the pier line. It is 340 feet one way by 180 feet the other; and surely with a pier to be located in the river at an elevation of a thousand feet out from the Jersey shore in deep water, with a silt bottom very largely, which necessarily would require caiseons to be put down perhaps 150 feet for a foundation to bear this great cantalever structure or system reaching out a thousand feet from the pier line in both directions, I can not imagine that it could be less in size than that proposed by the North River Bridge Company.

I will state further as to the cantalever bridge across the Firth

of Forth in Scotland, which is a bridge of like character with this proposed bridge, the Engineering News gives the foundation:

The dimensions of such a bridge pier in the North River can certainly not be less than those of the Brooklyn Bridge—140 by 60 feet—near the water line, but, on account of the more exposed location of wind storms, it must be made larger. It was necessary in the case of the Forth bridge, in Scotland, for this reason to make the towers very wide at the base, requiring a group of four piers, each 80 feet in diameter, and the middle tower occupying an area of 430 by 230 feet, for which an existing rocky island was util-

Mr. GEORGE. That answers my question. Mr. McPHERSON. Now as to the argument that this engineer uses. He says:

That company also uses the argument that at their location a bridge pier is admissible because it would be on anchorage ground. But as new docks are all the time building from both sides of the river farther north it will only be a question of time when the whole river front on both sides, from Fort Washington and Fort Lee down, will be occupied by docks, and when the anchorage ground will be moved further north. A bridge pier, occupying an acre and a half of space and forming a veritable island, would be a serious menace to navigation.

The statement which is made on page 2 of the inclosed House report from Mr. Geaux that a single span bridge—

Now, here is a thing that has frightened this company-That a single-span bridge would cost over \$100,000,000 is a misrepresenta-tion.

I now read from the engineer of the North River Bridge Company. Mr. HILL.

Mr. HILL. The opposition bridge company.
Mr. McPHERSON. Very well; the opposition bridge company, if you please. He says:

pany, if you prease. Lie says.

If that company would invite competitive plans from engineers and bridge builders for single-span bridges of \$1,00-foot span, which is nearly the same at that location as for the North River bridge at Hoboken, it would soon be shown that a single-span bridge, for fast railroad trains on six tracks, could be readily and economically built on that location for about \$20,000,000. Their demand for a pier in the river is caused by the desire to get a greater

privilege than the North River Bridge Company has obtained, and to use this advantage in selling their bonds on the representation that their bridge will costless.

And so on. Speaking further, he says of the single-span bridge:

It is not true that single-span bridges over the North River above Hoboken can not be built.

And take to-day the consensus of opinion of nearly all the great engineers of the world and they will tell you that it is not impossible, but entirely feasable.

It is an old story which was told when Roebling proposed to bridge the East River to Brooklyn with a single span. Almost all other engineers in the country at that time considered him visionary and his scheme impracticable. But his judgment has been vindicated by the completion of his bridge and by the building of a much larger bridge in Scotland, namely, the Forth bridge, near Edinburgh, having two larger spans (1,700 feet each) than the Brooklyn bridge with a 1,600-foot span.

The span I suppose for each of the arms would be about a thousand feet if it is built in accordance with this bill. A pier on the New York side of the river would carry a cantalever half way over, opening not less than 2,000 feet I suppose. Senators understand how these cantalever bridges are built. They join together with arms from the two piers. They join together in the middle, and are supported, of course, upon strong piers and braces from above, and it is almost a perfect balance, with an arm running in opposite directions.

Now, Mr. President, it is shown that even the Firth of Forth bridge is much larger than is proposed here, even if you wish to build a cantalever bridge, but there is no necessity for putting a pier in that river at all.

Mr. LINDSAY. With permission, I will ask the Senator from New Jersey if the act of the Legislature of New Jersey prohibits

New Jersey if the act of the Legislature of New Jersey prohibits a pier from being put in the river?

Mr. McPHERSON. The act of the New Jersey Legislature, I will say to the Senator, was passed in 1868. Then the line between New York and New Jersey had not been definitely defined, and it allowed them to build one or more piers a thousand feet apart. That act was passed at a time when there was no attention paid to bridge building, and the New Jersey Legislature I think to-day would not think of passing any such act.

The New Jersey bridge charter required that consent should first be obtained from the State of New York for like powers and privileges from that State before a bridge could be constructed.

first be obtained from the State of New York for like powers and privileges from that State before a bridge could be constructed. It was not obtained until 1890. In 1890 the State of New York absolutely denied to the company the right to put a pier in the river, and they made it a condition that the whole river should be spanned. They were not given power even to build one at the New Jersey end of the bridge except upon the condition that there should be no pier in the river anywhere. That was the demand of the Maritime Association; that was the demand of the of New York; and not only that, but they could not even mand of the Maritime Association; that was the demand of the people of New York; and not only that, but they could not even place a railroad track upon their bridge. Now, this charter gives them power to put railroad tracks upon the bridge. They come here and get it from Congress. It is not such a permit under some general system of laws, such as the honorable Senator from Missouri [Mr. VEST] a year or two ago had passed here for bridge building across the Western rivers. That was a well-guarded bill in the interest of navigation, while this is a bill to destroy navigation. destroy navigation.

Mr. HILL. Will the Senator allow me?

Mr. McPHERSON. Certainly.

Mr. McPHERSON. Certainly.
Mr. HILL. A bill was passed by Congress a few years ago for a rival bridge company, if I may use that term, expressly providing that it should be a railroad bridge.
Mr. McPHERSON. Yes, sir; and let me describe to the Senator what kind of a bridge that was.
Mr. BRICE. Will the Senator allow me to ask him a ques-

Mr. McPHERSON. I will. Mr. BRICE. Was there not a limitation in the bill passed in 1890 providing that some work must be done before July 1, 1893; otherwise the charter would fail. Do I understand that that time has not been extended?

Mr. McPHERSON. I understand it has been extended.
Mr. VEST. It was extended for twelve months.
Mr. McPHERSON. I do not want any member of the Senate to understand me as opposing this charter. I will gladly and freely vote for a charter to these people on the same terms exactly that I voted for the other charter. I do not want to restrict bridge building across the Hudson River. I am not an advocate of one company more than another. I say that you have given to the other company the power to bridge by a single span. Give it to this company, and under no consideration give to either company the power to interfere with the navigation of

Mr. HILL. If the Senator will allow me, it was claimed by the friends of the North River Bridge Company that they ought

to have the same rights as this company, and at the instance of gentlemen who are friendly to that company this very bill has given that bridge company the same rights. The Senator from New Jersey ought to state that for the benefit of the Senate. So far as that branch of the argument is concerned both companies stand upon an equality. I doubted the propriety of mixpanies stand upon an equality. I doubted the propriety of mixing up the charters of the two bridge companies in one bill, but the committee thought otherwise. It was a unanimous report.

Mr. McPHERSON. Speaking of the North River Bridge Company, when they came to the War Department and to Con-

gress they adopted a plan and that plan showed exactly how much they were to do by way of approaches. It was only to drop from the level of the bridge down to join and connect with drop from the level of the bridge down to join and connect with the soil beneath. They did not have any permission to run all over the country, but only a bridge to cross the river and sufficient approaches for trains and vehicles to get on the bridge. The distance, as the Senator from New York knows, between Hoboken and the hills, we call them the bluff, is scarcely less than from where we sit down to the foot of the Capitol grounds. There is a level plain, and beyond that is a hill two or three hundred feet high. The bridge would necessarily be built from the bank of the river on an elevation until it reached the bluff. It would interfere with no traffic there, and in the city of New York it could not move a step under the laws of the city of New York unless it secured its authority from the municipal authori-

Now, I want the bridge bill to be passed, but I do say that I am sure every Senator will find if these piers are put in the river that they will be destructive to the navigation of the stream. There is no reason for it except it will save this company perhaps \$10,000,000 or \$15,000,000 in the construction of their work, and to that extent rob the commerce of the country of more than a hundred million dollars before the end comes, because we are not legislating for a thing that is to last a week or a month, we are legislating for all time for the greatest commercial city in the United States, a city where the railroads of this country, the great trunk lines of railroad which wander far and wlide over the States and Territories of the great West, bring the products of the West and land them there at our very doors. It is the spot where imports and exports meet for exchange; where these great steamship lines come in and discharge their freight directly on the ears to be transported West, and they discharge in like manner the freight which is brought from the West is discharged into ships immediately at the dock.

Let me show what the Engineering News says on the effect of these piers. I shall read it, so that there may be no mistake as to the exact words:

as to the exact words:

The North or Hudson River at New York City, is the principal harbor of the United States. Its navigation has distinctly the character of harbor navigation, combined with river navigation: that is, the vessels not only pass up and down, as on a river, but crosswise, from shore to shore, and diagonally, as in a harbor. The large ocean ateamships must have room to swing in and out of their docks and slips, and chiefly for this reason the anchoring of vessels in the river is prohibited. Some of these steamers are 560 feet long, and steamers will undoubtedly soon appear of a length of over 600 feet, requiring the full unobstructed width of the river at any point for their evolutions. Two of the White Star steamers are 582 feet long, two of the Imman steamers 566 feet, while the new Cunard steamers will be 630 feet long, and the new Imman steamers probably about the same length.

From year to year the region devoted to wharves and docks is extending upward, and probably will in future : equire the entire water front of the city. Besides, the United States Government is cutting a canal from the North River to the Harlem River for the purpose of giving direct entrance to ocean craft from Long Island Sound through the Harlem River into the North River, which will thus more than ever require to be free from midriver obstructions. The time of greatest danger to navigation is during the frequent fogs in the harbor. Collisions are of almost daily occurrence, in spite of all possible precautions, as shown by the reports of the Chief of Engineers, United States Army, but a collision of two ships can never be oldsastrous as a collision of ship and bridge pier.

The maneuvering and steering of vessels intersecting each other's courses is very much complicated by any immovable obstruction, such as bridge piers in a harbor, even in clear weather, and becomes a matter of very serious danger in icy or foggy weather; so much so that if nature had planted piers or rock islands in the North River the Government

I wish to call the attention of the Senator from New York to what would have been the effect if this proposed pier had been in the river at the time of our great naval parade, when the naval vessels lay at anchor in the Hudson River up about Seventieth and Seventy-second streets, and even as far as Eightieth street, New York. The Engineering News tells us that one of the modern ships of commerce, a ship 600 feet long, lying at anchor with her cable chains almost as long, would require, to swing with the tide, a space of 1,200 feet.

Within 1,200 feet of that pier, up and down the river, a vessel can not be anchored, and a vessel can not be anchored between

the pier and the New Jersey shore, because it is only 1,000 or

1,100 feet from the shore, although the water is deep enough.

Mr. GEORGE. Will the Senator allow me to ask him a question at that point?

Mr. McPHERSON. Yes. Mr. GEORGE. I ask the Senator from New Jersey if the exact point at which the bridge is to touch the New Jersey shore is cated in the bill?

Mr. McPHERSON. Yes; sufficiently definite for our purpose.
Mr. GEORGE. I ask, further, if that part of the shore is used for the landing and anchorage of vessels and for the loading and

unloading of vessels?

Mr. McPHERSON. If there is a single vacant pier or space wide enough for a pier for 6 miles from the very point where the bridge crosses I do not know of it, and I think I am very

onversant with that whole locality.

Mr. GEORGE. Does the commerce go above the place?

Mr. McPHERSON. It goes up near to the pier where this bridge will be located. And every year adds new piers for com-

merce.
Mr. GEORGE. Are railroads concentrated there?
Mr. McPHERSON. The great railroad companies and the largest coal industry in the city of New York is near where it is proposed this bridge shall cross, or a little below the point, and there are the great terminal facilities of the New York and Erie Railroad, the West Shore Railroad, the Delaware, Lackawanna and Western, another trunk line, then comes the great the Railroad and Ohio, the Lebigh Val. Pennsylvania system, the Baltimore and Ohio, the Lehigh Valley, together with great steamship lines, and more coming every year, all located on the Jersey side of the river.

In speaking of the location along the river, I am speaking of the trunk lines of railroad, which absorb the whole water front

for a mile below Jersey City, up almost to the very point where the bridge is proposed to be placed. Mr. VEST. Does the Senator from New Jersey mean to answer

the question of the Senator from Mississippi by stating that the

proposed bridge has been located?

Mr. McPHERSON. I understand that the bridge has been located, and plans had been filed.

Mr. VEST. If the Senator from Mississippi will look at the

bill, he will find that there is no location of the bridge; it is not to be below Sixty-sixth street, and its location is subject to the approval of the Secretary of War. That is all there is on that

Mr. McPHERSON. There has been no secret about the lo-

Mr. MCPHERSON. There has been no secret about the location of the bridge, as I understand.
Mr. VEST. I do not know where it is to be located.
Mr. GEORGE. I do not know whether the Senator from New Jersey is the proper person of whom to ask the question which I desire to propound, but I ask the question generally, what is the propriety of leaving to the Secretary of War the location of the pier on the New Jersey side of the river, whilst it is definitely fixed on the New York side?

Mr. MCPHERSON. I should like to have some other Senator

Mr. McPHERSON. I should like to have some other Senator answer that question. I can not answer it.

Mr. LINDSAY. I ask the Senator if there is anything in this bill which authorizes any pier to be put in the river on the New Jersey side?

Mr. McPHERSON. I think there is.

Mr. VEST. No, there is not.
Mr. LINDSAY. Is not this bill intended to be a merelicense
by the Federal Government to construct across a navigable stream a bridge which could not otherwise be constructed; and does not the bill provide in express terms that the structure is to conform to the laws of New York and New Jersey; and is not the provision as to the piers and spans a limitation upon the power of the Secretary of War; and is not the Secretary of War authorized to require the piers and spans to be constructed as he may think the necessity of commerce requires?

Mr. MCPHERSON. It is supposed that the Secretary of War has already given his approval. The bill had been submitted to the Department at least and report made.

the Department at least, and report made. the Department at least, and report made.

Mr. VEST. I denythat, Mr. President, absolutely. It would
be an outrage for a Cabinet officer to give his approval of a bill
before it is submitted to him as an act of Congress; it is an outrage upon the Secretary of War that such a statement should be
made. He would be subject to impeachment if he should do such
a thing as to say in advance to the company, "I approve your
bill before Congress has passed upon it." The Chief Engineer
comes before our committees and says that he proposes to exercise the discretion given to him in this bill, and that no pier
shall be placed there which will obstruct navigation. I am surshall be placed there which will obstruct navigation. I am surprised that the Senator from New Jersey makes such a state-

Mr. McPHERSON. I presume the Senator has in his committee room a copy of that report. Unfortunately I have not the paper before me this morning; but it is not an unusual thing for committees of the Senate to submit important matters to the Departments for information and criticism; and the evidence is here that the Board of Engineers recommended amendments, which the committee adopted, to this very bill. His plea of impeachment comes very late. Let me say to the Senator it has always been done since I have been in the Senate, and never did

I hear it criticised before.

Mr. VEST. I have stated it again and again, and it seems to make no impression upon the Senator from New Jersey. Does he mean to say that a report from an engineer or a set of engineers is absolutely compulsory on the Secretary of War? Does he not know that the reports have been rejected time and again in regard to bridges over navigable streams? Yet the Senator persists in the statement that the Secretary of War has in advance of any legislation by Congress approved of this bill. I deny it. I have too much respect for Mr. Lamont to believe that he would do any such thing.
Mr. MCPHERSON. The Cong

Mr. McPHERSON. The Congress of the United States are given direction, supervision, and control over the navigable waters of this country. I want to know if the Senator from Missouri is willing to abdicate his power and responsibility and allow a bill of this kind to pass, which seemingly on the one hand authorizes the Secretary of War to do a certain thing and in another clause of the bill says he need not do it unless he de-

sires to do so. This is not treating the Secretary

Mr. VEST. I will answer the Senator from New Jersey. Mr. VEST. I will answer the Senator from New Jersey.
Mr. McPHERSON. In other words, I think the true construction of this bill would impel the Secretary of War, if the Board of Engineers should decide favorably to it, to proceed to execute the law, and we are told here that the Chief of the Board of Engineers has been present in the committee room and has given his assent to the bill. The Senator from North Carolina [Mr. RANSOM] made that statement, and unless the Secretary therefore repudiates the advice of the Board of Engineers he

will hardly see his way out of the difficulty.

Mr. GEORGE. The question I propounded to the Senator from New Jersey was based upon the following language contained in the bill: "And no pier shall be built on the New York side of the river outside of the existing pier-head line;" which I understand to be the structure for the loading and unloading of Is that correct?

Mr. McPHERSON. Yes.
Mr. GEORGE. The bill continues: "And on the New Jersey side only at such a point as will make a clear water way of not less than 2,000 feet from the pier located on the New York side." less than 2,000 feet from the pier located on the New York side. I understand the river is 3,100 feet wide. So this provision will be complied with by locating the pier on the New York side at a point fixed by Congress, and it would leave to the Secretary of War to locate it on the other side of the river, by putting it 1,100 feet from the shore, whilst on the New York side it would be at the shore. I want to know why the distinction is made between the State of New York and the State of New Jersey in

Mr. McPHERSON. The company have the idea that they can not span the river with their bridge for more than 2,000 feet. They knew that the State of New York would not brook it. The Legislature of that State denied them the right and they fell back upon the power granted to them in 1868 in an old New Jer-

back upon the power granted to them in 1868 in an old New Jersey charter for the power to locate a pier on the New Jersey side when the New York Legislature denied them the right, and now they ask Congress to help them out.

I desire to say that I do not wish to throw any hindrance or obstacle in the way of a vote upon this bill, but the amendment I have offered providing that the board of freeholders of the county of Hudson shall have charge over the approaches to the bridge I think is proper. I should like to have a vote upon that question, and then I should like to have a vote upon another amendment which I shall send to the desk and ask to have read.

Mr. VEST. Let the other amendment he acted upon first

Let the other amendment be acted upon first. The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from New Jersey.

Mr. VEST. I want to be heard upon that amendment, if the Senate will permit me. Is the Senator from New Jersey through? Mr. McPHERSON. I am until I offer the amendment which

Mr. McPHERSON. I thought the amendment had been dis-

Mr. VEST. The amendment has not been disposed of. Mr. McPHERSON. Then I should like to have a vote upon

the amendment.
Mr. ALLEN. I ask that the amendment of the Senator from

New Jersey may be read.
The PRESIDING OFFICER. The amendment will be read. The SECRETARY. In the second clause, line 32, after the word "New York," it is proposed to insert "and in the State of New Jersey by the board of chosen freeholders of the county of Hud-

Mr. McPHERSON. I ask to have a vote on the amendment have offered, and then I shall present the other amendment.
Mr. HILL. Are there any other amendments to be offered to

Mr. FRYE. I hope the Senator from New Jersey will not offer the other amendment until we have disposed of the first amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey, which has been hear

Mr. VEST. Then I shall take the floor, Mr. President. I have had considerable experience with the necessary lation by Congress with regard to the construction of bridges over navigable streams. The duty has been imposed upon me for over ten years, as chairman of the subcommittee of bridges of the Committee on Commerce, to give attention to this matter; and I can say without any hesitation that it is simply impossible to give permission to any corporation to construct a bridge over a navigable stream without a contest between the navigation interests and the bridge interests. Every bridge is necessarily in a larger or smaller degree an obstacle to navigation. I might say that there is a natural antagonism between the rights of navigation and those of railroad companies who desire to cross navigable streams with their tracks.

It is a very wise provision of the Constitution which gives the

arbitrating power to Congress. There is no provision in the Constitution reposing power in the legislative department which receives greater illustration of its efficacy and propriety at every session of Congress. Unfortunately the Senator from New Jersey seems to be under the impression that this is a local ques-York has done and what the Legislature of New York has done and what the Legislature of New Jersey has done.

I care nothing for the acts of either.

My construction of the power of Congress, as given by the Con-

stitution, is that we shall pass in each instance upon the issue as to whether navigation will be interfered with by the construction of a proposed bridge. As to what may occur upon either side of a river, as to the railroads which may come to a bridge, and as to what streets in a municipality these roads shall be upon, Congress, in my judgment, has nothing whatever to do. Our responsibility and power are confined entirely to the question as I have stated it, whether the proposed bridge structure interferes with the navigation of a navigable stream.

I opposed the charter for the North River bridge because that company came to Congress and asked us to usurp, in my judgment, the functions of the States Legislatures and to create a corporation. They ought to have gone to the States of New York and New Jersey, one or either or both, in order to get their

charter. In the present instance, this company has a charter both from New York and from New Jersey.

The Senator from Mississippi [Mr. George] asks why it was that that the New York side of the pier was prohibited outside of the pier-head line, whereas on the New Jersey side there was no such limitation. I will answer him very frankly. The act of the Legislature of New York prohibited any pier outside of the pier-head line, and the act of the Legislature of New Jersey did no such thing. It is a remarkable fact that the charter of this company has been amended three times in two years, as the Senator from New Jersey knows and admitted and these the Senator from New Jersey knows and admitted, and these amendments were approved by the chief executive and the attorney-general of that State, and that no such prohibition as to piers outside of the pier-head line on the Jersey side was put in

those amendments.

Mr. GEORGE. By the New Jersey Legislature?

Mr. VEST. By the New Jersey Legislature.
Mr. McPHERSON. I do not think the Senator is correct when he says the act was amended. I think the act was revived.
It expired either by limitation or by lack of attention in paying the fees, taxes, etc., to the State; but I think the legislation of

which the Senator speaks was not to revive the act in any sense which gave additional authority about piers in the river.

Mr. VEST. It does not break the force of my argument that the amendment simply revived the act. The point I make is that the attention of the Legislature of New Jersey was called to this charter, and if they had considered the provision as to piers important and necessary they would have amended the original charter, which they did not do.

Mr. ALLEN. I should like to ask the Senator from Missouri a question, if he will allow me.

a question, if he will allow me.
Mr. VEST. With great pleasure.
Mr. ALLEN. I understood the Senator to say that the constitutional power which Congress had was simply to grant a license or privilege to build a bridge over a navigable stream.
Mr. VEST. Yes.
Mr. ALLEN. I should like to ask the Senator if it is not true that it would be perfectly competent for Congress under the pro-

visions of the Constitution, to prescribe the regulations for the operation of bridges over navigable streams over which persons

may travel and railroads be constructed?

Mr. VEST. I suppose Congress could put conditions upon the Mr. VEST. I suppose Congress could put conditions upon the construction of a bridge, if the Senator means that; and we do that in every bridge bill. We provide that it shall be of such a height, that the spans shall be of such a length, etc.

Mr. ALLEN. I ask if the Senator admits that it would be perfectly competent for Congress in the passage of this bill to prescribe that all railroads which may cross the proposed bridge

shall have the same rights?

Mr. VEST. We always do that. That is part of the legitimate power of Congress. Of course, we may provide that other railroads may use the bridge, and if the company which receives the charter and the other companies desiring to use the bridge can not agree, then that question shall be submitted to the Sceretary of War. All these are corollaries from the constitutional power to regulate the bridging of navigable streams. What I mean is that we have no right to go within the legislative jurisdiction of a State and say that a railroad company shall have the right to condemn land according to an act of Congress for the right of way to get to a bridge: or that their tracks shall be of much a width on that their tracks shall be of such a width or that their tracks shall be of such a height.

Mr. ALLEN. I fully concur with the Senator.
Mr. VEST. That is all I mean to say.
I opposed the North River bridge because, in my judgment, it usurped the functions of a State Legislature; I fought it in tommittee and fought it on this floor, but I was overruled by a majority of the committee and of the Senato. I opposed the provision in this bill as originally offered, that the municipality of New York should have contain news over the connections of of New York should have certain powers over the connections of this bridge; in other words, I contend that Congress has no right to say that the municipality of New York shall be vested with other powers than the State Legislature has given them. That is all of it. I sympathize with all that can be said against the grant of extraordinary powers by Congress in derogation of the rights of a State Legislature.

Mr. GRAY. If I understand the Senator from Missouri, this bill is not a bill which attempts to charter a bridge company and to authorize and control the operations of a bridge, but it is merely to remove any objection which the United States may have, by reason of its control of the navigable waters of the United States, to the erection of a bridge by a corporation already au-thorized by the States of New Jersey and New York to make that construction.

Mr. VEST. If I understand the Senator's question, yes. Mr. GRAY. That, I believe, is the situation. Mr. VEST. All that I intended to do in my legislative action, Mr. VEST. All that I intended to do in my legislative action, in the Committee on Commerce and here, was to give this company the right to construct a bridge which would not interfere with navigation of that river, that is all; and I opposed every

other provision in this bill.
Mr. FRYE. I understood the Senator from Missouri to take the

Mr. VEST. I am coming to that. I have stated what is my opinion generally on the subject of the construction of bridges

opinion generally on the subject of the construction of bridges over navigable streams.

The Senator from New Jersey, as I was proceeding to say, has attempted to consider this question as a local matter. It is not a local matter; it is a matter affecting the people of the whole United States. Take, for instance, the citizens of Missouri, who ship large amounts of produce to New York, not only to be consumed in that city, but to be sent abroad. Every impediment to cheap entrance into the city of New York and to gain access to the seaboard of that port is a charge upon the people of my State and upon the corn, wheat, and cattle we send to New York and to foreign countries. As you increase the facilities of transportation, you increase the price which is given to the producer. That proposition is beyond question.

Now, what is the condition of affairs in the great city of New

Now, what is the condition of affairs in the great city of New York? You are forced to cross that river at immense expense, the value of commodities relatively considered. The traveler who goes there must pass from Jersey City on the property of a corporation, a ferryboat, and pay toil every time he crosses that river, and be subjected to immense inconvenience, as every one of us knows, after he has reached the New York side. The of us knows, after he has reached the New York side. whole country is interested in bridging that river. Mr. MCPHERSON. May I ask a question?

Mr. VEST. Certainly. Mr. McPHERSON. It is provided in the bill that the bridge company may charge toll upon the railroad, and the railroad companies, I assume, will charge it back again upon the party who occupies a seat in the car?

Mr. VEST. As a matter of course. Mr. McPHERSON. Therefore, I see no difference whether

a railroad company which furnishes the appliances or some one else who furnishes them makes the charge

Mr. VEST. If the Senator from New Jersey does not admit the fact that the greater facility you give to the transportation of either passengers or produce across that river the more it to the interest of the public, then I despair of convincing him

of anything.

Mr. McPHERSON. I will answer the Senator in a word if he will permit me to do so.

VEST. Containly.

will permit me to do so.

Mr. VEST. Certainly.

Mr. McPHERSON. I want to say to the Senator that to-day there is no produce coming from Missouri or any other State in the American Union which would cross that bridge into New York any more than crosses to-day. The great rallroad system there discharges grain upon the New Jersey shore: we take it over to Brooklyn in cars, and deliver it directly to the elevators. It can not be carried across to the New York side. There is no room for freight depots in the heart of the great city of New York; and besides, grain and produce of all kinds must be left upon the shores convenient to water transportation, to be carried by steamships. The bridge is to be one for the accommoried by steamships. The bridge is to be one for the accommodation of passengers, and the carriage of the mails and express freight, and it can not with profit be used for anything else. You can not cart the grain and cattle of Missouri from their proposed station in the heart of the city to the steamship in the harbor. I can not understand how the Senator got that idea into his head.

Mr. VEST. Well, Mr. President, if the Senator prefers it, I shall confine my argument to passengers. Still, I say, that the construction of another bridge, or of a dozen bridges, would be in the interest of the general public throughout the United States. It is absurd, with all respect to the Senator from New Jersey, for him to stand here and state that it would cheapen transportation for either passengers or produce to have but one way of getting into the city of New York. If the Senator chooses to put himself in that attitude, let him do so.

Mr. GEORGE. May I ask the Senator as to a question of

Mr. VEST. Certainly, Mr. GEORGE. Is it beyond the engineering science of to-day to build a bridge across the Hudson River without a pier in the middle of it?

Mr. VEST. That is a question which was asked of Col. Casey before the Committee on Commerce, and he frankly confessed that he was not able to reply to it without consulting riparian engineers. Col. Casey is a very able engineer, but not a riparian engineer in the strict sense of the term. There is a riparian engineer in charge of that river, who reports to Col. Casey, and Col. Casey reports to the Secretary of War, and the Secretary of War to Congress.

Mr. GEORGE. Then, that part of the case has not been made

Mr. VEST. That part of it. I do not pretend to be an expert, and I only speak with such knowledge as I have derived as chairman of the subcommittee on bridges of the Committee on Commerce, that the span proposed here, if constructed, will be the longest in the world. When Capt. Eads proposed to throw a span of 525 feet in the great St. Louis bridge engineers sneered at the idea and said it was utterly impracticable, but it stands there today and will probably stand there as long as this continent of dures. The longest span that has ever been constructed, even dures. The longest span that has ever been constructed, even under the cantileversystem, is 1,700 feet over the Firth of Forth. One was constructed of 1,500 feet, which was wind-blown and fell, and then another of 1,700 was constructed. The bridge proposed by the pending bill can not be less than 2,000 feet, and as

much more as the Board of Engineers may require.

The Senator from Texas [Mr. Coke] asks me a question as to the length of the span of the Memphis bridge. I can not state it accurately, but it is over 600 feet, between 600 and 800 feet. Under the cantilever system, however, the span of the bridge over the Firth of Forth is 1,700 feet, and the proposed bridge, if constructed, I repeat, will be the longest span in the world in

Mr. GEORGE. Does the Senator from Missouri concede the position taken by the Senator from New Jersey to be correct, that the proposed bridge will not be used for freight, but only

for passengers?

Mr. VEST. I do not concede it, because the statement made to our committee was directly the opposite. The Senator from New Jersey has made a great many statements, which he doubtless believes, but I do not know on what authority.

Mr. GEORGE. That is all I wanted to know.

Mr. VEST. I know that this matter has been repeatedly be

fore the Committee on Commerce for five years, and we have the most voluminous testimony coming from different interests in regard to it. One of the main arguments before the Committee

on Commerce has been that the construction of this bridge or any other bridge would cheapen the transportation of Western products as they come to New York and the seaboard. I repeat that I should like to see five bridges constructed in stead of two, if they did not obstruct navigation on that river. Competition would necessarily cheapen transportation, and that would be in the interest of the great producing classes of the would be in the interest of the great producing classes of the country. This is especially desirable now when agricultural products are so much depressed in value.

Something has been said here about the North River bridge. I opposed that charter, but I made no opposition to the extension of the time after the company had failed to comply with the limitations prescribed in the original charter, and my personal relations were of the kindest description to the projectors of that bridge. They assured me personally and other members of the committee that if they only got the limitation extended for a very few months they would construct their bridge. The extension was chearfully given to them but the bridge has not been tension was cheerfully given to them, but the bridge has not been constructed.

I have no interest in this matter except as a Senator endeavoring to do his duty to the entire country. I have no prejudice of any sort which would interfere with me to impartially discharge any sort which would interfere with me to impartially discharge my duty as between these warring corporations. All that I want to do, and all that the committee wants to do, permit me to say, is to evolve and bring out of this controversy something which will benefit the people of the whole country, without regard to these local antagonisms and interests.

Mr. MILLS. I simply desire to say that I wish to move an executive session, but I shall not do so if the pending bill can soon be disposed of.

Mr. VEST. We shall soon be able to conclude it.

Mr. VEST. We shall soon be able to conclude it.
Mr. MILLS. Very well.
Mr. VEST. Before I pass away from the subject of the pending amendment, I wish to call the attention of the Senator from Mississippi [Mr. George], as he has made an inquiry, and very properly, in regard to the legislation of the State of New Jersey, to an act of the New Jersey Legislature, which I have before me, approved April 17, 1868. I ask the Secretary to read the provision which I have marked.

The PRESIDING OFFICER. In the absence of objection.

The PRESIDING OFFICER. In the absence of objection,

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

5. And be it enacted. That the said company shall have the power to erect. Construct, and maintain a permanent bridge over the Hudson River, and construct and operate a railroad over the same between some suitable point in the city of New York and a point north of the southerly line of the township of Union, in the county of Hudson, in this State, and to lease, purchase acquire, and hold as much real estate as may be necessary for the site of said bridge, and of all abutments, approaches, walls, tolihouses, and other structures proper to said bridge, and for the opening of suitable evennes to approach to said bridge, and shall also have power to build, erect, and construct a pier for the support of said bridge at the bulkhead line on each side of said Hudson River, and one or two piers in the river between such bulkhead lines with spaces between said piers of not less than 1,000 feet each. Provided, That nothing in this act contained shall be construct to authorize, nor shall authorize, the construction of any bridge which shall obstruct the free and common navigation of the Hudson River, save as herein granted, and such bridge shall not be less than 130 feet elevation above high tide at the middle of the river; it shall not obstruct any public road, street, or avenue which it shall cross, but such public road, street, or avenue shall be opened by a suitable arch or suspended platform as shall give a suitable height for a passage under the same for all purposes of public travel and transportation.

Mr. VEST. That sufficiently explains, it seems to me, why

transportation.

Mr. VEST. That sufficiently explains, it seems to me, why no provision was inserted in this bill as to the piers upon the New Jersey side. That act is in full force, and I submit that the Legislature of New Jersey is entirely competent, as was the Legislature of New York, to say what shall be done as to the piers upon the New Jersey side of the Hudson River. If the New Jersey Legislature entertained the same opinion in regard to these piers which seems to be entertained by the Senator from that State, they could easily have made it known, especially within the last two years, when they have three times acted upon this charter. Upon that particular point I have simply a word to say, and then I shall dismiss it.

I should not have favored either in committee or in the Senate

I should not have favored either in committee or in the Senate any bill which proposed to arbitrarily place a pier in that river. There were conflicting opinions and arguments in regard to these plers and in regard to the span of a cantalever bridge. I supposed then, and think now, that the safest way for the Senate of the United States to act upon the matter is to leave this to the better judgment of the Engineer Corps. They are entirely impartial. There is, as I said, a riparian engineer expert in charge of that river. There is no more honest nor impartial. nor conscientious public servant living than Gen. Thomas L. Casey; and this Congress has repeatedly evinced its confidence in him by putting him in charge of large public buildings, and following his judgment in regard to the construction of bridges all over the country, and in not one single instance have we been deceived by him.

Therefore, in this bill is the provision in two places that no

bridge shall be constructed there until Gen. Casey, or the head of the Bureau of Engineers, approves it. I grant you that this proposition may be answered by saying: "Gen. Casey may die." My experience with the Engineer Corps is that of all the bureaus of this Government they have been the most exceptionally true to the public interests and honest in the discharge of their duties. I know of but two instances in which engineer officers have been subjected to criticism on account of the manner in

which they discharged their public functions.

Mr. GEORGE. Will the Senator allow me a moment?

Mr. VEST. Certainly.

Mr. GEORGE. Where the piers of a bridge are put in a stream at a point where the water is deep enough for navigation there must necessarily be an obstruction to some extent to navigation, and the question of how much obstruction we will allow in the navigation of a navigable stream seems to me is a political rather than a scientific question.

Mr. VEST. Mr. President, if we first establish the scientific

premises, then I grant you it is to some extent what the Scientific calls a political discretion, or, I should say, a legislative one.

Mr. GEORGE. Yes, legislative.

Mr. VEST. But we must first establish the scientific prem-

Mr. VEST. But we must first establish the scientific premises, that a pier of certain dimensions would produce the effect of which the Senator speaks. Who is the best judge in regard to that? I say the best judge necessarily must be the engineer, or a collection of engineers, in charge of those particular structures on the navigable rivers of the United States.

We do not pass a single bridge bill through Congress in which we do not rely upon the Bureau of Engineers. Every navigable river in the United States is under the charge of a riparian engineer. If that were not so, Congress would be completely at the marcy of the comparty who wanted to

at the mercy of the corporations of the country who wanted to

construct bridges.

In this bill I endeavored for myself, and I think the committee endeavored, to follow the universal precedent, which is absolutely necessary, to rely upon the discretion of the engineer in charge of the river. This bill says absolutely and explicitly that the questions of where the pier shall be established and what its dimensions shall be are to be determined by the Bureau of Engineers, who report to the Secretary of War.

what its dimensions shall be are to be determined by the Bureau of Engineers, who report to the Secretary of War.

Another word, Mr. President, and I am done with this matter. In regard to the amendment proposed by the Senator from New Jersey, I do not know that I am prepared to make strenuous objection to it, although I am inclined to follow the action of the New Jersey Legislature. If they thought it was absolutely necessary to prohibit any pier they would have done so.

I do not like the provision of the bill as to the New York side of the river. I mean the provision in regard to the approaches.

of the river. I mean the provision in regard to the approaches; and I was absolutely opposed to the provision that the connection should be under the control of the municipal authorities of New York. It seems to me that it would have been better-to have passed an ordinary bridge bill and to have left the quesnave passed an ordinary bridge out and to have left the question of approaches and connections to the legislative and municipal authorities in the States of New Jersey and New York; but, still, this is a compromise, and rather than have no bridge over that river, which seems to be likely if this bill shall be defeated, I prefer to accept this provision, though as my colleagues on the committee very well know I did not urge its adoption.

Mr. FRYE. As most of the Senator's argument has been out-

on the committee very well know I did not urge its adoption.

Mr. FRYE. As most of the Senator's argument has been outside of the amendment now proposed by the Senator from New Jersey, I want to ask the Senator if the bill provides "that the location of all approaches of said bridge in the city of New York shall be approved by the commissioners of the sinking fund of the city of New York," what is the objection or what is the unfairness of the provision asked by the Senator from New Jersey that the location of the bridge on the New Jersey side shall be determined by the commissioners to be appointed there.

Mr. VEST. I have not undertaken to say that it was unfair. I did state that I did not like that provision even as to the New York side; and if I had my choice I would not put any provision of that sort in the bill as to either side of the river. It seems to me that we should simply confine ourselves to our unquestioned jurisdiction, and give the power to construct a bridge which, in our judgment, did not interfere with the navigation of that river. It was urged, however, very plausibly in the committee, that the approaches were a part of the bridge, and that the authorities of New York should have the control of the approaches on that side. I doubted that proposition, and doubt it still. It seems to me the Legislature of New York should define the powers of the municipality of New York, and that Congress has nothing to do with that question. Still, it was impossible to pass the bill without some such provision, and I acceded to it very unwillingly.

Mr. GEORGE. Will the Senator allow me?

Mr. GEORGE. After there has been put in the bill a provi-

Mr. GEORGE. Will to

Mr. GEORGE. After there has been put in the bill a provi-

sion that the approaches on the New York side shall be under the supervision of the New York authorities, aithough that may have been improper, would it not be fair and equitable and just that

the same provision should be inserted as to the New Jersey side?

Mr. VEST. Possibly so. I did not approve very much of either of those provisions. I do not care to dwell any further upon that question. I simply wish to make one remark which I made in the committee, and that is, it seemed to me that the provision that the location of the connections should be approved by the municipality of New York would put it in their power to pre-vent the use of that bridge altogether. I have never heard that

argument answered.
Mr. GEORGE. Then that ought to be stricken out of the

bill

Mr. VEST. I opposed it; but when I found—every Sevator of any experience here will appreciate what I state—that it was impossible to get any bridge over that river unless we compromised the question, I very unwillingly, as I said before, voted for the report of the bill with that provision in it.

I can only repeat what I have already said as to all these bridge bills, that Congress should confine itself to its constitufunction and not undertake to make laws either for a municipality or a State.

Mr. President, that is the whole of this question so far as I am

concerned.

Mr. ALLEN. Before the Senator takes his seat I should like to ask him a question.

Mr. VEST. Certainly.
Mr. ALLEN. The Senator from New Jersey said under its charter, as I understood him, this bridge would be only for passenger traffic.

Mr. VEST. I doubt that. Mr. ALLEN. Then I understand it to be for both freight and assengers. If that be true, as the Senator from Missouri sugpassangers. gests, the bridge affects commerce and affects the nation at large,

and the Senator's position is correct.

Mr. VEST. I have only to say what I said before in regard to the statement of the Senator from New Jersey that no produce will be carried over this bridge, that the testimony before the Committee on Commerce was directly opposite to that assertion. I do not think the Senator from New Jersey appeared before our committee in any of the different hearings we have had; and, speaking as a lawyer, the weight of evidence was decidedly against his statement.

I am very willing, however, to confine the transportation to assengers; still I repeat that I should be very glad to have two

bridges over that river, or three bridges, or five, in the interests of the whole people of the United States.

Mr. McPHERSON. The Senator is no more willing than I am to build bridges across the Hudson River. I will vote for a general bridge bill, which allows anybody to build bridges across that river, provided no piers are put in the river. I shall vote for the passage of this bill, provided an amendment be agreed to by the Senate which protects the water way. I am perfectly willing to withdraw the amendment I have offered so far as the protection of the soil of New Jersey is concerned from the encroachments of this company, and allow them to go over New Jersey and do what they please; but when it comes to a question in which every Senator is interested, and every State in the In which every Senator is interested, and every State in the Union is interested, as to whether a great national water way, the principal one in the United States, shall be protected, and whether any company of men shall be permitted, or whether the Secretary of War, or the Board of Engineers of the United States, shall be permitted to plant piers in the river, which every man knows tends to obstruct not only the commerce of the barbor and the ice, but block up the river and absolutely deharbor and the ice, but block up the river and absolutely destroy almost one-quarter of the whole capacity of that river for commerce and trade, then and there I stop and call a halt.

Mr. President, if permitted, I withdraw the amendment, as there seems to be objection to it, and I shall offer the amendment which I send to the desk, which simply protects the water way. I ask to have the amendment read.

way. I ask to have the amendment read.
Mr. HILL. Is it understood that the older amendment is withdrawn?

Mr. McPHERSON. Let it be withdrawn. I care nothing about it

Mr. HILL. I want to be heard on the general question. Mr. McPHERSON. Let the amendment I have now proposed Mr. HILL.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. In clause 3, line 53, after the word "made, it is proposed to insert:

And the said bridge shall be constructed with a single span over the entire river between towers or piers located between the shore and the existing pier-head lines in either State, and no pier or other obstruction to navigation of a temporary or permanent character shall be constructed in the river between said towers or piers.

Mr. ALLEN. I desire to offer an amendment to the bill, in line 68, on page 4, clause 5, by striking out the word "greater" before the word "pay;" in line 69, after the word "bridge," to strike out "than is allowed per mile to railroads using the same;" in line 72 of clause 6, after the word "all," to strike out "amendments thereof," and insert "laws enacted or to be enacted by Congress;" and in line 75, after the word "structure," to insert "and may be used for necessary military and post-road purposes without compensation." purposes without compensation."

mr. McPHERSON. I ask the Senator from Nebraska to let my amendment be agreed to before he offers his.

Mr. ALLEN. What is the Senator's amendment?

Mr. McPHERSON. The amendment I have offered is simply to require this company and every company to build their bridge without piers.

Mr. HILL. I desire to submit a few words upon the subject

of the amendment of the Senator from New Jersey.

Mr. VEST. Let that amendment be read.
Mr. HILL. Yes, read it.
The PRESIDING OFFICER (Mr. TURPIE in the chair). The amendment will be read.

The SECRETARY. In section 3, strike out all after the word "made" in line 53, and insert:

And the said bridge shall be constructed with a single span over the entire river between towers or piers located between the shore and the existing pier-head lines in either State, and no pier or other obstruction to navigation, of a temporary or permanent character, shall be constructed in the river between said towers or piers.

Mr. HILL. Mr. President, this proposed amendment brings up the principal question involved in the bill, and that is, Shall Congress now, with what evidence it has before it, absolutely determine that there shall be no piers whatever in that river? In my judgment Congress might as well then determine that there shall be no bridge. It has been a disputed question among bridge builders and engineers as to whether there can be a bridge constructed over this river with a span more than 2,000 feet in length except at such an expense as will prevent practically the construction of the bridge. I do not say that it can not be done. It involves a large amount of money.

Mr.GEORGE. About how much?

Mr. HILL. Fifty or sixty million dollars. Mr. GEORGE. In addition?

Mr. HILL. No, not in addition. Mr. GEORGE. I should like to know about how much in addition.

Mr. HILL. We asked Gen. Casey the other morning—with the kind courtesy of the committee I was permitted to appear He could not say, because he was not a bridge builder. before it.

Mr. PEFFER. If the Senator will allow me, I wish to suggest to him that engineers have already determined that tubular steel arches can be thrown across a river 3,000 feet wide or more at a weight not to exceed that which is now found to exist

more at a weight not to exceed that which is now found to exist in the ropes or cables by which the New York and Brooklyn bridge is suspended. So I think the Senator need not fear the construction of a bridge without any arches in the Hudson River, if he will go to that extent.

Mr. HILL. I simply know the fact that there is no such bridge anywhere in the world. I do not know what engineers may say is possible. They have many schemes and many theories, but I know the fact that as to the span the amendment proposes for this bridge there is no bridge in the world that compares with it. That is conceded. What do we say? We therefore say it is not wise to determine this question absolutely in the pending bill. We submit that the committee which had this matter in charge acted wisely when they said (and that is what the bill proposes) there must be a span of at least 2,000 feet. There is no such span in the world now, but we will assume from what the engineers have said that it is possible. This span must, in the first place, be 2,000 feet, and if the Secretary of War,

must, in the first place, be 2,000 feet, and if the Secretary of War, acting in conjunction with the engineers of that Department, concludes that a greater span can be built, and there ought not to be a pier in the river, then the Secretary of War is empowered in his discretion to extend it the full length of 3,100 feet. That is the question involved. Shall we arbitrarily determine that the Secretary of War shall not have this discretion, after consultation with the engineers, interested as much as we are in preserving the navigation of this river? Shall we determine it ourselves or leave it to the Secretary of War and his assistants? That is the question involved in the pending amendment.

Mr. President, in my judgment the best way is to leave it to the Secretary of War, to the officials of the Government. Whom does he consult? He consults the trusted officers of your Army and your Engineer Corps, men who have every interest to protect the public interests and the rights of all the people. In my judgment that is the best and the wisest course to pursue

Now, a word further. I have no more interest in this bill than any other citizen of New York. I have as much interest in it,

and more, than any citizen of New Jersey or elsewhere. In my udgment it is a public matter in which we all should take a pubic interest. I have heard this question about obstruction to

navigation urged many a time before.

I had the honor of passing upon the question of the construction of the Poughkeepsie Bridge. It was authorized by our Legislature, and it was said by this trumped-up maritime association and boatmen's association and others who come to the front whenever they are wanted in opposition to great measures. that the construction of three piers in the Hudson River at Poughkeepsie, 50 or 75 miles above the city of New York, where the tide ebbs and flows almost upon a dead level from New York to Poughkeepsie, would destroynavigation. Men appeared before me as executive of the State and gave a list of figures to show how the price of transportation would be increased; that it would destroy the navigation of the river, and that there

would be accidents upon the river.

I recollect distinctly asking the question upon the hearing on that bill, whether in the construction of the bridge (a portion of it having been constructed, and they wanted authority to extend the time to construct the remainder), when the river had been filled not only with the piers proper, but with the various materials in the construction of it, there had been any accident during the whole time of construction, and there had been none. Men the whole time of construction, and there had been none. Men were proclaiming that in the future there would be accidents all the time, when for three years while being built there had not been one. I recollect distinctly I took time for the consideration of that measure, ten days' time, and during the ten days an old canal boat full of coal was sunk by somebody down there by running against the pier. Evidently it was done by the opponents of the measure. It was altogether too late. There never had been an accident before; there has never been one from

that day to the present of any consequence.

That, it is true, is 75 miles above New York City; but it is over the great Hudson River, and the citizens of New York are as anxious as the citizens of any other part of the country to protect a navigable stream, and it is where the tide ebbs and flows. There are those piers; they are not an obstruction to navigation. We have more commerce on that river than there is on the great Mississippi River, as the reports show. It all has to pass down

under this bridge.

My friend from New Jersey became alarmed because of the great steamships that would be disturbed or hindered or delayed somewhat. The steamships do not go to Europe by way of Albany; they go the other way, out by Sandy Hook. There are no large steamships that go above the place where this bridge is to be built. They are anchored there only to a very limited extent. There is not a steamship company that has a pier above Twenty-third street. I challenge contradiction. Mr. President, this bill has been before Congress for several

years. I care nothing about the individual incorporators. I do not care who they are. I simply know it is a great public measure in which the citizens of my State are interested. The vote on this bill in the other House was unanimous. Every member of the other House from my own State voted for it, possibly with one single exception; I am not certain as to that. Every one of one single exception; I am not certain as to that. Every one of the members of the other House from the Senator's own State, without regard to party, voted for this bill. They saw no danger to the commerce of New York State, or New Jersey, or the country, but all gave it their approval.

My friend has championed the opposition to this measure heretofore. It is true, I know, that he has some personal friends, and he will not deny it, warm personal friends, who are officers of the other bridge company.

of the other bridge company.

Mr. FRYE. Is the other bridge company making any objection to this proposed legislation?

Mr. HILL. I am coming to that in a moment. I think not.
Mr. FRYE. No, sir, not the slightest.
Mr. HILL. Except the Senator from New Jersey is opposing it, and certainly he has been, I think, the friend of the other

bridge company.

Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the opposition of the Now, Mr. President, upon the question of the Opposition of the Now, Mr. President, upon the question of the Opposition of the Now, Mr. President, upon the Question of the Opposition of the Now, Mr. President, upon the Question of the Opposition of the Oppo Now, Mr. President, upon the question of the opposition of the Maritime Association, who is their protest signed by? I think I know the prominent men of New York City pretty well. I have seen this list of men before. I saw it the other day. I do not recognize the name of a single citizen of that State of any prominence whatever who makes opposition to the pending bill. I know you get up these boatsmen's associations and they sented. They are easily obtained. They are self-appointed associations. They are simply upon paper, nine-tenths of them, and they read well here, several hundred miles away from New York; but they have no weight at home.

York; but they have no weight at home.

I think I speak for united New York upon this subject. I have heard of no opposition from New Jersey. I have seen no petition, I have heard no petition read here from there. There

has been no feeling manifested, such as is described, for the protection of that river. We are as much interested as any one else can be in the protection of the river.

This bill, as I said, has been before Congress on several occasions. In the first place, the local authorities of New York objected to it until just at the close of the last session of the last Congress. They thought they ought to have something to say as to where the bridge should be located, the approaches on the New York side. It is true the bill provides that the bridge shall not be located below Sixty-sixth street on the New York

That is a proper limitation, and nobody objects to it, because it is not expected we are going to build a bridge below that point. That is a sufficient limitation; but the local authorities having in charge the interests of the whole city thought they ought to have something to say about the particular location. Congress has the abstract right to make that limitation and restriction in granting this power. I should have preferred the local authorities not to have made the suggestion of a limitation, but they did, and the friends of the bill conceded the right that they might dictate to a certain extent where the approaches should be located. That is in the bill. It ought not to be taken out. If you take it out it destroys the bill, because we shall meet then with the combined opposition of the local authorities of the city of New York.

The bill was objected to heretofore for divers reasons. One of the reasons was that the local authorities of New York were against it. That has been obviated. It was objected that privileges were given in the bill which had been denied the other bridge company. What did the committee do? At its last meeting, at which the bill was agreed to be reported, the committee, in the interest of harmony and for the purpose of com-promise, put a provision in the bill whereby the same privilege, leaving it to the Secretary of War to determine to what extent the span should be over and above 2,000 feet, was given to the other company the same as to the New York and New Jersey

Bridge Company.

The Senator from Maine asks, is anybody objecting in behalf
The Senator from Maine asks, is anybody objecting in behalf of that bridge company? They have heretofore. I do not understand that they object now. Therefore, the two bridge companies, by the terms of the bill as reported unanimously by the committee, stand upon an equality. It is true that the charter of the Old North River Bridge Company provided for a single span. the Old North Kiver Bridge Company provided for a single spatial tis true now it is placed by the provisions of the bill precisely where the New York and New Jersey Bridge Company are placed, namely, that both spans must be at least 2,000 feet apart. They may be as much further apart as the Secretary of War, consultation with the engineers, thinks is advisable. So

both bridge companies stand upon the same footing.

I care nothing about the other bridge company, nor in fact about this bridge company. If they intend to build their bridge all right. Their attitude to a certain extent has been one of opposition to this measure, and if they can build their bridge the citizens of New York will welcome them. There has been considerable delay. They were given an extension of time. It was not until a year ago that the bridge was to be started, that a commencement was to be had, I think last spring, and if it was done, if they got their money in Europe, there was to be but little opposition to this bill. Every time the bill comes forward it meets with some opposition I think upon the part of the other bridge company. I can not see now why there should be any opposition it it because both company. company. I can not see now why there should be any opposition to it, because both companies are placed upon an equality by the terms of the bill, and this is a concession it seems to me that no one should object to.

My friend from New Jersey may say that neither bridge com-pany should have this privilege of obstructing the river. I do not believe in that dog-in-the-manger policy. I believe the bill is sufficiently guarded. There may be something back of this, whereby certain people do not want a bridge across from New Jersey into New York. I want it constructed. I believe it is feasible under the provisions of the bill. I think the public interests demand it; I think the interests of the country demand it; and there must be some compromises in every bill. There were no dissenting votes to this report in the committee. All the interests were harmonized. Therefore I think that the amendment ought to be voted down, because in my judgment you will imperil the construction of the bridge by absolutely providing for a 3,100-foot span. You have no evidence before you of the cost of such a bridge. Has anyone made an estimate? Where is it? There has been no evidence taken upon it. It is not pre-sented here. In my judgment it substantially imperils the passage of the bill by making any such provision. It is sufficiently guarded when it is left to your chosen officers.

Mr. WHITE of California. Will the Senator from New York

permit a question?

Mr. HILL. Certainly.

Mr. WHITE of California. Has it been demonstrated or shown with any degree of certainty that a span of 3,100 feet can be so constructed as to be safe?

Mr. HILL. That is the question. Mr. McPHERSON. If the Senator-

Mr. HILL. Allow me to say one word further. Bear in mind where this locality is. The bridge proper does not touch Jersey City at all. The approaches proper do not touch Jersey City

Mr. McPHERSON. I do not know what the Senator calls the approaches

Approaches.

Mr. HILL. From above Sixty-sixth street it is substantially in the country so far as Jersey City is concerned.

Mr. McPHERSON. I know the plan which has been proposed here shows that a part of what they call their approaches runs for about 3 miles through Jersey City territory.

Mr. HILL. It may be the connections of other roads, but not

the approaches to the bridge proper; they are nowhere near Jer-

sey City; they are above.

Mr. McPHERSON. I only show the map furnished me by

Mr. HILL. I am certain I am right on that question, and I am informed so by gentlemen here who know the exact locality.

Mr. PALMER. I should like to ask the Senator from New Jersey a question. I ask him whether the municipal corporations are the power under the laws to pro-

tions in New Jersey have not the power under the laws to protect themselves?

Mr. HILL. I was simply going to make one further sugges-tion. The portion above Sixty-sixth street on the Jersey side, where it is supposed that the bridge is to be located, has been set apart for anchorage ground for vessels. It is regarded as a safe place. This will not disturb them in the slightest. From the river up there it is, I think, at least 3 miles down to the Battery. It is a safe part of the river. There is no danger, and can not be any danger there.

I submit to the Senate that upon a great public work of this kind there ought to be something beyond this mere Maritime Association or some such association to object. The people of New York do not object. The merchants of New York do not Its great men there who control that city do not object. I think the objection the gentleman gives from one maritime association in New York should not cut much of a figure in the Senate.

Mr. McPHERSON. Mr. President—
Mr. WHITE of Louisiana. Will the Senator from New Jersey allow me to ask a single question? The Senator from Missouri has stated substantially the answer to the question put by the Senator from California, but I desire to state it more specifically, and the answer to that question in the hearing before the com-

and the answer to that question in the bill the nearing before the committee determined my action on the bill.

I put this question to Gen. Casey: "If a provision is inserted in the bill of 3,100 or 3,200 feet will it be possible to build the bridge?" Gen. Casey's answer was: "I am not a specialist in bridge building, nor would I qualify the army engineer as a specialist in bridge building, but I should say if that provision were put in the bill the bridge would not be engineeringly possible, and there would be no bridge. The longest span," said sible, and there would be no bridge. The longest span," said Gen. Casey, "of any bridge now existing is the Firth of Forth bridge, about 1,700 feet. The minimum span provided for this bridge is 2,000 feet. I think that is as high as it is safe to put the minimum stipulation in the bill." Then I said: "Gen. Casey," do I understand you to say that if we put in a limitation of 3,100 feet the bridge will not be built?" He said: "From my knowledge of engineering, although I do not claim to be a specialist in bridge building. I should say it can not be built." Therefore the question presented to me was, a bridge or no bridge; and inasmuch as the bill put a minimum limit above the widest span now existing on the face of the earth and then allowed the Secretary. now existing on the face of the earth, and then allowed the Secretary of War to stretch that limit as far as he thought the exigencies of commerce required compatible with the structure of the bridge, I thought, the commerce of the country requiring the bridge, it was my duty to vote to report the bill favorably, and I did so

Mr. MoPHERSON. I wish to say a single word, and then so far as I am concerned I shall be willing to vote upon this ques-I wish to call attention to the remarks made by the Sention. I wish to call attention to the remarks made by the Senator from New York. If he will consider for a single moment, they must appear to him as they do to me, as very weak, unnecessary, and almost discourteous. He charges me with being a friend of the other bridge bill, so called. I am the friend of the other bill and will be the friend of this bill in like manner if it spans the entire river. Then in the very next breath he tells us that his bill gives to my company, as he seems anxious to call it, the same privileges; conveying as I think the intimation that for that reason I would be found to favor it. He proposes that the existing company shall have the same privilege. There-

fore I do not know how to apply his criticism to me when he says I was the friend of the other bill. He is more the friend of the other bill than I am, because he reduces the cost to them as

well as to his own friends.

Now, Mr. President, I oppose piers in the river to either company. All are my friends, equally my friends, and I am willing to do as much for my friends as the Senator from New York, but I will not by any vote of mine destroy a great harbor, a water-way, in order that the cost of building a bridge may be reduced 50 per cent.

The Senator from Mississippi asks what it will cost to build his bridge. I will give him the cost as estimated by an engineer. this bridge. A six-track bridge spanning the river would cost about \$20,000.

000. Remember this is to span the entire river.

Mr. FRYE. Mr. President, to the Committee on Commerce this question is as familiar as household words. It has been in this question is as familiar as household words. It has been in contention there for six years at least, and from the very beginning I have insisted that under no circumstances should a pier ever be placed in the river. The Senator from New York said that the committee were unanimous in support of the bill. He was correct in that statement with a limitation. I think I never gave the impression to the committee—I trust I did not, nor to him—that I yielded in my contention that there should be no pier in the river. I never have yielded that, and I could not in conscience do so. not in conscience do so.

When the North River Bridge Company was before our committee with a bill for incorporation, I favored it very enrestly, because it is immensely in the interest of the East as well as the West to have a bridge across that river. All of my constituents and all down through Maine and Massachusetts need the bridge immensely just as much as the West needs it. I became interested in it. It was a new proposition to bridge that river with a span of 2,000 feet. I made a careful examination myself, as a span of 2,000 feet. I made a careful examination myself, as chairman of the Committee on Commerce, and I came to the conclusion that the company ought not to be allowed for a single instant to put a pier in the river a thousand feet from the shore, the river being about 3,100 feet wide at Twenty-third street, where this bridge was proposed.

We submitted that bill again and again to the Secretary of War. It was submitted to the local engineers in New York, and the engineers in New York, and the convenient was increased that the transfer of the contract that the prior school he will be submitted.

in every instance it was insisted that no pier should be put into the river. Every return made from the War Department was that no pier should be put into the river. Every bill presented to the War Department for bridging that river was returned with a proposed amendment that no pier should be placed therein, and we concluded and voted unanimously on the North River bridge bill that there should be no pier. The plan of that bridge presented to the War Department shows that there is no pier, but that there are two towers at the end of the pier-head line on

each side of the river and a suspension bridge 3,100 feet long running from tower to tower.

The North River Bridge Company is making no contest here whatever. I am making none for the North River Bridge Company; not the slightest. I am simply contending, as I have contended from the very beginning, that there should be no pier in that river, and that there should not be any discretion in the Section of the state of t retary of War or anybody else outside of Congress to put one there.
When this bridge bill same before the committee we sent it, as
we send all such bills, to the Secretary of War.
Mr. HILL. Will the Senator allow me a moment?

Mr. FRYE. Yes; with pleasure. Mr. HILL. Was it not upon the Senator's motion that the North River Bridge Company was given the same power to construct a bridge with a span of 2,000 feet if the Secretary of War so approved?

Mr. FRYE. Mr. HILL. Mr. HILL. Did not the Senator vote to report the bill?
Mr. FRYE. I knew perfectly well that the pending bill reported to the United States Senate, backed as it was by a large majority of the Committee on Commerce and by two Senators from the great State of New York, would pass this body and eventually become a law. I believed it was outrageously unjust on a bridge company that had already spent \$250,000, had made contracts for steel. had purchased 114 lots of land on the made contracts for steel. had purchased 114 for of land on the Jersey side for its bridge, and was straining every energy to build a bridge which would cost \$50,000,000, with a span imposed upon that bridge of 2,100 feet, for Congress to parallel that bridge company right in its agony now, in these financial times, with another bridge with the liberty of a span of 2,000 feet.

No man would object to a proposition to place the two bridges upon a parallel important times, with the other but I did not yield my

upon a parallelism one with the other, but I did not yield my contention that neither bridge should be permitted to have a pier in that river. I say when this very bridge bill came to us several years ago it was sent as usual to the War Department. The Senator from Missouri [Mr. VEST] can not say anything complimentary to Gen. Casey that I will not indorse with

all my heart. He is one of the noblest and most honest men I ever knew in my life, and I would trust him with honor, property, or anything else on earth. What did Gen. Casey say of this bridge bill?

Commencing with the word "no," in line 39, strike out all down to and including the word "war," in line 43—

It would not be the same line here.
Mr. HILL. What is the date of that letter?
Mr. FRYE. April 29, 1892—

and insert in lieu thereof the following: "The said bridge shall be constructed with a single span over the entire river between the towers or piers located between the shore and the established pler-head lines in either State, and no pier or other obstruction to navigation, of a temporary or permanent character, shall be constructed in the river between said towers or piers."

The very amendment which the Senator from New Jersey has offered here. That was Gen. Casey's judgment in relation to it in 1892. February 23, 1893, the same bill was again referred to Gen. Casey, and he says:

After the word "feet," in line 43, insert "and the necessary towers or piers shall be located and built between the shore and the established pier-head lines in either State."

He never has made any return differently from that.

Mr. VEST. Is he of that opinion now?

Mr. FRYE. I will come to that in a moment. I say he never has made any return differently from that. The last return under which this bridge bill is reported to the Senate never came through the hands of the Chief of Engineers. The Chief of Engineers with a sick wife had been shear for two works. Engineers, with a sick wife, had been absent for two months from this city. The local engineers in New York reported directly through the Engineer Department to the Secretary of War in favor of this bridge. If that matter had gone to Gen. Casey, I have not the shadow of a doubt but that he would have proposed the same amendment he has proposed to this bridge bill every time the hill has been sent to him for explanation and I have not same amendment he has proposed to this bridge bill every time the bill has been sent to him for explanation, and I have not a shadow of a doubt as to the effect of the location of a pier on that river. You will be compelled for a 2,000-foot suspension bridge to make a pier at least 300 feet square. The Forth pier is 400 and odd feet by 260, with a span of 1,200 feet. Now, drop into that river, if you please, a pier 300 feet square, in a river where the tide ebbs and flows, and where every ebb and flow will land against that pier on the upper side and the lower side an immense amount of débris, and thus in three or four years it will build up there an island, and in less than ten years you will have an island at least 4 acres in extent right in this river, in fog and in sunlight. I submit to any Senator whether that would be an in sunlight. I submit to any Senator whether that would be an obstruction to navigation of which mariners might not with infinite reason complain?

But can you build a span? Senators say they do not know. Gen. Casey, when asked the question, said that the Army engineers were necessarily not familiar with the matter of bridge building, but he said he would refer the committee to Engineer Lindenthal, the engineer of the North River Bridge Company, as able an engineer as there is in the United States. He is the engineer who made the span for the North River Bridge Company and submitted it to the Secretary of War, and it has received his approval. He says that there is not a shadow of a difficulty in building a span 3,100 feet long, and he says it costs of course a great deal more in proportion than one 2,000 feet

long. Anybody can see that.

When the Brooklyn Bridge was proposed with a single span of 1,600 feet there was not an engineer in the United States who did not express serious doubt as to whether a bridge with that amount of span could be built, and there was a long contention as to whether the pier should be thrust out into the river any further than the pier-head line on the ground that you could not build it. They went to work; they built it; there was no difficulty about it then, and you can duplicate that Brooklyn Bridge to-day for one-half what it actually cost when it was built. Such attripments have been reade in scientific efforts in built. Such attainments have been made in scientific efforts in the matter of engineering and of bridge building especially, and you can now build a span of 3,100 feet in length just as easily as ten years ago you could have built one 1,000 feet in length. As a matter of course, I say it will cost more money. I understand Mr. Lindenthal to say—

Mr. HILL. What does the engineer estimate that a 3,100-foot

span will cost?

Mr. FRYE. I can not tell the cost of the span; it is a high estimate. I think the whole cost of the bridge and approaches is in the neighborhood of \$50,000,000 or \$60,000,000. That is the

Mr. McPHERSON. If the Senator will bear with me, I have Mr. Lindenthal's estimate, who was the engineer of the North River bridge, as to the cost of a six-track bridge, which we understand this company proposes to build from their plan. I read from Mr. Lindenthal's statement:

Mr. FRYE. If the Senator will wait just one moment I will finish what I have to say and yield the floor.

Mr. McPHERSON. All right.
Mr. FRYE. The Senator from Missouri says, can you not trust
Gen. Casey. I can and if I knew that Gen. Casey would be Chief
Engineer for the next ten years I would not have the slightest hesitation in trusting him in connection with this bridge. He told me that he would never consent, so long as he lived, to a span of less than 2,700 feet at this place; that under no circumspan of less than 2, 100 feet at this place; that under no circumstances would he consent to it; and his own proposed amendment indicates his opinion. Therefore I would trust him entirely. I believe if the plans were laid before Gen. Casey to-day for approval he would compel the North River Bridge Company, as he did before, to build a span of 3,100 feet, and he would compel this bridge company, too, to build a span of 3,100 feet. But I have no assurance that Gen. Casey will always be there. I should have confidence in almost any army engineer. I have confidence in Mr. Lamont, the Secretary of War, but I do not know who Mr. Lamont's successor may be. I might have confidence in him. I hold it to be the duty of Congress, not of the Secretary of War, to say whether a pier shall be put into the

Mr. President, I am not in the attitude of opposing this bill. I very likely should not have offered this amendment to the bill.

Mr. HILL. Will the Senator allow me to say that the plans under this bill must be submitted to the Secretary of War within a year, and the work begun within a year, so that Gen. Casey and the present Secretary of War will have to deal with it.

Mr. FRYE. I understand that to be true, and there is not so much danger in the bill, I am free to admit, as I can conceive there might have been put in a bill; but I have my views about that river. The Senator from New York may think that I do not know anything about the river which flows up and down in front of his own city, and that he ought to know a great deal more about it than I, and feel a great deal more interest in it. I simply desire to say to the Senator from New York that I have made a pretty thorough and a pretty complete investigation of that river over and over again since I have been chairman of the Committee on Commerce, and I am reasonably familiar with the river and its navigation interests. I confess, however, that I have always felt more interest (and I think the Committee on Commerce will bear me out in that) in the maritime concerns than I have in the transportation over the rivers. My natural bent and turn have been for the protection of navigation rather than for the protection of railroads, while I believe and know that one is entitled to as much consideration as the other. I shall be compelled to vote for this amendment, but on my conscience, if it is not adopted, I still will vote for the bill as reported from the committee

Mr. McPHERSON. Mr. President, I should like to answer the question asked by the Senator from New York [Mr. HILL.] from a report made by Mr. Lindenthal, the engineer of the North River Bridge Company, who has been in Europe trying to make contracts for the construction of his bridge, and therefore I as-sume he knows quite as much about the probable cost of both

bridges as any man living:

I am informed that the parties who built the Firth of Forth bridge agreed build a bridge of a single span across the Hudson River, and to guarantee for a certain sum of money, and if this be true they did not deem it imracticable.

If that company, meaning the company here asking for this legislation, would invite competitive plans from engineers and bridge builders for a 3,100-foot span, which is nearly the same at that location as for the North River bridge at Hoboken, it would soon be shown that a single-span bridge for fast railroad trains on six tracks may be readily and economically built on that location for about \$20,000,000.

Mr. HILL. I desire to state to the Senator, he has no connection of course whatever with either bridge company, although he holds in his hand the communication of its chief engineer. he holds in his hand the communication of its chief engineer. I have none; but the record before the committee shows that the engineers of the New York and New Jersey Bridge Company say it would cost from \$60,000.000 to \$70,000,000 to build this bridge. Bear in mind it is not to be done by the cities of New York and Jersey City, but it is to be done by private capital, and it could not be obtained. That is all I have to say in regard to that. We do not agree in the figures; and I do not believe that we can find any engineers in the country who will say that that bridge can be built for \$20,000,000.

Mr. GEORGE and Mr. CILLLOM addressed the Chair

Mr. GEORGE and Mr. CULLOM addressed the Chair.
Mr. CULLOM. I will yield to the Senator from Mississippi.
Mr. MILLS. If this debate is to continue, the bill evidently
can not be disposed of to-day, and I hope we shall have an executive session.

Mr. CULLOM. If a vote can be taken I will withhold any remarks I desire to make.

Mr. McPherson. Let us vote.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New Jersey [Mr. McPherson].

Mr. McPHERSON. Upon that I ask for the yeas and nays. Mr. MANDERSON. Let the amendment be read. The SECRETARY. In section 3 strike out all after the word

"made," in line 53, and insert:

And the said bridge shall be constructed with a single span over the entire river between towers or piers located between the shore and the existing pier-head lines in either State, and no pier or other obstruction to navigation of a temporary or permanent character shall be constructed in the river between said towers or piers.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Jersey, on which the yeas and navs have been demanded.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be again read

Mr. VEST. If my colleague will permit me, I should like to state exactly the question. As the bill comes from the committee it provides that there shall be a span of not less than 2,000 feet, but that the Secretary of War may require a longer span,

Mr. CULLOM. And all to be done within twelve months.

Now, that is the question. If the amendment of the Senator from New Jersey prevails it does away with the discretion of the Secretary of War entirely and says that there shall be one span across the river without regard to its length.

Mr. CULLOM. And all to be done within twelve months. Now, that is the question. If the amendment of the Senator from New Jersey prevails it does away with the discretion of the Secretary of War entirely and says that there shall be one span across the river without regard to its length.

Mr. COCKRELL. And the bill as passed by the other House

requires the span to be 2,000 feet.
Mr. VEST. Not less than 2,000 feet, and it provides that the Secretary of War may require a longer span if he thinks neces-

Mr. MANDERSON. Can the Senator from Missouri give us

the width of the river at that point between the piers?
Mr. VEST. About 3,100 feet, or 3,200 possibly.
Mr. FRYE. The width at Twenty-third street is about 3,100 feet; at Sixty-sixth street it is about 3,100 feet, 1 mile above it is about 3,300 feet, and 1 mile above that it is about 3,250 feet, measured by scales

Mr. DOLPH. I think the Senator has made a mistake in saying that it is 3,300 feet 1 mile above Sixty-sixth street. It is

3,200 feet 1 mile above, and 3,300 feet 2 miles above. Mr. SQUIRE. How much of the river is shoal, not navigable

at the place where the bridge is proposed to be built?

Mr. McPHERSON. None of it.

Mr. VEST. There is deep water on the Jersey side, I think.

Mr. SQUIRE. How much of it is not navigable? I have been told that a large area of the river there is unsuitable for navigation.

Mr. VEST. I believe there is some of it not navigable, but I do not know exactly how much. As the bill comes from the committee it leaves the discretion to the Secretary of War to approve the plans provided no span shall be put in of less than 2,000 feet. The amendment of the Senator from New Jersey does away with the discretion of the Secretary of War, and re-

quires one span, without regard to length.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from New Jersey.

The Secretary proceeded to call the roll.

Mr. HUNTON (when his name was called). I have a general pair with the Senator fron Connecticut [Mr. PLATT], who I believe is not present in the Chamber. I do not know how he would vote on the pending bill, and therefore I withhold my

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. Not knowing how he would vote, I withhold my vote. I should vote present.

Mr. PETTIGREW (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were present I should vote "yea." I am paired

ent I should vote "yea."

Mr. SHERMAN (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. I do not know how he would vote and therefore I withhold my vote. I should vote "yea" if he were present.

Mr. VILAS (when his named was called). I have a general

pair with the Senator from Oregon [Mr. MITCHELL]. I do not know how he would vote on this question, and therefore I with-

hold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "nay."

The roll call was concluded. Mr. DUBOIS (after having voted in the negative). I wish to inquire if the junior Senator from New Jersey [Mr. SMITH] has

The VICE-PRESIDENT. He has not voted, the Chair is informed.

Mr. DUBOIS. Then I withdraw my vote. I am paired with that Senator

that Senator.

Mr. PALMER (after having voted in the negative). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], but that pair has been transferred to the Senator from West Virginia [Mr. FAULKNER], which gives me permission to vote. I have already voted and make this explanation.

Mr. HARRIS (after having voted in the negative). Is the Senator from Vermont [Mr. MORRILL] recorded?

The VICE-PRESIDENT. He is not recorded, the Chair is advised.

advised.

Mr. HARRIS. I am paired with that Senator, and I do not know how he would vote. I have voted "nay," but I withdraw my vote because I do not know how the Senator from Vermont

my vote because I do not know how the Senator from Vermont would vote if present.

Mr. CAREY. I am paired with the junior Senator from South Carolina [Mr. IRBY], but I understand he would vote "nay" on this proposition, and I will therefore vote. I vote "nay." Mr. SHERMAN. As my vote will make no difference in the result, I will vote to make a quorum. I vote "yea."

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON]. I do not know how he would vote.

Mr. BLACKBURN. I suggest to the Senator from Missouri that he transfer his pair to the Senator from Colorado [Mr. TELLER]. I have the authority of the Senator from Colorado for

I have the authority of the Senator from Colorado for

Mr. COCKRELL. Then I will pair the senior Senator from Iowa [Mr. Allison] with the senior Senator from Colorado [Mr. Teller]. I do not know how either of them would vote. Mr. BLACKBURN. The Senator from Colorado [Mr. Tel-LER] would vote "nay" if he were here. Mr. COCKRELL. I do not know how the Senator from Iowa would vote. I vote "nay."

The result was announced—yeas 17, nays 27, as follows:

Bate, Call, Davis, Frye, Gallinger,	George, Gray, Hawley, Higgins, Hoar,	McPherson, Peffer, Perkins, Pugh, Quay,	Sherman, Washburn,
	N	AYS-27.	
Allen, Berry, Blackburn, Brice, Cameron, Carey, Cockrell,	Coke, Cullom, Dolph, Gibson, Hill, Jones, Ark. Kyle,	Lindsay, Manderson, Mills, Palmer, Pasco, Power, Ransom,	Roach, Squire, Turple, Vest, White, Cal. White, La.
	NOT	VOTING-41.	
Aldrich, Allison, Butler, Caffery, Camden, Chandler, Colquitt, Daniel, Dixon, Dubois, Faulknex,	Gordon, Gorman, Hale, Hansbrough, Harris, Hunton, Irby, Jones, Nev. Lodge, McMillan, Martin,	Mitchell, Oregon Mitchell, Wis. Morgan, Morrill, Murphy, Pettigrew, Platt, Proctor, Shoup, Smith, Stewart,	Stockbridge, Teiler, Vance, Vilas, Voorhees, Walthall, Wilson, Wolcott.

So the amendment was rejected.

The VICE-PRESIDENT. The question recurs upon the amendment proposed by the Senator from Nebraska [Mr. ALLEN]. The amendment will be stated.

The SECRETARY. On page 4, line 68, before the word "pay" strike out the word "greater;" so as to read:

Fifth. The company or companies availing themselves of the privileges of this act shall not charge a higher rate of toll than authorized by the laws of the States of New York and New Jersey, and shall receive no pay for the transportation of the mails across said bridge than is allowed per mile to railroads using the same.

Mr. VEST. As I understand the meaning of this amendment. it is to take away from this company pay for carrying the mails of the United States across this bridge. It has not been customary to have such a provision in regard to bridge companies. Wherever a railroad has a contract to carry the mails a certain distance, and that railroad company enters into a contract with a bridge company, of course the bridge company receives no pay, because the United States Government then treats with railroad company; but in case no such contract should exist with the railroad company; but in case no such contract should exist with the railroad company, and the United States should want to contract with the bridge company to carry the mails from one side of the river to the other, as the bill stands, the company could only charge the same rate that is charged for the transportation of the mails by the railroads on either side of the river. The amendment of the Senator from Nebraska, in any event, deprives the bridge company of any pay for carrying the rails.

mr. HOAR. I should like to ask the Senator from Missouri a question, as he is familiar with this subject. I ask if I am

right in supposing that where the carrying of the mail across the bridge was the principal carriage it would have, whether the mail might not be compelled to go around in some other way, and thus delay and inconvenience the public? The bridge company would have no motive to let them cross the bridge

Mr. VEST. That might be.
Mr. FRYE. I call the attention of the Senator from Missouri
[Mr. VEST]—and perhaps the Senator from Nebraska [Mr. AL-LEN] may have taken his amendment from that suggestion—that in the case of the North River Bridge Company we did insert a provision that the mails should be carried free across the bridge. The reason we did that was because we conferred unusual powers on the North River Bridge Company. We had chartered the corporation, thus giving it reputation and credit which otherwise it would not have had, and we had given it the right of condemnation of property, a right which it has exercised, and in consideration of those unusual rights and privileges, we required that company to adopt the proposition practically which the Senator from Nebraska offers; but my recollection is that it never has been done in any other case. I ask the Senator from Mis-

souri if that is not correct?

Mr. VEST. It never has been done in any other case.

Mr. FRYE. And I do not think it ought to be done in this

Mr. HOAR. That is not, as I understand it, the effect of this proposition. This is not a proposition that the mails shall be carried free across the oridge or to compel the company to carry

them, but it is a provision that the company shall receive no pay.

Mr. VEST. That is it.

Mr. FRYE. That is still worse.

Mr. ALLEN. I was going to suggest, if the Senator from Maine will allow me a moment, that possibly this whole difficulty can be obviated. I understand the mail is carried across these bridges by contract with the vailroad companies? bridges by contract with the railroad companies?

bridges by contract with the railroad companies?

Mr. VEST. In some cases; yes.

Mr. ALLEN. If that be true, it occurs to me that the bridge company ought not to charge the Government distinctly for carrying the mail or for the privilege of the mail passing over that bridge, at least that it would be just as proper to make a distinct charge against passengers and against freight carried over the bridge as it would be to make a distinct charge against the Government for carrying the mail, providing the company which carries the mail pays for the privilege of using the bridge.

Mr. FRYE. I can not conceive how that could be done, because a contract would be made for carrying the mails from Washington to New York, and, as a matter of course, if this bridge were built the mail would be carried across it.

Mr. ALLEN. Senators seem to think that this difficulty can be obviated, but there is more trouble with the language empty.

be obviated, but there is more trouble with the language employed than there is with the fact. I withdraw, however, that portion of the amendment, but the other portions of the amend-

ment I think I shall insist upon.

Mr. CULLOM. Will the Senator please indicate the others?

Mr. ALLEN. I shall ask a vote on the amendment I have of-

fered to the sixth clause, which reads:

Sixth. That said company or companies shall be subject to the interstate-commerce law and to all amendments thereof, and when such bridge is con-structed under the provisions of this act it shall be a lawful military and post-road and a lawful structure.

I move to amend that clause by striking out, in line 72, after the word "all," the words "amendments thereof;" and inserting "laws enacted or to be enacted by Congress; "and after the word "structure," in line 75, to insert "and may be used for necessary military and post-road purposes without compensation."

Mr. FRYE. Will the Senator allow me?

Mr. ALLEN. Certainly.

Mr. FRYE. The laws hereafter to be enacted of course could be made applicable in any direction Congress pleases to this

be made applicable in any direction Congress pleases to this bridge, because the right is reserved to amend or alter the act.

and it can be changed in any way Congress pleases.

Mr. ALLEN. I think the Senator is partially correct, but my idea is that the expression in this clause, "subject to the interstate-commerce law," is not sufficiently broad, and that it should be expressed more distinctly that this corporation is subject to all laws now in existence or which may hereafter be enacted by Congress, so as to put the question of Congressional control entirely beyond any question. Possibly the language I have proposed does no more than to enlarge and make more specific a power which was designed to be granted.

Then, the next amendment, it occurs to me, ought to be adopted. That is, if this company is granted the privilege of constructing a bridge and they are charging tolls and making money out of it, the Government ought to have the right to use that bridge for necessary military and postal purposes without any charge, believe that to be just.

I have no desire to enter into any lengthy discussion on the

subject, but the amendments I have proposed appeal to my sense

of justice as being correct.
The VICE-PRESIDENT. The question is on the first amend-

ment of the Senator from Nebraska, which will be stated.

The SECRETARY. In clause 6, line 72, after the world "all,"
it is proposed to strike out "amendments thereof" and insert laws enacted or to be enacted by Congress.

The amendment was rejected.
The VICE-PRESIDENT. The next amendment of the Senator from Nebraska will be stated.
The SECRETARY. In clause 6, line 75, after the word "struc-

ture," it is proposed to insert: And may be used for necessary military and post-road purposes without compensation.

The amendment was rejected. Mr. TURPIE. I submit that the first word "and," in line 68, should be "or."

Mr. MILLS. That is right. It should read "New York or New Jersey

Mr. VEST. That is correct.
Mr. HILL. There is no objection to that amendment.
The VICE-PRESIDENT. Without objection, the amendment will be agreed to. The Chair hears no objection, and the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business

Mr. GRAY. I ask the Senator from Texas to yield to me.
Mr. MILLS. I yield to the Senator from Delaware.
Mr. GRAY. Before the Senate goes into executive session on

Mr. GRAY. Before the Senate goes into executive session on the motion of the Senator from Texas, I wish the Senate to take up for consideration, and it may then be laid over until to-morrow, Calendar No. 80, being House bill 3687.

The VICE-PRESIDENT. The title of the bill will be stated. The SECRETARY. A bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892.

The VICE-PRESIDENT. The question is on the motion of the Senator from Delaware to take up the hill the title of which

the Senator from Delaware to take up the bill the title of which

has been read.

Mr. MILLS. Let that bill go over.

Mr. GRAY. I merely wish to have the bill taken up for consideration, and then I shall yield to the Senator from Texas.

Mr. DAVIS. I call for a division on the question of taking

up the bill.

Mr. VEST. I think we had better have the yeas and mays. Mr. HOAR. I suggest to the Senator from Delaware that his motion, if a majority of the Senate wish to take up the bill, will be as potent to-morrow morning after the routine business is over as now. The Senator is aware of the danger which exists, that if a division be had it may result in showing the want of a quorum.

Mr. GRAY. I have the bill in charge and I should like very much to have it taken up to-night, and then I should yield for a

motion to go into executive session.

Mr. HOAR. I think the Senator had better not press the motion.

Mr. GRAY. If the Senators insist on calling for a division, of course I am helpless.

EXECUTIVE SESSION.

Mr. MILLS. I insist on my motion that the Senate proceed to the consideration of executive business, which has precedence over the motion of the Senator from Delaware.

Mr. GRAY. I withdraw my motion.
The VICE-PRESIDENT. The question is on the motion of the Senator from Texas

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, November 1, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate October 31, 1893.

ASSISTANT SECRETARY OF STATE.

Edwin F. Uhl, of Michigan, to be Assistant Secretary of State, vice Josiah Quincy, resigned.

SECRETARY OF EMBASSY.

James R. Roosevelt, of New York, to be secretary of embassy

of the United States at London, England, vice Henry White, resigned.

PROMOTION IN THE ARMY.

Medical department.

Capt. Edward T. Comegys, assistant surgeon, to be surgeon, with the rank of major, October 26, 1893, vice Skinner, retired from active service.

J. Edward Nettles, of Darlington, S. C., to be consul of the United States at Trieste, Austria, vice Frank H. Brooks, resigned.

Robert J. Kirk, of South Carolina, to be consul of the United States at Copenhagen, Denmark, vice Orlando H. Baker, recalled.

INDIAN AGENT.

Charles E. Davis, of Mount Auburn, Ill., to be agent for the Indians of the Colorado River Agency in Arizona, vice Capt. Augustus G. Tassin, Twelfth Infantry, detailed to act as Indian agent, deceased.

ASSISTANT APPRAISER OF MERCHANDISE.

John W. A. Strickland, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in the place of Denis F. Burke, deceased.

RECEIVER OF PUBLIC MONEYS.

Preston A. Griffith, of Kearney, Nebr., who was appointed June 28, 1893, during the recess of the Senate, to be receiver of public moneys at Sidney, Nebr., vice Mark M. Neeves, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 31, 1893.

CONSUL.

Charles Belmont Davis, of Pennsylvania, to be consul of the United States at Florence, Italy.

APPOINTMENTS IN THE ARMY.

Medical department-Assistant surgeons.

William W. Quinton, of New York. Thomas S. Bratton, of South Carolina. Deane C. Howard, of Massachusetts. Alexander S. Porter, of Maryland. William H. Wilson, of Missouri.

HOUSE OF REPRESENTATIVES.

TUESDAY, October 31, 1893.

The House met at 12 o'clock m. Prayer by Rev. ISAAC W. CANTER, of Washington, D.C.

The Journal of the proceedings of yesterday was read and approved. GOVERNMENT NAVAL EXHIBIT, CHICAGO.

The SPEAKER laid before the House the Senate joint resolution 36, transferring the exhibit of the Navy Department, known as the model battle ship Illinois to the State of Illinois as a naval

armory for the use of the naval militia of the State of Illinois, on the termination of the World's Columbian Exposition.

Mr. CUMMINGS. Mr. Speaker, I am directed by the Committee on Naval Affairs to ask unanimous consent for the present consideration of this resolution. The committee has reported it favorably as a substitute for a pending House bill.

The SPEAKER. The resolution will be read, after which the

Chair will ask for objections.

The resolution is as follows:

The resolution is as follows:

Resolved, etc., That on the termination of the World's Columbian Exposition at Chicago, Ill., in November, 1808, the exhibit of the Navy Department of the United States Government, better known as the model battle ship Illinois, a facsimile of the sattle-ships Indiana, Massachusetts, and Oregon, with such of her boats, equipments, and appurtenances now on exhibition as the Secretary of the Navy shall deem proper, be transferred to the State of Illinois as a naval armory for the use of the naval militia of the State of Illinois: Provided, That such articles as may or have been loaned by the Various bureaus of the Navy Department, the United States Marine Corps, the Naval Academy, and Hydrographic Office be not included in the said transfer, except as hereinbefore provided.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. REED. If the gentleman from New York will give his attention, I would like to ask how much this resolution covers? Does it cover the rifle cannon as well as the model of the vessel? Mr. CUMMINGS. It covers just what the Secretary of the

Navy shall decide. It leaves it with him. Here is a proviso which says:

That such articles as may be or have been loaned by the various burear of the Executive Department, the United States Marine Corps, the Nav Academy, and Hydrographic Office be not included in the said transfer ecept as hereinbefore provided.

Mr. REED. It is not contemplated that it shall cover the ordnance or anything of that sort?
Mr. CUMMINGS. No, sir.
Mr. TALBOTT of Maryland. Only the structure itself.

The joint resolution was ordered to a third reading, read the

third time, and passed.
On motion of Mr. CUMMINGS, a motion to reconsider the last vote was laid upon the table.

BRIDGE OVER CADDO LAKE.

Mr. BLANCHARD. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La., and put it upon its passage.
The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The Committee on Interstate and Foreign Commerce recommend the adoption of the following amendment:

In line 36, section 1, after the word "sunrise" insert the words "throughout the season of navigation."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BLANCHARD, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS SULPHUR RIVER, ARKANSAS.

Mr. McRAE. Mr. Speaker, I ask unanimous consent to consider the bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River, in the State of Arkansas

This bill is to allow the same railroad company to cross another

river. It is identical, I believe, in terms with the other except as to the rivers or the bridge.

The SPEAKER. The bill will be read.

Mr. McRAE. The bill is identical with the other bill that has just been acted upon by the House. It has been referred to the War Department. It is the same railroad company, and I ask unanimous consent to dispense with the reading of the bill and consider the amendments suggested by the committee.

Mr. TRACEY. I object, Mr. Speaker. I think all of these bills should be read.

bills should be read.

The bill was read at length.

The committee recommend the adoption of the following amendments:

In line 6 of section 1, after the word "Arkansas," insert the words "or in

the State of Texas."

In line 8 of section 1, after the word "line," insert the words "said point selected to be subject to the approval of the Secretary of War."

In line 42 of section 1, after the word "and," insert the words "whatever kind of bridge shall be constructed."

In line 43 of section 1, after the word "sunrise," insert the words "through out the season of navigation."

Amend the title by inserting, after the word "Arkansas," the words "of in the State of Texas."

There being no objection the bill was considered, and the amendments recommended by the committee were concurred in

The bill as amended was ordered to be engrossed and read third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the last vote

was laid on the table.

REPORTS OF COMMITTEES.

The committees were called for reports; when bills of the following titles were severally presented, and, with the accompanying reports, ordered to be printed, and referred to the Calendars named below:

TEXARKANA AND FORT SMITH RAILWAY COMPANY, ARKANSAS.

By Mr. GEARY, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River, in the State of Arkansas—to the House Calendar.

FORFEITURE OF RAILROAD LAND GRANTS.

By Mr. ELLIS of Oregon, from the Committee on the Public Lands: A bill (H. R. 3544) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes"-to the Committee of the Whole House on the state of the Union.

ADMISSION OF NEW MEXICO AS A STATE.

By Mr. JOSEPH, from the Committee on Territories: A bill (H. R. 353) to enable the people of New Mexico to form a consti-stution and State government and to be admitted into the Union on an equal footing with the original States-to the House Calendar.

LEAVE TO SIT DURING THE RECESS.

Mr. SAYERS. I ask unanimous consent for the present consideration of a resolution authorizing the Committee on Appropriations to sit during the recess.

The SPEAKER. The Clerk will report the resolution.

The SPEAKER.

The Clerk read as follows:

Resolved. That the Committee on Appropriations, or such subcommittees as they may designate, are hereby authorized to sit during the vacation, for the purpose of considering and facilitating the business of the committee in advance of the next regular session, to be convened at such time as the chairman of said committee may order.

The SPEAKER. Is there objection to the consideration of this resolution?

I did not understand what committee it is.

The Committee on Appropriations. Mr. BROSIUS.

Mr. BROSIUS. I the later that the specific states on Appropriations.
Mr. SAYERS. The resolution is in the usual form.
Mr. KILGORE. The only objection to it is that it assumes there is going to be a vacation. If we decide to take a vacation it will be time enough to make such an order as this then.
Mr. SAYERS. O, I hope the gentleman will let the resolu-

tion go through.

Mr. KILGORE. Some of us have not consented to a vacation

Mr. SAYERS. Well, if there is no vacation, then the resolu-

Mr. SAYERS. Well, it there is no vacation, then the resolution will not amount to anything.
Mr. McMILLIN. What is the resolution?
Mr. SAYERS. Simply that the Appropriations Committee may be authorized to sit during the vacation, if there is one.

The SPEAKER. Is there objection to the consideration of this resolution?

There was no objection.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Cox, its Secretary, announced that the Senate had passed, with an amendment, the bill (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes;" in which the concurrence of the House was requested.

NATURALIZATION LAWS.

The SPEAKER. The morning hour begins at half past 12. The Committee on the Judiciary have a bill before the House, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3299) to amend the naturalization laws of the United States. The SPEAKER. The gentleman from Alabama [Mr. OATES]

Mr. OATES. Mr. Speaker, I believe there is an hour remain-

The SPEAKER. The gentleman consumed thirty minutes of his time yesterday.

Mr. OATES. I mean there is an hour to-day for the consider-

ation of this bill

The SPEAKER. There is an hour for the consideration of

the bill, but the gentleman's own time will expire in thirty minutes, when some other gentleman will be recognized.

Mr. OATES. Mr. Speaker, in continuation of the remarks I began yesterday upon this bill to amend the naturalization laws, I wish to say that the bill is not harsh in any of its provisions, and is not intended to be. I would willingly amend the bill in the seventh line of the first section so as to make the meaning perfectly consistent with my statement of yesterday; that is, as a qualification for naturalization, that a man shall be able to read the Constitution of the United States, by adding the words "in any language," so that its meaning will be unmistakable.

Also, in accordance with a suggestion made by my friend from Mississippi [Mr. WILLIAMS], I am willing to strike out of line 4 in section 5, the words, "being the next highest courts of record to the supreme courts of said States," because the language, "courts of the highest original common law jurisdiction," would cover the same, and the striking out of the words I have indi-

cated would prevent any confusion whatever. I desire to amend the bill not only by the addition of the section of which I spoke on yesterday, to require certification from these decrees and judgments of naturalization to the State Department for record, but an additional clause that nothing in

this bill should be construed as in any wise affecting the property

rights of aliens in any of the States where they reside.

Now, sir, it will be observed by gentlemen who have examined the question that our laws touching the status of the rights of aliens in this country, not only to naturalization but their rights of property, are in a very confused condition. They are in need of revision so as to clearly put upon our statute books all those rights consistent, on the one hand, with the powers of the Government and the duties of the Government to see to it that their rights are preserved on the one hand, that no impositions are made upon it and no fraudulent citizens are made. In order that I may present more clearly these rights I desire the indulgence of the House to present the following views:

As to the constitutional power of Congress to pass a law denying to aliens the right to become naturalized or to acquire and own a fee-simple title to lands within the States of the Union I have no doubt; but many good lawyers either doubt the exist-ence of such a power or believe emphatically that Congress has no such power. Let us examine the question as to the rights of aliens and of our governments, State and Federal, over them. By the common law an alien can take the title to real estate by

purchase, which includes a conveyance by devise, but can not take by inheritance because he has no inheritable blood. He can take the title as a purchaser, but the estate is subject to be denounced and forfeited by the sovereign power. The estate vests in the alien not for his own benefit, but for the benefit of the State or sovereignty

'In the language of the ancient law, the alien has the capacity to take, but not to hold lands; and they may be seized into the hands of the sovereign. But until the lands are so seized the alien has complete dominion over them and may convey the same to a purchaser." (See the case of Fairfax vs. Hunter, 7 Cranch, 619.)

An alien can not take or transmit land by descent. (Levy vs. McCartee, 6 Peters, 102.)

An alien who acquires land by purchase can hold and occupy it until office found in a direct proceeding in the name of the State or sovereignty, but if the alien becomes naturalized before office found his title to the land becomes perfect. (Gouverneur's Heirs vs. Robertson, 11 Wheat., 332.)

Office-found is the technical term used to describe the finding of the fact of alienage by a public officer having authority to adjudge upon an inquest held at the instance of the Government.

(See Phillips vs. Moore, 100 U. S., 208-212.)
The following-named States of the Union allow aliens to acquire, hold, and transmit lands within their respective borders without restrictions or limitation, placing them in this respect substantially on the same basis as citizens: Alabama, Colorado, Florida, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Ohio, Nebraska, New Hampshire, New Jersey, North Carolina, South Carolina, West Virginia (New York) ginia, and Wisconsin.

While the following States by their laws make the permanent holding of lands by aliens dependent upon residence or upon a declaration of intention to become naturalized, and in the absence of these qualifications generally prescribe some time within which the alien may dispose of the lands: Arkansas, California, Connecticut, Delaware, Indiana, Kentucky, Maryland, New York, Tennessee, and Virginia. In Texas, since 1879, the conditions upon which aliens can hold are reciprocity or declaration of intended citizenship. In Georgia, since 1873, the limitation is to 160 acres and improvements made thereon. In Pennsylvania alien absentee proprietorship is allowed to the extent of 5,000 acres to each holder, and in the District of Columbia, prior to the act of the Forty-ninth Congress, an alien could acquire, hold, convey, and devise real estate the same as though he were a citizen; but by that act he was disabled to do so. Under the laws of the United States aliens are entitled to purchase from the Government the public lands at public sale or cash entry at \$1.25 per acre, but can not acquire them under the preemption or homestead laws without a declaration of inten-tion to become naturalized. The bill under consideration withholds the patent of a homesteader until he is naturalized.

This is the state of the law to-day within the States of the Union, but within the Territories of the United States and the District of Columbia no alien can acquire or own any lands since the passage of the act of the Forty-ninth Congress on the subject, approved March 3, 1887

I have stated the law to be that an alien holds his title to lands subject to forfeiture by the sovereign power.

The next question which arises is, Where does that sovereign power reside in our dual and complex system of governments? maintain (and it looks like a concession which gives away my position) that the State in which the land lies is the sovereign power, and it must therefore be the State which has the right to denounce and forfeit an alien holding. In the State resides the right of eminent domain. Each State for itself has the right to regulate the course of descent and the mode and manner of conveyance of land within its borders. (Ethridge vs. Mannerse, 18 Ala., 585. See also the Dredd Scott case, 19 How.)

ner of conveyance of land within its borders. (Ethridge vs. Malempree, 18 Ala., 565. See also the Dredd Scott case, 19 How.)
I think that this is the basis upon which is founded the objection for want of constitutional power in Congress to pass a law prohibiting aliens from owning lands within the States of the Union which has been urged. But such a law would not deprive any State of any right which it reserved from the Union for itself and its people. Before the adoption of the Constitution each State had the right to pass naturalization laws—to invest aliens with all the rights possessed by natives upon any terms which the State saw proper to prescribe—but by its adoption and ratification every State surrendered that right. That Constitution declares that Congress shall have power "to establish a uniform rule of naturalization * * * throughout the United States."

Kent, Story, and other distinguished commentators upon the Constitution all hold that this grant vests in Congress the exclusive right to legislate upon the subject of naturalization. The only restriction is that the laws upon that subject must be "uniform throughout the United States;" that is, the law must be the same as applied to all aliens from whatever country they come. And here was one of the doubts which arose in the case with reference to the Chinese.

In Collet vs. Collet, 2 Dallas, the Supreme Court of the United States held that in the absence of any law of Congress upon the subject a State might pass naturalization laws, provided they were not in conflict with any law of Congress upon the subject, but afterwards in numerous well-considered cases that court held that the power of naturalization was vested exclusively in Congress. That being true, the legal status of an alien, that is, all the rights which he acquires or can exercise in this country beyond those with which the common law and law of nations invest him is acquired by his naturalization—his becoming a citizen.

him is acquired by his naturalization—his becoming a citizen.

In Vattel's Law of Nations, Book 2, chapter 8, section 114, it is pointedly asserted to be the right of every sovereignty to deny to aliens the right to own or possess lands or immovable property within its jurisdiction.

It must be conceded, in fact it is too well settled to admit of a doubt, that the United States have the right and power to prevent any subject of Great Britain or any other foreign nation from landing upon our shores. The United States have the right to exclude the people whether citizens or subjects of any other country from coming to this for any purpose.

other country from coming to this for any purpose.

See Phillimore's International Law, volume 1, page 260, and the recent decision of the Supreme Court in the Chinese case.

Mr. Marcy, Secretary of State, wrote to Mr. Fay, our minister to Switzerland in 1856:

Every society possesses the undoubted right to determine who shall compose its members, and it is exercised by all nations both in peace and war. A memorable example of the exercise of this power in time of peace was the passage of the allen law of the United States in the year 1798. * * There can be no doubt that it is possessed by all nations, and that each may decide for itself when the occasion arises demanding its exercise.

Mr. Fish, Secretary of State, wrote to Mr. Foster, minister to Mexico in 1873, that—

The power of expelling obnoxious foreigners is one incident to sovereignty.

Whatever rights may be conferred upon them is dependent upon the liberty to exercise this power.

Secretary Frelinghuysen wrote to Mr. Stillman in 1882 that— This Government can not contest the right of foreign governments to exclude, on policy or other grounds, American citizens from their shores.

Many other citations might be made, but I deem it unnecessary. The right of total exclusion has recently been asserted and exercised by the Congress of the United States in the acts excluding the Chinese from this country. Congress has the same right to exclude the subjects of any other nation. I do not wish to be misunderstood. I am not now on the question of expediency, but am discussing the question of power, and I think I have shown

it to exist beyond question.

I am in favor and always have been in favor of laws regulating immigration in this country which will not admit of the 500,000 or 600,000 immigrants landing upon our shores every year. I am not for so restricting those laws as to exclude from among us those who will become worthy and useful citizens, and there are many such who come to this country from abroad. Many of the best citizens we have are foreigners. We even have members upon this floor, Mr. Speaker, intelligent ones, too, who were born

But I want to say in that connection that it is a mistaken policy for us, because some of our citizens are of foreign birth, that we must not legislate so as to have proper laws against fraud being perpetrated, and all men being admitted to citizenship who were born abroad. That is a mistaken policy; and aliens of intelligence, when the question is properly put to them, will join in

seeing that our laws exclude from citizenship those who are unworthy of it.

worthy of it.

Now, if the United States can totally exclude from their jurisdiction the citizens or subjects of other nations, why can not the United States say when they admit such subjects what rights they may have and exercise within the jurisdiction of the United States? Does not the greater include the less? Who can deny the force of this logic? It follows that Congress has the right to prescribe the terms upon which such alien subjects may become citizens of this country. It proves that Congress is invested with the power to deny to such persons the right to acquire or own lands anywhere within the United States during the existence of their alien condition, or to impose whatever requirements for naturalization deemed to be proper.

Such a law if passed by Congress operates only upon the person that the contract of the contract

Such a law if passed by Congress operates only upon the person of the alien, and his incidental disability to own lands within a State can not with any propriety be said to infringe any reserved right of such State or any citizen thereof.

Two great questions for the solution of Congress are begin-

Two great questions for the solution of Congress are beginning to agitate the public mind, and the sooner it undertakes in good earnest the legislation they demand the better it will be for the country.

The first is that of unlimited immigration of foreigners into the United States; the other is that of alien ownership of lunds, I assume, and think I will be able to prove before I conclude my remarks, that both of these are absolute evils.

remarks, that both of these are absolute evils.

And while the laws should not exclude proper persons, they ought to be of a character which shall require the courts and the district attorneys to do their duty, so that no imposition will be made, and that those who are not entitled to citizenship, who are not honorable men, will be excluded from that great benefaction.

As shown by statistics our immigration laws, as well as that of naturalization and others touching the status of foreigners, ought to be revised, strengthened, and made to operate more for the protection of the people of our governments, State and Federal.

I submit the following, compiled by my friend, Mr. Stone, and which I believe is accurate:

The prisoners of the United States in 1830 by elements of the population (Eleventh Census).

Both parents native. One parent foreign	2	881
Both parents foreign		
One or both parents unknown	3,	952
Foreign born	15,	933
Nativity unknown		907
Negroes	24,	611
ChineseIndians		300
AIMAGAIG		Owe
Motel -	00	900

There are by the Eleventh Census 43,127 penitentiary convicts whose birthplace and parentage are known. Of this number 14,725 are foreigners, born in foreign countries, 14,687 are colored, and 13,715 are native born. The total number of penitentiary convicts of foreign and native birth, excluding colored persons, is 28,440, of which number 13,715 are native born and 14,75 are of foreign birth, that is, themselves born in foreign countries. And thus we see that while the percentage of foreigners in the country is only 15 per cent, more than half of those inside the penitentiary, excluding colored peple, are foreigners.

cent, more than half of those inside the penitentiary, excluding colored peole, are foreigners.

These figures do not prove that immigration to this country is undesirable, but they do prove that a great many immigrants have been coming here in the last few years who are undesirable. There are 23,566 inmates of benevient institutions born in this country whose parents are both native born and there are 17,120 who are of foreign birth. Counting those born in this country of one or both foreign parents as native born, the percentage of those of foreign birth in our benevolent institutions to those foreign borns about 25 per cent.

Inmates of benevolent institutions in the United States in 1890 by elements of the population (Eleventh Census).

population (Eleventh Census).	
Both parents native	5, 001
Both parents foreign	24, 215 23, 618
Foreign born Nativity unknown	13, 634
Negroes	4, 132
Indians	E 012

In our almshouses or poorhouses the percentage of foreign born is far greater. By the census of 1890 there are 73,045 persons in our poorhouses, of whom 6,467 are negroes, Chinese, and Indians. There are 27,648 foreigners, or about 35 per cent, while there are only 21,519 whose parents are native born. Counting all born in this country as native born whether of native or foreign parents, and excluding the negroes, Chinese, and Indians, 41 per cent of all the persons in the poorhouses of the United States were born in foreign countries and came to this country as immigrants.

The alien who purchases a small farm and settles upon it to cultivate the soil and raise stock is not of the objectionable or dangerous class. He intends to be naturalized and to become a citizen and to assimilate with our people. He may be and usually is a stranger to American institutions and methods; but this of itself constitutes no great objection, especially when

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they come, not in colonies, but singly or accompanied by but a few others. The only possible objection to him when he thus comes is that we do not need him. It is contended by some that he is needed to fill up and develop the vast prairies and waste places of the Western States and Territories. This I deny.

These vacant spaces in the Westwill soon be required for occupancy by the surplus populations of the older States of the Union. The natural increase of sixty millions of people will within the next century of our national existence require all the available space within the present boundaries of the United States for their comfortable and easy maintenance without overcrowding. If the people of these United States have the wisdom to be content with their present geographical extent, as it seems to me that with their present geographical extent, as it seems to me that sound conservatism and good judgment dictate, the time has arrived to reverse the policy of the past century of our career,

arrived to reverse the policy of the past century of our career, and cease our efforts to induce foreigners to immigrate to our shores to divide with us and our children the good things and great blessings which we have inherited from our ancestors.

But if, upon the other hand, we wish to devote ourselves, our energies and means, to the pioneer and missionary work of providing homes for the oppressed and unfortunate of every other land and country, we should now begin to take the preliminary steps and to prepare the way for the further acquisition of territory, and persevere to the final absorption of all the neighboring States of this continent.

In this I apprehend danger, from its vastness and lack of homogeneity, of ultimate dissolution.

To the young and ambitious, especially to the martial spirit of

mogeneity, of ultimate dissolution.

To the young and ambitious, especially to the martial spirit of America, such an extension of the Government of the United States presents an inviting and fascinating prospect; and although it may carry with it a promise of great beneficence to suffering humanity, the people of sober judgment and sound philosophy will hesitate long and thoughtfully before they will ever incur the risk to the perpetuity of the Union and the liberty preserved by our written Constitution which such vastness of acquisitions would involve.

of acquisitions would involve. Now, Mr. Speaker, I might consume much more time, but Now, Mr. Speaker, I might consume much more time, but I have already spoken longer than I intended when I began, and I will ask to have printed with my remarks, in this connection, the report which accompanies this bill. I have learned that there is opposition on this floor to this bill, and some gentlemen desire to be heard; and I am one of those who never desire to take snap judgment or have any measure passed without ample opportunity of discussion and fair understanding. Therefore, as the time remaining is so short that it is impossible to do that and reach a vote upon this bill, as much as I am attached to this and reach a vote upon this bill, as much as I am attached to this bill, and desire it to be passed, I will not insist in consuming the time in a vote, but will allow gentlemen ample opportunity to discuss it in the remainder of the hour.

How much of my time is there remaining? The SPEAKER. The gentleman has five minutes of his time

Mr. OATES.

Mr. OATES. I yield the remaining five minutes to the gentleman from Illinois; but are there not thirty additional minutes? The SPEAKER. There are thirty minutes on the other side, and the Chair will recognize some gentleman in opposition to

Mr. OATES. I was going to say, if I were allowed to make the suggestion, that I give my five minutes to the gentleman from Illinois, who is opposed to the bill.

The SPEAKER. The gentleman from Alabama has only five

minutes, and the Chair promised to recognize gentlemen in opposition to the bill.

Mr. OATES. I gave away my five minutes to the gentleman from Illinois; and I wish further to suggest that the gentleman from Texas also desires to oppose the bill.

The SPEAKER. What was the request of the gentleman from Alabama as to publication in the RECORD?

Mr. OATES. Merely that I may print the committee's report in the RECORD as a continuation of my remarks.

There was no objection. The report is as follows:

The Committee on the Judiciary having had under consideration the bill (H. R. 3299) entitled "A bill to amend the naturalization laws of the United States," report the same back to the House with the following amendments, and thus amended your committee recommends the passage of the bill.

bill.

Amend section 2 by inserting in line 11, after the words "has since resided at ," the following, "and nowresides at ," (particularly describing the place of residence).

Also amend section 3 by inserting in line 29, after the words "United States," the following:

"There shall be allowed and taxed as a part of the costs in each case a fee of \$3 to the United States district attorney or his assistant, the State's prosecuting attorney, or his assistant, for representing the Government in such case." prosecuting attorney, or his assistant to such case."

The bill was favorably reported by your committee in the Fifty-second Congress. The following report then made is hereby adopted:

"The provisions of the bill are as follows:

"Section 1 provides that no alien who has ever been convicted of a felony

or other infamous crime or misdemeanor involving moral turpitude, or who is an anarchist or polygumist, or who immigrated to the United States in violation of any of their laws, or who can not read the Constitution of the United States, shall be naturalized by any court: nor unless he has resided continuously for five years next preceding his application within the United States, and for one year in the State. Bistrict, or Territory in which the application is made. That no class are by this act made eligible to naturalization who are ineligible by existing law, except Indians who have adopted the customs and manners of civilized life and severed their tribal relations. "Section 2 prescribes a form of petition for naturalization and its verification.

"Section 2 prescribes a form or petition of hardest action.
"Section 3 provides for the docketing and hearing of such petitions, and for the United States to be represented thereon by the district attorney or public prosecutor, who shall deny its allegations and require proof thereof to the satisfaction of the court, and prescribes, as far as practicable, the measure and credibility of the proof.
"Section 4 prescribes a penalty for swearing falsely to such petition or to any material allegation thereof of the hearing.
"Section 5 confers jurisdiction upon and specifies the courts to hear the petitions for naturalization. In this there is some restriction of the presentlaw.

petitions for naturalization. In this there is some restriction of the present law.

"Section 6 provides that aliens who have filed their declaration of Intention to become citizens before the approval of this act shall not be affected by its provisions.

"Section 7 provides that any alien who is eligible to naturalization, except as to the requirement of five years' residence, may take a homestead on the public lands by setting forth his alien condition and intention to become a citizen in his application for the entry thereof; but that no patent shall issue to him until he is legally naturalized. Said section repeals subdivisions 1 and 2 of section 2165, Revised Statutes, and other laws in conflict with the bill. The declaration of intention, the fruitful source of the major part of the evils and frauds practiced on the law, is abolished.

"Some of the reasons which influence the committee to recommend the passage of this bill are as follows: The loose manner in which aliens have been naturalized in many places of late years has been most shameful and in utter disregard of the requirements of our laws, although they are entrely too liberal and inefficient in their provisions. Naturalization of aliens recently arrived from abroad and knowing nothing of our institutions and Government, just before elections, for the purpose of making voters, has been resorted to in several localities. In States where only the declaration of intention to become a citizen is an essential qualification of the alien to make him a voter, have the greatest frauds and most unblushing violations of the spirit of the law been perpetrated. The bill, however, does not touch the qualification of voters, except incidentally, as that power resides in the States.

"The investigations made by the Ford committee, in the Forty-ninth Con-

of the spirit of the law been perpetrated. The bit, nowever, does not come the qualification of voters, except incidentally, as that power resides in the States.

"The investigations made by the Ford committee, in the Forty-ninth Congress, developed the fact, as shown by the testimony taken, that in Brooklyn one of the courts was used by imposition and fraud for naturalization purposes by a combination of lawless men, who would naturalize and thus make a full-fiedged citizen out of any alien, within three days after he landed, for the consideration of \$55.

"Under a resolution adopted by the House of Representatives the 1st day of April, 1890, instructing the Committee on the Judiciary to investigate certain alleged illegal practices of United States courts and officials connected therewith, your committee, through a subcommittee composed of Hons. A. C. Thompson, of Ohio; H. C. McCormick, of Pennsylvayia, and William C. Oates, of Alabama, among other matters investigated, found and reported to the House the following facts in regard to the naturalization of aliens in the courts of the United States at Boston, Mass.:

"The circuit court there has a clerk with two deputies, and the district court also has a clerk with two deputies.

"Some few years ago, to remedy the loose practice which prevailed in the State passed an act to regulate the practice in its own courts, and to require greater vigilance in the detection of fraud and stricter proof of the right to receive the great benefit of being adjudged a citizen of the United States. When this law was put into practice aliens no longer applied to the State courts, with rare exceptions, but went from all parts of the State, and even from some adjacent States, to Boston, where they found in the United States courts much more convenient methods of accomplishing their purposes.

"They found, from the testimony of the clerks, their deputies, and Judge

states courts much more convenient methods of accomplishing their purposes.

"They found, from the testimony of the clerks, their deputies, and Judge Nelson, of the district court, the following practice to prevail:

"An alien, wishing to be naturalized, and frequently great numbers of them together are in the habit of applying to one of these clerks or one of them together are in the habit of applying to one of these clerks or one of the devenment, setting forth all the requirements of the law, which are filled up and sworn to by the applicant. This is deemed a sufficient declaration of intention, and for this work, if the clerk fills out the blank, he charges a fee f\$\simes\$: but if the applicant comes in with the blank he charges a fee charges \$\simes\$ for administering the oath. When aliens apply to become fully naturalized, the blanks are filled both for the applicant and the witnesses which he brings with him, and then the clerk or deputy, as the case may be, proceeds with the applicant and his witnesses, and sometimes quite a number of applicants at the same time, into the court room when the court is not in session, or to the door of the court room if it be in session, and in either case he says to the applicant and his witnesses: Now you are in the presence of the court, and administers the oath to him and his witnesses, retire as he asys to the applicant a fee of \$\simeq\$4, but if the applicant brought in his papers to his office, issues the necessary certificate, and, if he fills the blank, he charges the applicant a fee of \$\simeq\$4, but if the applicant brought in his papers already filled the fee is but half that sum. The judge's attention, even when present and holding court, is never called to the matter at all, unless the clerk gets up a doubt as to whether the applicant is entitled to be naturalized, and then he refers the matter to the judge's attention, in less the clerk gets up a doubt as to whether the applicant is entitled to be naturalized. Some the present and he had the prefers the mat

ized, and then he refers the matter to the judge, which is not of very frequent occurrence.

"Just before elections are to be held, when there is a great pressure of applicants for naturalization, backed up by committees from the different political parties, the judges give in such cases some personal attention to these matters, but usually the applicants are put through and adjudged to be citizens of the United States by the clerk or his deputies, in the absence of the judge and without his knowledge. Neither is it the practice in such courts to make any investigation of who the witnesses are, or whether they are worthy or unworthy of credit. Any two witnesses are generally accepted as competent and credible to prove up ten cases, but the clerks say they refuse to take the testimony of the same two witnesses for more than ten applicants at one time. What a ridiculous farce! The making of citizens out of aliens, which should be a grave judicial proceeding in the exercise of a constitutional function, is left by the courts to its mere ministerial officers who can not exercise judicial power, but run the machine merely for the fees they can make out of it.

"Boston, however, is not the only place where the naturalization of aliens

"Boston, however, is not the only place where the naturalization of aliens is treated as a merely formal or clerical matter, which requires no judicial investigation; it is the rule rather than the exception. If the making of citizens of this great country is of no greater moment why not abolish is

altogether and extend the privileges of citizenship to all who come to reside among us? A thing which is worth deing at all is worth doing well. In Congress is vested the power to make laws upon the subject of naturalization. The States have no power to legislate on the subject. Congress should therefore make such laws as will amply protect the States against the citizentzation of criminals, paupers, anarchists, and allens who are unworthy of a residence and much less the citizenship of the United States or of a State. Under the very liberal immigration laws, which are administered with great laxity, over a haif million of immigrants are landed on our shores. While about 50 per cent of them are desirable, and aid by their industrious and economical habits to develop our latent wealth, yet these are dearly paid for by the imposition upon the States and the great municipalities where the other 50 per cent congregate. Among them are moral and, frequently, physical lepers, whose practices and methods of life contaminate all who come in contact with them, and are horrible examples of r.ora' turpitude to our young native Americans.

"The testimony taken by the Ford committee shows that 75 per cor.'c.' all the inmates of the lunatic asylums and poorhouses of the States which they examined are of foreign birth.

"These States and communities should receive at least the protection of Congress against the making of such creatures citizens of this country. The name 'American citizen' should be esteemed as was that of 'a Roman' when Rome was the mistress of the world.

"Such pride can never be felt by our foreign-born citizens, with but few exceptions, until the process of conferring this great boom upon an alien to except and do not prohibit any person worthy to become a citizen of that great privilege. It, of course, requires more to be done by an alien to become a citizen than is required by existing law. The existing law and its administration is in many parts of the country a travesty of judicial proceedings.

"The fo

judicial proceedings.

'The following table, recently obtained from the Census Bureau, is of interest upon this subject:

"DEPARTMENT OF THE INTERIOR, CENSUS OFFICE, "Washington, D. C., March 11, 1892

"Very respectfully,"

"Value of the Chill Description of Child Descripti

"A. F. CHILDS, "Hon. WILLIAM C. OATES,
"House of Representatives, Washington, D. C."

Foreign-born males 21 years and over. Aliens uralizat paper. Unknown. Naturaliz States. Speak Eng-lish. Other Total. Nat 30, 470 260, 047 19, 686 257, 094 40, 185 78, 328 685, 462 6, 152 42, 589 9, 242 11, 313 9, 789 12, 080 9, 481 7, 108 102, 050 16, 960 22, 351 129, 646 1, 579 7, 341 1, 688 2, 177 1, 186 2, 711 11, 128 3, 606 10, 131 1, 017 9, 248 15, 685 112, 504 3, 038 15, 605 1, 174 38, 739 63, 109 416, 362 515 3, 494 3, 742 26, 322 145 5, 617 879 6, 739 636 6, 326 15, 670 18, 037 8, 120 118, 508 20, 004 28, 525 192, 814 2, 094 11, 063 1, 833 3, 056 1, 822 496 6,541 1,554 2,006 22,739 115 1,394 163 173 204 1,827 19,541 3,082 8,976 53,547 449 3,790 1,629 1,343 1,437 New York Delaware Maryland District of Columbia Virginia West Virginia

Mr. CRAIN. Mr. Speaker, before the gentleman from Illinois [Mr. GOLDZIER] proceeds I desire to say that I shall ask to be recognized in opposition to the bill and to consume as much of the time we are entitled to on this side as I may desire. If I am recognized I have no objection to yielding to the gentleman

am recognized I have no objection to yielding to the gentleman from Illinois [Mr. GOLDZIER] ten minutes in addition to the five minutes yielded to him by the gentleman from Alabama.

Mr. CAMPBELL. Mr. Speaker, I desire to serve notice that I am opposed to this bill, and that when the proper time comes I shall ask to be heard in opposition to it.

The SPEAKER. The matter is before the House for debate. The gentleman from Alabama [Mr. Oates] had one hour, of which he has five minutes remaining. The Chair will recognize the gentleman from Texas [Mr. Crain] to control the hour in opposition to the bill.

opposition to the bill.

Mr. GOLDZIER. I understand, then, Mr. Speaker, that I have the five minutes yielded to me by the gentleman from Alabama [Mr. Oates] and ten minutes more yielded to me by the

gentleman from Texas?

The SPEAKER. That is a little irregular, as the gentleman from Texas has not yet been recognized. The Chair will, however, recognize him at the expiration of the time of the gentle-

Mr. GOLDZIER. Mr. Speaker, I rise to give voice to my opposition to a measure which I consider as unwise and partisan as it is un-Democratic and un-American. I am opposed not alone to the language of this bill; I am opposed from the core of my heart to the spirit that dictates a measure of this character.

From time to time in this country the naturalized citizens and

those entitled to naturalization have had to bear the brunt of those entitled to induralization have had to bear the brunt of attacks made upon them by a set of people who believe that they are the Lord's anointed, destined to rule and reign, and that all others are subordinate to them and belong to a lower order of citizens. I desire to repel that sentiment, and I wish to say to the gentleman from Alabama that I, as one of the naturalized citizens of this country, consider myself the equal in every respect of any other citizen, no matter where his cradle may have

Is there in the history, in the traditions, in the laws of America any warrant for the arrogant assumption that there exists in this country a class of citizens entitled to higher privileges, to greater consideration, to more respect than any other? If there is, I for one have failed to find it. I believe under our Constitution our citizens whether native born or naturalized are equals before the law.

The gentlemen who favor measures such as the one under consideration, whose very aim and object is that of oppressing the poor hard-working immigrant and of denying to him the rights

poor hard-working immigrant and of denying to him the rights of citizenship, seem to forget that they and each of them are descendants of these self-same immigrants.

It has become fashionable in aping the aristocratic customs of Europe for Americans to trace their lineage back into past ecnuries and to claim on the score of "blood," social, and other distinctions. But even the most distinguished branches of this self-created American aristocracy must carry back their table of ancestry to some immigrant who came to America at some time

or another, as poor and helpless, and in most cases as ignorant, as are those against whom they are now so loudly proclaiming.

Immigration in America is a sold as the country itself and from the beginning of the history of our country it has been deemed not a curse, as the adherents of knownothingism would now de-pict it, but as a boon to our land. The naturalization laws en-acted from time to time in the early history of the colonies show a spirit of liberality toward the immigrant which ought to bring a spirit. Of therefiley toward the immigrant which ought to bring a blush of shame to the cheeks of those who disgrace the civilization of the nineteenth century by the intolerance they exhibit toward the men who, like their forefathers, seek shelter from oppression, new homes and prosperity in the land of liberty. In Pennsylvania a law providing for naturalization was enacted in 1682 which prescribes a residence of only three months in order to entitle a foreigner to citizenship.

In 1785 the constitution of the same State provided as follows: Every foreigner of good character, who has come to settle in this State, having first taken the oath or affirmation of allegiance may purchase lands; after a residence of one year becomes a free denizen, and in two years is capable of being elected a Representative.

The early laws of other colonies contained equally liberal provisions, and throughout this legislation shows that the aim was to encourage aliens in becoming citizens and not, what seems to be the drift of the proposed laws of the present, to place obstacles

be the drift of the proposed laws of the present, to place obstacles in the way of the foreigner's desire to take upon himself the duties and to acquire the rights of American citizenship.

And it is not alone in the early history of the country that the immigrant was prized. This Government has countenanced and stimulated immigration at all times. I hold in my hand a report on immigration published by the Government in 1872. The very first sentence used by Dr. Young, the chief of the Bureau of Statistics, is a stern rebule to that bigoted "aristocracy" who believe that they perform an act of charity when they permit believe that they perform an act of charity when they permit the immigrant to land upon these shores. He says in his report to the Secretary of the Treasury:

In a country like ours, possessing rich and undeveloped resources, the advent of intelligent labor has in general been cordially welcomed. The value of this addition to our material wealth has never been more appreciated than during the last decades.

Later on, in discussing the money value to the country by each immigrant, he says:

The difficulty of determining the pecuniary of material value of the foreign population who come yearly to this country is not inconsiderable, as no data are accessible by which it can be accurately ascertained. Indeed, the very attempt to do so may appear derogatory to the dignity of human nature. To regard a man merely as an automatic machine, computing his productive power, minus his running expenses, places a low estimate on a being made in the image of his Maker, and seems an insult alike to the Creator and the created. The muscular power of the laborer may be measured, but where is the meter that can mark the activity of his brain or indicate his moral force?

In making an intelligent estimate of the addition to the material wealth of

his moral force?

In making an intelligent estimate of the addition to the material wealth of the country by immigration, several distinct conditions should be regarded. The character of the immigrants as industrious and law-abiding citizens, their nationalities, education, and previous condition, as well as their occupations and ages, are elements to be considered when determining their values.

Value

As regards nationality, more than one-half of those who have thus far arrived in the United States are British, and come from the United Kingdom, or from the British possessions of North America. These speak our jamage, and a large part are acquainted with our laws and institution, and are soon assimilated with and absorbed into our body-politic.

The German element comes neat, and embraces nearly two-thirds of the remainder, being at once an industrious and an intelligent people, a large proportion settling in rural districts and developing the agricultural resources of the West and South, while the remainder, consisting largely of

artisans and skilled workmen, find profitable employment in the cities and

artisans and skilled workmen, and prolitable employment in the cities and manufacturing towns.

The indux of Scandinavians, who have already made extensive settlements in the Northwestern States, constitutes a distinctive feature of the movement, and though but a few years since it received its first impetus, is already large and rapidly increasing. Industrious, economical, and temperate, their advent should be especially welcomed.

After a scientific research as to the pecuniary value of each immigrant, Dr. Young states his conclusions in words which form a glowing tribute to the value of the foreigner's brain and brawn which helped to bring to its present greatness this young Re-He says:

public. He says:

From the foregoing considerations, therefore, the sum of \$800 seems to be the full average capital value of each immigrant. At this rate those who landed upon our shores during the year just closed added upwards of \$25,000,000 to our national wealth, while during the last half century the increment from this source exceeds \$6,23,80,800. It is impossible to make an intelligent estimate of the value to the country of those foreign-born citizens who brought their educated minds, their cultivated tastes, their skill in the arts, and their inventive genius. In almost every walk of life their influence has been felt. Alike in the fearful ordeal of war and in the pursuits of peace, in our legislative halls, and in the various learned professions, the adopted sons of America have attained eminence. Among the many who rendered timely aid to our country during the late war, it may seem invidious to mention a single name, except for the purpose of illustration. In the year 1639 there arrived at the port of New York, in the steamship British Queen, which sailed from the port of London, a Swedish immigrant, better known as Capt. John Ericsson. What was his value to the country, as estimated on the 9th day of March, 1862? Was it eight hundred, eight hundred thousand, or eight millions of dollars?

The rest of this pamphlet of about 250 pages consists of information for immigrants, and was destined for circulation in foreign countries to encourage immigration.

Now, what has happened that ought to change our attitude toward the immigrant?

I see the gentleman from Massachusetts [Mr. MORSE] suggests the unhappy anarchist episode of 1886. Let me assure this gen-tleman that no man on this floor deplores these occurrences more than I do; but let me also point out to him what in his zeal he appears to forget. The anarchists were not all aliens. The intellectual head of those who were adjudged by the courts of this country of crimes which demanded the exaction of the death penalty was not a foreign-born citizen. John B. Parsons, who died on the gallows on November 11, 1837, was not only born in America, but, if my memory serves me right, in Alabama, and I have no doubt could trace his lineage back to American-born ancestors as far as ever the gentleman from Massachusetts can. Yet who would think of making native-born Americans responsible as a class for his acts or opinions?

It is as unjust to charge to the naturalized citizens the faults, the failings, the crimes of isolated individuals as it would be to condemn the population of Massachusetts for the crimes of a Jesse Pomeroy or of Dr. Webster. Who would condemn Chris-tianity because one of the spostles had proved himselfa traitor? Has the gentleman ever heard it mentioned as a reproach to the native born that a Benedict Arnold could not be found among

the adopted sons of America?

In these discussions much is said by gentlemen of nativistic tendency about "our forefathers." These gentlemen should be reminded that the founders of this Government were not all

descendants of the Plymouth Rock pilgrims.

I wish to call their attention to the fact that they can not turn to a page of American history, ancient or modern, which has not inscribed upon it honorable mention of the adopted sons of From the Boston massacre down to the last battle in that glorious struggle for independence which ended in the establishment of our Government, there is not a battlefield which was not reddened by the blood of foreign-born men who died for the liberty of the country of their choice.

It is but necessary to mention the names of Lafayette, Steuben, and Kosciusko, noble, wise, patriotic leaders of foreign birth, whose valiant services in the cause of liberty have been acknowledged time and again by the nation and by every true

American.

Is it necessary to recall to gentlemen that at the first call to arms the German settlers in Pennsylvania, in Maryland, in the Mohawk Valley, and elsewhere throughout the colonies, eagerly and joyfully armed themselves to offer up their lives at the call of their adopted country?

Let me refer you, among others, to the records of the Provincial Council of Pennsylvania, vol. 10, page 621, showing the raising of eight companies of German volunteers in Pennsylvania

and Maryland, in July, 1776.

What wealth of patriotism, what self-sacrificing devotion is disclosed in the following pathetic tale, copied from the Pennsylvania Mercury of June 19, 1775, which I append without com-

The aged as well as the young daily march out under the banners of liberty and discover a determined resolution to maintain her cause even until death. In the town of Reading, in Berks County, there had been some time past three companies formed and very forward in their exercise; since, however, we are well informed a fourth company have associated under the name of

the Old Man's Company. It consists of about 80 Germans of the age of 40 and upwards. Many of them have been in the military service of Germany. The person who at their first assembling led them to the field is 97 years of age, has been forty years in the regular service and in seventeen pitched battles, and the drummer is 84. In lieu of a cockade they wear in their hats a black crape as expressive of their sorros for the mournful events which have occasioned them at their late time of life to take arms against their brethren in order to preserve that liberty which they left their native country to enjoy.

Speaking of our forefathers, let me remind the gentleman from Massachusetts [Mr. Morse] of the fact that among the signers of the Declaration of Independence there were a number of foreign-born citizens, and let me tell him that in the name of the naturalized citizens of America, in the name of that class of our population which has at all times in the history of this country responded patriotically to every call America has made upon it— that I claim these men, who risked their lives that liberty might live, despite the fact that they were foreigners—as our forefa-

The great men of Revolutionary times have on every occasion gratefully acknowledged the indebtedness of America to its foreign-born population; and among thousands of proofs of this assertion let me insert here what was said by the foremost of all Americans, by George Washington, in answer to an address of the Irish Catholics.

As mankind become more liberal, they will be more apt to allow that all those who conduct themselves as worthy members of the community are equally entitled to the protection of civil government. I hope ever to see America among the foremost nations in examples of justice and liberality. And I presume that your fellow-citizens will not forget the patriotic part they took in the accomplishment of their revolution and the establishment of their government, or the important assistance which they received from a nation in which the Roman Catholic faith is professed.

What a glorious sentiment by a glorious man; but what a bit-ter contrast to the narrow-minded spirit of illiberality of to-day that inspires laws which make it the duty of United States officials to defend against (i. c., if possible, to defeat) the petition of the sturdy emigrant, who, after years of residence and good behavior, seeks American citizenship in order that he may cease to be an alien in his new home, and may be permitted to take upon himself the duties and responsibilities of a citizen.

A like spirit of liberality and the desire to pay tribute to the foreign-born element for their valor and bravery is evinced by foreign-born element for their valor and bravery is evinced by George Parke Custis, Washington's adopted son, who embalmed his sentiments upon this subject in a poem inscribed "to the friends of civil and religious liberty," which gentlemen will find published in the National Intelligencer of October 14, 1828.

Passing from old history to the present, we find that in our long struggle for national unity, as in the war for independence, the part taken by the naturalized citizen was great, and sheds a luster around these where relevants are deventions.

luster around those whose valor, whose devotion and patriotism upheld and strengthened the nation in the hour of her greatest

It is impossible to go into details; but if you pass in muster the roll of honor of those who paid with their lives for the privileges of American citizenship; if you find where the strife was thickest, where death resped its greatest harvest, you will find that the foreign-born citizen was there in greatest numbers. If you review the names of those to whom the nation owes a debt of gratitude in return for their sacrifices of life and blood; if you recall those to whom we have erected monuments in every nock and corner of this great Union you will find unnumbered thousands among these whose cradles stood on foreign shores and

over whose bodies alien mothers wept their bitter tears.

Mr. Speaker, a few days ago I stood upon the battlefield at
Fredericksburg, and with a feeling of awe I trod the very ground
which was moistened on that sad December day in 1862 by the blood of brave soldiers. In my thoughts I reviewed those brave among the brave, Meagher's Irish brigade, as they advanced once, and again and again towards those impregnable heights, to be repulsed again and again. I saw, through the vision of mind, the sad rally of these troops after the din of battle was over, and I saw that of the twelve hundred who had greeted the dawning of that fatal day, barely two hundred and fifty responded to the roll call at night

I stood upon the very spot upon that battlefield where one of my near kin, a brave soldier and a good patriot, died for his and my country leading his regiment (the gallant Sixty-sixth New York Volunteers) to a forlorn hope in his attack upon the stone buttress of the sunken road. And as I stood, the words of stone buttress of the sunken road. And as I stood, the words of the poet, penned in memory of that battle, recurred to my mind, and involuntarily my lips spoke:

They closed the ledger and they stilled the loom, The plow left rusting in the prairie farm; They saw but Union in the gathering gloom, The tearless women helped the men to arm.

Brigades from towns, each village sent its band, German and Irish, every race and faith: There was no question then of native land, But love the flag and follow it to death.

If sacrifices of life are to be weighed in the scales which de-termine our right to live in and be citizens of the land of the brave and the home of the free, then the foreign-born citizen who has given to America hostages of his fidelity in measureless streams of blood, is entitled not alone to residence and citizenship, but I say to you of American birth, he is entitled to more He has a right to be treated in this country not as one who holds by mere sufferance a citizen of a lower order, but he has a sacred claim on you, men of American birth, which should impel you to regard and treat him as your brother, in peace as he your brother in war,

That this is not the spirit which animates the measure under consideration is shown by the bill itself and by the report which accompanies it. This report, which the gentleman from Alabama [Mr. OATES] asks to print in the RECORD, contains upon its face a slur so manifestly untrue and so malicious a libel upon the foreign-born population that I can not proceed in this argument without giving it the most direct contradiction.

In this report the gentleman says that the testimony taken by the Ford committee shows that 75 per cent of the inmates of all the lunatic asylums and poorhouses are of foreign birth. This

statement is absolutely unwarranted by the facts.

Mr. OATES. I state, Mr. Speaker—

Mr. GOLDZIER. I can not permit the gentleman to waste any of my time.

Mr. OATES. But you are denying a statement that I have

Mr. GOLDZIER. I can not permit the gentleman to interrupt

Mr. OATES. You get the proof and see whether that statement is correct or not.

Mr. GOLDZIER. I have the proof right here.
Mr. OATES. You have the testimony?
Mr. GOLDZIER. I have the proof right here.
The SPEAKER. The gentleman from Illinois declines to be

Mr. GOLDZIER. If the Ford committee, of which the gentleman from Alabama was a member, had taken the trouble to consult the census of 1880; if they had resorted to the records, they would never in this manner have vilified the good name and

fame of the immigrants into this country.

What does the census show? The census shows, as far as the insane population is concerned, the following total results: Of the insane in the whole United States the native element further in the whole United States the native element further in the whole united states the native element further in the whole united states the native element further in the whole united states the native element further in the whole united states the native element further in the whole united states the native element further in the whole united states the native element further in the whole united states are states as the insane in the whole united states are st nishes 65,630, and the foreign-born element furnishes 26,329. Thus the percentage instead of being 75 is less than 33 per cent. It shows, furthermore, that not only is it untrue that 75 per cent of those who fill the almshouses are foreigners, but it is untrue that that is the case in any single State in the Union, and there are only three or four States in which the foreign element exceeds the native-born element.

Concerning almshouses, this same document (and I presume it is as reliable as the report of the Ford committee) shows the total number of native-born inmates of almshouses as 44,106, and foreign born 22,961; and it shows in the whole United States but two States, California and New York, where the number of foreign-born people in the almshouses exceeds that of the native

Among the provisions in this bill which show the animus of the measure and the arrogance of the class that fathers it, is the educational qualification it provides for in requiring the appli-cant to be able to read the Constitution of the United States. Admitting even that this qualification should be a prerequisite to citizenship, it should be enforced alike against natives as well as against the foreign born. It ill becomes the gentleman hailing from the State of Alabama to insert in his bill such a provision, while the statistics show that in his own State the illiteracy of the native-born white population exceeds that of the foreign-born population in any State to a degree which is scarcely

redible.

Referring again to the census, it shows that in the State of Alabama, the State from which the gentleman hails, the illiteracy of the white population—not the blacks—the illiteracy of the white native-born population is 25 per cent, while the illiteracy of the foreign-born population is 7.7 per cent. It shows further, in a number of tables, that throughout the South the percentage is substantially the same; that in Arkansas, for instance, another State in which immigration is inconsiderable, the illiteracy is 25.5 per cent of the native-born white population and the illiteracy of the foreign-born is 5.6 per cent; that in Virginia, within the very shadow of this Capitol, within the reach almost of my voice, the illiteracy of the white native-born population is 18.5 per cent, while the illiteracy of the foreign-born element is 5.4 per cent. It shows further that in all those States that have been blessed, and I say blessed advisedly, by immigration the state of education among the people is much higher than

it is in States such as that represented by the gentleman to which there has been but little immigration.

These stubborn, disagreeable figures show further that in Alabama, where the foreign-born population amounts to less than 8 per cent, the number of those persons over 10 years of age able to read amounts to 43.5 per cent, while in Minnesota, which has over 33 per cent of foreign-born inhabitants, the percentage is 3.7; in Illinois, with one-sixth foreign-born element, 4.3 per cent illiterates; in Nebraska, with about one-sixth foreign born, cent interaces; in New York, with about 25 per cent of for-eign-born inhabitants, the percentage is 4.2.

I hope that these figures will convince my friend from Ala-bama that illiteracy and immigration do not go hand in hand as

he seems to imagine, but that other causes exist for lack of edu-

cation wherever it exists.

What these causes are, at least so far as the gentleman's home What these causes are, at least solar as the genumenan's nome State is concerned, is again shown by these persistent figures. Alabama, with a population of 1,262,505, spends upon her schools the magnificent sum of \$430,131 annually, or about 30 cents per head of the population. The poor foreign-born farmer of Minnesota, who forms one-third of the population, the man against whose illiteracy we must be quarded, with a population of 180. sots, who forms one-third of the population, the man against whose illiteracy we must be guarded, with a population of 780,-773, spends upon his schools \$1,622,919, over \$2 per head of population, or seven times as much in proportion as Alabama. In Nebraska the proportion is about the same, while in New York and my home State, Illinois, the per capita expenditure for school purposes amounts to almost \$2.50 per head of population.

I might leave this part of the discussion here. It is patent that the educational test which the gentleman proposes would touch very few immigrants whose naturalization is desirable.

touch very few immigrants whose naturalization is desirable, I have paid attention to it solely for the purpose of showing the animus which permeates this bill, and I desire to add but one sentiment.

If the gentleman from Alabama is unable to curb his fervor in behalf of education in America, let me suggest to him that of education in America, let me suggest to him that

Alabama is a good State in which to commence his labors.

As to the further objectionable provisions in this bill, it ought properly to be termed "a law to make a monopoly of American citizenship," a monopoly for those who have time and money in order to obtain it.

If this bill should be enacted into law the property qualification which the gentleman from Massachusetts so earnestly hopes for would become unnecessary. The laboring man, the mechanic, the farmer, to whom the lengthy procedure of the trial provided for in the act means loss of much valuable time, would be most effectually barred from citizenship. The poor man, to whom the expense of this proceeding might mean the cost of sustaining his family for a week or over, would be forced to relinquish the pleasures of citizenship, and in course of time this gentleman might reach the goal of his ambition and could enjoy the rights of his citizenship (due in his case to the chance of birth) with but a select company of kindred spirits who believe in the motto "Dollars make men."

Another one of the provisions of this act reads as follows:

Upon such hearing the United States shall be represented by the district attorney or his assistant, and if in a State court the State may be represented by the United States district attorney or State's attorney, prosecutor, or solicitor, whose duty it shall be to defend the Government against

In other words, it is made the duty of the attorney representing the United States to take the poor immigrant who is on the stand defenseless and alone examine him, cross-examine him, ply him with questions pertinent and impertment, harass him, torture him, in short, use every known trick of the law in order to prevent him from attaining his object and the United States from receiving into her arms a citizen who by a five years' resi-dence and by good behavior has shown that he is worthy of the dence and by good behavior has shown that he is worthy of the honor. It provides further that the poor man who is an applicant for citizenship must not only lose his time by leaving his work in attending upon the filing of his petition and the trial, but must also pay the cost of the proceeding, including a \$3 fee, which the gentleman from Alabama has so benevolently provided, shall be paid in order to secure the services of this district atterney, whose haviness it is to defeat the petition of the trict attorney, whose business it is to defeat the petition of the

poor immigrant. Mr. MILLIKEN. Will the gentleman allow me a question?

Mr. GOLDZIER.

Yes, sir. Would you have any laws in regard to nat-Mr. MILLIKEN. uralization at all-

Mr. GOLDZIER. Most unquestionably I would.
Mr. MILLIKEN. Or would you let every man vote as soon as he comes here from a foreign country?
Mr. GOLDZIER. I would have a law which would facilitate the admission of any decent man to citizenship of the United

Mr. MILLIKEN. I agree with you on that.

Mr. GOLDZIER. But I would have no law which in spirit and in language has for its object the defeating of the purpose of naturalization, and which would swamp us with a population prevented by law from becoming citizens, without interest in the country or its institutions, and without the feeling of allegiance

country or its institutions, and without the feeling of allegiance which comes with citizenship.

Let me say to the gentleman from Maine that I believe in excluding, by wise and just legislation, such elements of immigration as after mature deliberation we shall determine are injurious to our body politic, but I believe in excluding them at the very threshold. And I believe further that our present immigration laws, if honestly enforced, will answer the purpose. I believe, on the other hand, that the best interests of the country require that to those whom we admit to residence the road to require that to those whom we admit to residence the road to citizenship should be smoothened instead of impeded, so that if the time should come again when a call is made upon the citizens of this commonwealth, a call for the highest sacrifice which man can make—blood and life—there should be few persons within our borders who do not owe allegiance to our Government, our

Constitution, and our flag.

Let me state in addition that chief among those whom I would exclude, both from residence and citizenship, is that class of immigrant for whose advent the grasping greed of the native-born mine owner and manufacturer is responsible. I would exclude the contract laborers, imported in masses. irrespective of quality, with sole regard for the cheapness of their labor, imported for the one purpose of putting more money in the plethoric purses of American monopolists.

But let me return for a moment to the provisions of this bill. In the concluding remarks of his report the gentleman from Alabama says: "The name 'American citizen' should be esteemed as was that of 'a Roman,' when Rome was the mistress of the world." I applaud that sentiment. I adopt it, and honor the proud spirit which caused it to be penned. It could inspire were it not for the fact that the bill which this report accompanies is sadly at variance with that sentence

What safeguards do you provide for the right of acquiring this priceless boon, this proud distinction? In every State in this Union in a controversy involving a paltry sum of money, the law provides an appeal to the party who feels that injustice is

done him by a judgment.
In the trial for which this law provides to obtain the cherished right of citizenship no such provision is made, and the man who right of citizenship no such provision is made, and the man who is denied this right by the ignorance, the corruption, the partisanship of some judge, or the cunning trickery of some lawyer, is turned away without remedy. No appeal is allowed him from the most grievous injustice which may be done.

Rightless and remediless some man whose heart may be yearning for admittance into the brotherhood of citizens of this Republic, some man of purest motives, of noble character, may be denied this right and have officed to him forward or the contract of the state of

denied this right, and have affixed to him forever and ever the stigma of having been solemnly adjudged unfit to be civis Americanum.

Does the gentleman say that this is just? Does he claim it is

Does the gentleman say that this is just? Does he claim it is right?
Our immigrants of old had a higher, a better, conception of the value and solemnity of naturalization.

Mr. Speaker, a short time ago I came across some old volumes of Pennsylvania Colonial Records dealing with the early history of that sturdy race to which we are indebted for some of the best men which the country produced—the Germans of Pennsylvania.

From time to time these records would show a number of men as having gone to the county seat to "take the sacrament," and I ascertained that this term in the quaint language of that peo-

ple meant taking the oath of allegiance.

So sacred was to them this function, that it formed a part and parcel of their religion, and thus acquired the very name of a religious exercise.

Let me assure you that the spirit which made a sacrament of the ceremony of naturalization is as strong to-day among the

foreign-born population as it ever was.

No danger will ever come to the institutions of America from her foreign-born citizens. Speaking as one of them, and as one who knows them, I say to you that we have ever considered our oath of allegiance a solemn and binding compact; and I challenge proof of its having ever been violated.

If the foreign-born retains and cherishes a fond recollection of

the land of his birth, who can reproach him for it? Does it lessen his love and devotion for the land of his free choice? Does the affection of a man for his mother lessen his ardent, impassionate, undying love for his wife?

Remember, you men of American birth, that as you proudly call this land the land of your fathers, it is to us as near and as dear. It is the home of those to whom we are bound with like ties of love and devotion. It is the land of our children.

In the name of the foreign-born element in America I entreat you do not enact a law which will revive the memory of the dark, Know-nothing times, a measure which is unjust to the foreigner and a discredit to the native-born. Let ovenhanded justice reign among all the elements which compose this great nation; be just to the foreign-born, and grant him the privilege to live for his country, and if ever the necessity arises he will cherish the privilege of dying for the land which has adopted him.

FREDERICKSBURG, DECEMBER 13, 1862. [John Boyle O'Reilly.]

- God send us peace, and keep red strife away: But should it come, God send us men and steel! The land is dead that dare not face the day When foreign danger threatens common weal.
- Defenders strong are they that homes defend; From ready arms the spoiler keeps afar, Well blest the country that has sons to lend, From trades of peace to learn the trade of war,
- Thrice blest the nation that has every son A soldier, ready for the warning sound, Who marches homeward when the fight is done To swing the hammer and to till the ground.
- Call back that morning, with its lurid light,
 When through our land the awful war-bell tolled,
 When lips were mute, and women's faces white,
 As the pale cloud that out from Sunter rolled.
- Call back that morn; an instant all were dumb, As if the shot had struck the Nation's life; Then cleared the smoke, and rolled the calling drum, And men streamed in to meet the coming strife.
- They closed the ledger and they stilled the loom, The plow left rusting in the prairie farm; They saw but "Union" in the gathering gloom, The tearless women helped the men to arm.
- Brigades from towns—each village sent its band; German and Irish—every race and faith; There was no question then of native land, But—love the flag and follow it to death.
- No need to tell their tale: through every age The splendid story shall be sung and said; But let me draw one picture from the page— For words of song embalm the hero dead.
- The smooth hill is bare, and the cannons are planted Like Gorgon fates shading its terrible brow; The word has been passed that the stormers are wanted, And Burnside's battalions are mustering now.
- The armies stand by to behold the dread meeting;
 The work must be done by a desperate few;
 The black-mouthed guns on the height give them greeting—
 From gun mouth to plain every grass-blade in view.
- Strong earthworks are there, and the rifles behind them Are Georgia militia—an Irish brigade— Their caps have green badges, as if to remind them Of all the brave record their country has made.
- The stormers go forward—the Federals cheer them; They breast the smooth hillside, the black mouths are dumb; The rifemen lie in the works till they near them, And cover the stormers as upward they come.
- Was ever a death march so grand and so solemn? At last the dark summit with flame is enlined; The great guus belch doom on the sacrificed column, That reels from the height, leaving hundreds behind.
- s are hushed—there is no cause for cheering: The fail of brave men to brave men is pain.

 Again come the stormers! and as they are ner
 The flame-sheeted rifle lines reel back again.
- And so till full noon come the Federal masses— Flung back from the height, as the cliff flings a wave; Brigade on brigade to the death struggle passes, No wavering rank till it steps on the grave.
- Then comes a brief luli, and the smoke pall is lifted, The green of the hillside no longer is seen; The dead soldiers lie as the seaweed is drifted, The earthworks still held by the badges of green.
- Have they qualled? is the word. No; again they are forming— Again comes a column to death and defeat! What is it in these who shall now do the storming That makes every Georgian spring to his feet
- "O God! What a pity!" they cry in their cover,
 As rifies are readled and bayonets made tight,
 "Tis Meagher and his fellows, their caps have green
 "Tis Greek to Greek now for the rest of the light!
- Twelve hundred the column, their rent flag before them, With Meagher at their head, they have dashed at the hill! Their foemen are proud of the country that bore them; But, Irish in love, they are enemies still.
- Out rings the fierce word, "Let them have it!" the rifles Are emptied point blank in the hearts of the foe; It is green against green. but a principle stifles The Irishman's love in the Georgian's blow.
- The column has recied, but it is not defeated:
 In front of the guns they re-form and attack;
 Six times they have done it, and six times retreated;
 Twelve hundred they come, and two hundred go back.

Two hundred go back with the chivalrous story; The wild day is closed in the night's solemn shroud; A thousand He dead, but their death was a glory That calls not for tears—the Green Badges are proud!

Bright honor be theirs who for honor were fearless, Who charged for their flag to the grim cannon's mouth; And hence to them who were true, though not tearless— Who bravely that day kept the cause of the South.

The quarrel is done—God avert such another;
The lesson it brought we should evermore heed:
Who loveth the flag is a man and a brother.
No matter what birth, or what race, or what creed.

Mr. CRAIN. Mr. Speaker, the debate on this bill was entered on unexpectedly to me yesterday, and I have not had the time to give to its provisions the full consideration which I would have been glad to have devoted to them. It is entitled "A bill to amend the naturalization laws of the United States." At the proper time I shall offer an amendment to the title so as to make it read, "A bill to resurrect Knownothingiam in the

The provision of the first section of the bill in reference to the naturalization of aliens simply prohibits the naturalization of desirable foreigners who having come here expect to become

The proposition that no alien shall ever be admitted to citizenship within the United States who has ever been convicted of a felony or other infamous crime or misdemeanor involving turpitude—"moral turpitude" is the language of the bill—or who is an anarchist or a polygamist is practically a nullity. It is a nullity for the simple reason, Mr. Speaker, that the laws of our country prohibit the immigration of such people. No individual embraced within the definition of any one of these terms can be legally admitted into the United States, and therefore the inhibition against the naturalization as a citizen of this country of such person is simply farcical if our laws upon the subject of immigration are enforced. One object, then, of this law is what? To prohibit practically the extension of American citizenship to people of foreign birth who land upon our shores and cast their lot here with the intention of bettering their fortunes and spending their lives in this country.

Now, I think, sir, in view of the statement in the report of the committee on the bill, that 500,000 immigrants are yearly entering this country, we ought not to throw restrictions around them, and that we should not provide that two and a half millions of them may be here as parasites, instead of being incorporated and merged in the American body politic. I say 2,500,000 because the first instalment of 500,000 will be compelled to remain five years before being admitted to citizenship, and at the expiration of that time 2,000,000 more will have entered the United States, so that time 2,000,000 more will have entered the United States, so that there will always be two and a half millions of aliens among our people denied the right of citizenship, because they have not lived five years in this country.

Mr. MILLIKEN. Will the gentleman allow me to ask him a

Mr. MILLIKEN. Will the gentleman allow me to ask him a question? Do you believe that anarchists or criminals should be admitted as members of our body politic?

Mr. CRAIN. My dear sir, under our laws you can not have anarchists or criminals in the country, who come from abroad, if the officers of the law perform their duty. Because under the act of March 3, 1891, and the supplementary act of 1893, called the Stump act, which we passed, you being a member of that Congress as well as myself, that class of people is excluded and can not come into the country at all, and hence can not ap-

ply for citizenship. Mr. MILLIKEN. N. Will you allow another question? Well, my time is so limited that I dislike to Mr. CRAIN. yield. If I am interrupted in this manner I shall have to ask for

an extension of my time.

Mr. MILLIKEN. I merely wish to ask if my friend does not know, notwithstanding the laws, that as a matter of fact a great many of this class of people do come or creep into this country; and because they do happen to come in, does the gentleman think they ought to be privileged to assume the right of citizenship under our laws?

Mr. CRAIN. No, sir. There is a law against murder and yet murders are daily perpetrated.

Mr. DINSMORE. Will the gentleman from Texas allow me

to ask him a question?
Mr. CRAIN. Certainly.

Mr. DINSMORE. The gentleman, as I understand it, speaks

of a deserving class or a desirable class of immigrants.

Mr. CRAIN. I used the word "desirable." I said that the desirable class of immigrants should be absorbed in the body politic.

Mr. DINSMORE. Then, as it is true that certain undesirable classes do come by some means, does the gentleman think that they would be less objectionable to us, and that their influence would be less petent for evil, if they should be made citizens

and have conferred upon them the right of suffrage under our laws:

Mr. CRAIN. No; certainly not. But there is a provision in the bill that the statements of any man who wants to become a citizen shall be corroborated by two witnesses; but it does not extend to anything occurring when he was not in this country. It will be se

Mr. MILLIKEN. Will the gentleman allow just one more question.

Mr. CRAIN. I can not yield. I must beg to be allowed to

proceed without interruption.

Mr. MILLIKEN. I wanted to ask the gentleman, if he is correct in his statement that these men can not come in, whether

this bill can do any harm?

Mr. CRAIN. Well, I say for that reason the inhibition of them is a fraud.

Assuming that the officers of the law, Mr. Speaker, perform their duty, there will be very few of that class of persons here; but I care nothing for that provision of the bill. I simply make these remarks in criticism of it and to show that the effect of the section will be not to place a bar or restriction upon underlable immigrants, but will be a hindrance and an obstruction to those who are desirable, and that the trend of the whole bill is in that direction.

Why hamper immigrants? Why prevent the immigrants who come here from becoming American citizens? What is the matter with the laws you now have in force? If properly carried ter with the laws you now have in force? If properly carried out they are adequate to protect us from any abuse of citizenship. The report itself says that there have been gross violations of the law in Boston and elsewhere. Because the officers of the United States courts, in the instance cited in the report, have failed to do their duty, because forecoth in Boston, New York, and other large cities there may have been violations of the naturalization laws, either have converted on the resulting laws. ralization laws, either by corruption or by negligence, are we to deny to the alien who comes to this country, intending to make it his home and to become a part of us, the right to become an American citizen?

The provisions of this bill are a practical denial of that right on account of the burdensome conditions they impose. When a man applies by petition in the nature of a suit in court, in law or equity, to become a citizen of the country, he is to allege, under the provisions of the bill, that he is not an anarchist or a polygamist, that he has not been convicted of a felony or other in-famous crime involving moral turpitude. He must also allege famous crime involving moral turpitude. He must also allege affirmatively that he can read the Constitution. Why not read the Bible? Is it because you want him to understand what is in the Constitution that you put that provision in the bill? Is that the reason?

Mr. OATES. That is one of the reasons.
Mr. CRAIN. Why, my dear sir, there is not a Democrat upon the floor of this House who will not dispute with a Republican on the other side as to the meaning of certain paragraphs and sections in the Constitution, and yet you would have an immigrant, a stranger to our laws, customs, and the decisions of the courts, determine, by construction and interpretation, the meaning of the provisions of the organic instrument of this Government.

Mr. OATES. Would it not be better to have a man able to give some construction one way or the other?

Mr. GOLDZIER. I would like to make the suggestion that

under that provision of this bill it would be difficult for a blind man to become a citizen of the United States.

Mr. OATES. We do not want any blind immigrant to make

a citizen out of.

Mr. CRAIN. I will ask the gentleman who is the father of this bill [Mr. OATES] to explain why he requires a foreigner who desires to become a citizen of this country to have an edu-cational qualification when all over the South there are millions of people who are to-day citizens of the United States, and who can not read the Constitution, and many of whom do not know the alphabet. We already have a too extended suffrage.

Mr. OATES Mr. MILLIKEN. How many of them do you allow to vote, and how many of their votes do you count after they are cast?

Mr. CAMPBELL. They do that down in Maine.

Mr. CRAIN. Mr. Speaker, when I was interrupted by the

gentleman from Maine

The SPEAKER. One moment. Gentlemen desiring to interrupt should address the Chair, so that the gentleman who has the floor may have the privilege of saying whether he yields or not.

Mr. CRAIN. There are millions of voters in this country, many of whom do not live in the South, illiterate whites, who have the right of suffrage, and not a few of them live in the State which the gentleman from Maine [Mr. MILLIKEN] has the honor

in part to represent.

We do not want to deny the right to vote to the colored people

of the South, because we propose to stand by them in the exercise of a right that was conferred upon them by the Republican party and which has turned out to be a boomerang for that party. It has given us representation that we do not desire to yield up, and gives us a power on the floor of this House which the gendeman from Maine [Mr. MILLIKEN] and his colleagues would deprive us of if they had the opportunity to do so. Mr. MILLIKEN. I have no doubt you thank the Republican

Mr. MILLIKEN. I have no doubt you thank the Republican party for giving you that power.

Mr. OATES. I will say to the gentleman from Texas [Mr. CRAIN] that in my opinion one of the evils from which this country suffers is a too extended suffrage.

Mr. CRAIN. Well, that may be true; but at the same time why grant the right of suffrage to certain classes who are illitated and the suffrage to certain classes who are illitated by the countries and who erate and deny it to men who come from other countries and who wish to become citizens of this country because they may be unable to read the Constitution? In other words, why prescribe an educational qualification for them which is not applied to

Mr. OATES. Because those who are already citizens have the right; and besides, a man who is raised here, though illiterate, having lived under the influence of the Constitution and of our institutions, will understand those institutions a great deal better than an illiterate man who has lived all his life under a different

form of government.

Mr. CRAIN. That is a curious argument from a gentleman who represents a State in which the colored people so largely predominate, many of whom do not know much about any con-

Mr. OATES. My good friend had better inform himself when he says the colored people predominate in my State, because the white people are in the majority by a very large number, nearly

Mr. CRAIN. I will withdraw the word "predominate." Mr. REED. Mr. Speaker, I venture to suggest to the gentle-Mr. REED. man not to withdraw that word-

Mr. CRAIN. I should have said in a State where the colored

people form a large proportion of the voting population.
Mr. OATES. That is true.
Mr. CRAIN. And from a section of the country where the constitution of a certain State has a similar qualification in it.

Mr. REED. I really hope the gentleman from Texas will not withdraw that statement. It might lead to a valuable discus-

mr. CRAIN. The gentleman from Alabama said he was opposed to the extension of the right of suffrage. I did not intend to be personal to the gentleman when I used the word "predominate." I employed the wrong term.

Mr. OATES. I understand that.

Mr. CRAIN. Did the gentleman from Maine [Mr. REED] desire to propound a question to me?

Mr. REED. I simply desired to express the hope that the gentleman from Texas and the gentleman from Alabama [Mr. OATES] would not withdraw. I should like to have them go further into this matter. It might lead to something important further into this matter. It might lead to something important

to the country. [Laughter.]
Mr. CRAIN. That is a question that demands no answer at
my hands. It is merely a suggestion from the gentleman from

Maine.

Mr. REED. Yes; a very kindly suggestion.
Mr. CRAIN. Well, will you be the referee?
Mr. REED. I would; yes.
Mr. CRAIN. There would be no decision then. You would

let us fight it out.

Mr. REED. Oh, yes; there would be a decision. I would agree

Mr. CRAIN. Another objection to this bill is in the fact that by its terms and in repealing subdivisions 1 and 2 of section 2165 of the Revised Statutes it thereby repeals another section, which provides that any alien who has been honorably discharged from the Army or Navy of the United States need not prove up five years' residence in order to become a citizen; and the first section as well as the last provides that no alien can become a citizen until he shall have resided in the United States five consecutive years, and that all laws in conflict with the provisions of the bill are repealed.

The bill repeals a section of the Revised Statutes which provides that any foreign-born sailor who has served on a merchant vessel for three years, and has a certificate to that effect, shall not be required to prove up the five years' residence in order to become a citizen. It also repeals another section of the Revised Statutes which provides that when an alien has declared his intention to become a citizen of the United States at least two years before the expiration of the five years' limitation of residence and dies before he has acquired full citizenship, his widow and his children shall be deemed to be citizens of the United States.

I do not know whether the committee that reported this bill intended the repeal of these sections or whether they were over looked in its consideration; but the fact remains that all of these sections, two of which are incorporated in the original naturalization laws, and the third enacted since the close of the war, would be repealed by this act. I shall not read them, Mr. Speaker, because I have not the time; but my statement of their contents and of the effect of the passage of this bill with reference

The second section shows exactly what is meant, when taken in connection with the report of the committee on the provisions of the bill. It is calculated to restrict the right of suffrage. It is not intended to prevent undesirable immigrants from becoming citizens of the United States, for our present laws are a sufficient safeguard against them. Its object is to hamper, restrain, and harass any alien who desires to become a citizen by compelling him to submit to regulations which are onerous, expensive, and vexatious, although the committee's report says that the real intention of the bill is to enable a foreign-born citizen to point with pride to the fact that he has become a citizen of this great, grand, and glorious Republic.

Mr. OATES. It is not the object, but that is the effect.
Mr. CRAIN. The gentleman says that that is not the object,
but that is the effect. I accept the amendment.

Mr. OATES. It is a matter for the State to determine who shall have the right to vote.

Mr. CRAIN. Certainly; but do you not restrict that right

when you say in your report you are opposed to the State laws, and when you provide that a man shall not vote after he has de-clared his intention of becoming a citizen? That is what you do.

Mr. OATES. That is a fact. Mr. CRAIN. Certainly; then, do you not restrict, inciden-

tally, the right of suffrage?
Mr. OATES. Oh, yes; but it does not prescribe qualifications for voters

Mr. CRAIN. You say so in your report.

Mr. OATES. No.
Mr. CRAIN. I beg your pardon. I read from the report of the committee this statement:

The bill, however, does not touch the qualifications of voters, except incientally, as the power rests in the States.

Incidentally! How incidentally? By saying that no man shall Incidentally! How incidentally? By saying that no man shall be made a citizen at all until he shall have resided continuously for five years in the United States. Can States then confer the right of suffrage upon him, whereas now, as soon as he sets his foot upon American soil, he can declare his intention to become a citizen, and the State may give him the right to vote? You take away from him the right to declare his intention to become a citizen, and thereby deprive the State of the right to give him the power to vote. After such declaration, and in your report, you say that in States where the declaration of intention is the only qualification essential to make the declarant a voter have the greatest frauds been perpetrated.

have the greatest frauds been perpetrated.

Mr. OATES. You have got that wrong.

Mr. CRAIN. I am reading the bill.

Mr. OATES. If the statute requires them to declare their intention to become citizens, the State would not have to change that in order to make him a voter. But if the law of the State only allows naturalized foreigners to vote, that would require to be changed so as to allow those aliens who have only declared

their intentions to become citizens to vote.

Mr. CRAIN. But, Mr. Speaker, the State of Texas gives any alien the right to vote who has declared his intention to become a citizen who may have resided in the State and county a certain

Mr. OATES. How long?
Mr. CRAIN. Twelve months in the State and a shorter period in the county of his residence. You take that away by repealing the section of the Revised Statutes to which I refer. How, then, can the State go on and give such a man the right to vote after you have repealed the statute providing for a decla-

ration of intention on his part to become a citizen?

Mr. OATES. Why certainly it can. It has the right. The power to determine who shall be voters rests in the States all the time. The States can say even that boys and children may

the time. The States can say even that boys and children may vote, or women, or whomsoever they please.

Mr. CRAIN. But when you repeal the law on declaration of intention how can the States provide that a man may vote upon such declaration? The States can say who shall not vote.

Mr. OATES. Certainly.

Mr. CRAIN. And when they do, except in certain cases, their representation in the electoral cells as and in the Harris.

Mr. Ohain. And when they do, except in certain cases, their representation in the electoral college and in the House of Representatives is diminished in proportion as the citizens of said States are deprived of the right of suffrage, according to the provisions of the fourteenth amendment to the Constitution,

which would have to be altered or repealed before you could have such a law in any of the States.

Mr. OATES. Not at all. Mr. CRAIN. That is my opinion.

The SPEAKER. The hour has expired.
Mr. CRAIN. Mr. Speaker, I ask unanimous consent to the extension of my time, on account of the numerous interruptions.

The SPEAKER. The hour has expired.

Mr. CRAIN. Then I should like to resume the floor when this matter comes up for consideration again.

this matter comes up for consideration again.

Mr. OATES. It goes back on the Calendar.

The SPEAKER. The matter will not come up again until it is reached on the Calendar.

Mr. OATES. Mr. Speaker, I ask unanimous consent that leave be granted some other gentlemen who expected to speak on this subject and who have remarks prepared already to print them in the RECORD.
Mr. CAMPBELL. Oh, no.

Mr. OATES. Some of them are on one side and some on the

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

PURCHASE OF SILVER BULLION

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that House bill No. 1 as amended by the Senate, be taken up and considered to-day and to-morrow, with such amendments as may be offered in ten-minuto speeches; and to-morrow afternoon, at 5 o'clock, the vote shall be taken first on such amendments as are pending, then upon the substitute as offered by the Senate.

I want to say this, Mr. Speaker—we have got to come to a vote on this question. We have been here for months, during which many of us have not been at home. We want to adjourn the House. We can make nothing by delay, and if the friends of silver object to this proposition, the probability is that a month of the proposition of the probability is that a month of the proposition of the probability is that a month of the proposition of the probability is that a month of the proposition of the probability is that a month of the probability is th tion will be made for the previous question to-morrow when the bill comes up under the rule, and we shall have no debate, but will have to come to a direct vote.

The SPEAKER. Will the gentleman please repeat his re-

Mr. LIVINGSTON. My request is that, in deference to the men who are opposed to this bill, we may have to-day and to-morrow to discuss the substitute and amendments, and that at 5 morrow to discuss the substitute and amendments, and that at o o'clock to morrow the vote be taken. That is liberal to those of us who differ with the conclusion of the Senate, and I ask the friends of repeal to give us that little favor.

Mr. DINGLEY. The gentleman's proposition is, I understand, to immediately take up the bill and proceed to debate it?

Mr. LIVINGSTON. That is my proposition, that the House

take the bill up now.

Georgia [Mr. LIVINGSTON] to say that a good many of us want to get home. I think the place for the members of this House is right here. We come here to do the business of the country, and to stay here for that purpose. Mr. BLAND. Mr. Speaker, I understand the gentleman from

and to stay here for that purpose.

Mr. LIVINGSTON. I agree to that.

Mr. BLAND. There is nothing in this bill to distinguish it from other bills in the treatment to which it is entitled. It is not hedged about by any peculiarities that require it to be shoved in here contrary to the rules of the House. When it comes up to-morrow morning we shall have to say on that occasion what we deem proper. I think the bill ought to come up in its reg-Mr. LIVINGSTON. That is my proposition.
Mr. BLAND. There are several gentlemen who want to be

heard upon the bill.

Mr. LIVINGSTON. That is my proposition.

Mr. BLAND (continuing). And for one, sir, I shall object to taking it up out of its regular order.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate further insisted upon its amendment, No. 6, to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, disagreed to by the House of Representatives.

DONATION OF AN OLD CANNON.

Mr. WILLIAM A. STONE. Mr. Specker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk

The joint resolution (H. Res. 83) was read, as follows:

esolved, etc., That one of the abandoned cannons now at the United States enal at Pittsburg, Pa., and there before the late war, be donated to the zens committee having charge of the national encampment of the

Grand Army of the Republic, to be held in Pittsburg in 1894, and the Secretary of War is hereby authorized to deliver said cannon to said committee

The SPEAKER. Is there objection to the present consideration of this joint resolution?

There was no objection.

The joint resolution was ordered to a third reading, and it

was accordingly read the third time, and passed.

Mr. WILLIAM A. STONE moved to reconsider the vote by which the joint resolution was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

URGENT DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I desire to present a conference

The conference report was read, as follows:

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and 5, and agree to the same.

On the amendment numbered 6 the committee of conference have been unable to agree.

J. D. SAYERS.
L. F. LIVINGSTON,
J. G. CANNON,
Managere on the part of the House,
F. M. COCKRELL,
A. P. GORMAN,
S. M. OULLOM.
Managere on the part of the Senate,

The statement of the conferees on the part of the House was read, as follows:

read, as 10110WS:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year 1894, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendment numbered 1: Authorizes the Light-House Board to use any unexpended balance of the appropriation for reconstructing the Wolf Trap light house in Virginia, in the reëstablishment of the Solomon's Lump light-house.

house.

On amendment numbered 2: Authorizes the Board of Lady Managers of the World's Columbian Commission, acting in conjunction with the associated American exhibitors, to confer diplomas upon designers, inventors, and expert artisans.

On amendments numbered 3, 4, and 5: Relating to the Senate, appropriates, as proposed by the Senate, \$10,000 for miscellaneous items and \$600.33 for the salary of a clerk to a Senator who is not chairman of a committee.

On amendment numbered 6: Appropriating \$22,088, as proposed by the Senate, for the pay of clerks to Senators and per diem clerks to committees retained in the service of the Senate, under a resolution of that body, during the recess of the Fifty-first Congress, the conferees have been unable to agree.

agree.

The bill, so far as it is agreed upon, appropriates \$348,500.33, being \$10,500.33 more than as it passed the House.

JOSEPH D. SAYERS.

JOSEPH D. SAYERS, L. F. LIVINGSTON, J. G. CANNON, Managers on the part of the House,

Mr. SAYERS. Mr. Speaker, in explanation of the conference report, I have to inform the House that the conferees have agreed upon the amendments numbered 1, 2, 3, 4, and 5. The first amendment provides that out of the sums of money heretofore appropriated for Solomon's Lump light-house and Wolf Trap light-house the two houses shall be constructed. The trouble is that the appropriation made by the last Congress for one of these light-houses was too large, and the appropriation for the other too small. The Senate amendment provides that the entire sum may be used for the construction of both. As to the second amendment, it makes no appropriation, but only provides that out of the funds already appropriated the Board of Lady Managers may issue diplomas to the skilled workmen who executed the work which has been on exhibition at the Columbian Exposition.

It will be remembered that at the last session of the Fiftysecond Congress something over \$500,000 was appropriated to pay the expenses of referees and awards. Those awards go only to the exhibitors. The proposition involved in this amendment is to issue diplomas to those skilled artisans who executed the work which has been exhibited.

Items four and five contain appropriations for the benefit of the Senate. One is \$7,000 for miscellaneous items. The other is for the payment of a clerk to a Senator who did not qualify as Senator until the 16th of August last, whereas he was entitled to a clerk from the 4th of March, and that clerk actually performed

the service The sixth amendment is to pay per diem to clerks to Senators and clerks to committees retained in the service of the Senate during the recess of the Fifty-first Congress under a resolution of the Senate. This amendment was rejected by the House at the short session of the Fifty-first Congress, and also at both sessions of the last Congress, so that the conferees did not feel

authorized under the circumstances to agree to it.

Mr. Speaker, if no further explanation be desired, I move the adoption of the conference report as to the items agreed upon.

Mr. CANNON of Illinois. Will the gentleman yield to me a Mr. CANNON of Illinois.

Mr. SAYERS. Certainly.
Mr. CANNON of Illinois. I am in harmony with the gentleman in respect to this report; but I suggest to him whether it

man in respect to this report; but I suggest to him whether it might not be well that this agreement between the House and the Senate be explained a little further.

Mr. SAYERS. I do not know how it can be explained further than this: At the close of the first session of the Fifty-first Congress the Senate passed a resolution to continue the pay of Congress the Senate passed a resolution to continue the pay of Senators' clerks and per diem clerks during the vacation. An amendment to pay these clerks was put on the general deficiency bill by the Senate at the first session of the Fifty-first Congress, and was rejected by the House. The same amendment was put and was rejected by the House. The same amendment was put on the general deficiency bill at both sessions of the last Con-gress and was rejected by the House.

I yield to the gentleman from Illinois [Mr. CANNON] such time

as he may desire.

Mr. CANNON of Illinois. I will take a minute or two to make a statement a little fuller than that which the gentleman from Texas has made touching the matter of disagreement between the House and the Senate on the sixth amendment. Everything

else is closed up.

I recollect very well the resolution of which the gentleman speaks. The facts are these: The long session of the Fifty-first Congress continued till about the 1st of October (that was three congress continued the about the 1st of Occober (that was three years ago), and an adjournment was then taken until the next session, giving a recess of about two months. The Senate at that time passed a resolution to pay for those two months' clerks to Senators who were not chairmen of committees. At the next session of that Congress the House would not agree to make the appropriation for those two months' pay. The gentleman from Texas [Mr. SAYERS] was a member of the subcommittee, of which I also as a member

Mr. SAYERS. I was not a member of the subcommittee on the deficiency bill; the gentleman from Illinois [Mr. CANNON] had control of that matter, and joined in recommending the re-

jection of the amendment.

Mr. CANNON of Illinois. I remember now the gentleman from Texas was on the full committee, but not on the subcom-

The gentleman says the matter came up by way of amendment to deficiency bills once or twice in the last Congress—

Mr. SAYERS. Twice.

Mr. CANNON of Illinois. And was rejected by the House. I recollect that when it came up in the Fifty-first Congress I had no no very friendly feeling toward it for the reason that the House at that time had not had the courage to take pay for clerical assistance to members of the House, while the Senate had been doing that for many years. I think there was a feeling on the part of the House that we deserved pay for our clerks as much as Senators did for theirs; and I have no doubt such was

the fact. At any rate, for that reason as well as others, the House refused to agree to the amendment.

Mr. SAYERS. Will the gentleman state the other reason?

Mr. CANNON of Illinois. The principal reason was what I have stated. "The other reason" was, I suppose, that we did not want to pay for the two months when Congress was not in

session.

Now, since that time there has been legislation under which members of the House who expend money for clerical assistance during the session are reimbursed not exceeding \$100 a month to cover that expenditure, and there has been legislation also, or rather appropriations, under which clerks to individual Senators who are not chairmen of committees get \$100 a month the year round. Now, this is a proposition on the part of the Senate to pay for those two months in the first session of the Fifty-first Congress when Congress was in vacation. I think it is proper also that it should be stated that the Senate seems to insist upon

also that it should be stated that the Senate seems to insist upon this amendment. I might further state that we have been in the habit, both the House and the Senate, during many Congresses of appropriating extra pay for one month, sometimes two months, for employes of the House and Senate.

A MEMBER. Never two months.

Mr. CANNON of Illinois. Now, I do not want to antagonize the gentleman from Texas in the management of this bill: but I suggest to him whether it would not be well that a motion be made that the House recede from its disagreement to the Senate amendment, so as to test the sense of the House on this questate amendment, so as to test the sense of the House on this question. I will not make such a motion without the gentleman's

approval. I repeat that I do not want to antagonize him in the management of his bill.

Mr. SAYERS. The gentleman and I agree as to this bill;

Mr. SATERS. The gentleman and I agree as to this only there is no difference whatever between us.

Mr. CANNON of Illinois. I have said that we agree; I simply throw out the suggestion to the gentleman, because if that motion does not come now perhaps it will have to come later.

Mr. SAYERS. Very well; I prefer that it should come later. Mr. Speaker, I move the adoption of the report upon the amend-

ments to which the conferees have agreed.

The SPEAKER. The gentleman from Texas has submitted

a conference report embracing a partial agreement of the conferees, and moves its adoption. Shall the report be adopted?

The report was adopted.

Mr. SAYERS. I move that the House further insist on its disagreement to the sixth amendment of the Senate, and ask a further conference.

The motion was agreed to.
The SPEAKER announced the appointment of Mr. SAYERS,
Mr. LIVINGSTON, and Mr. CANNON of Illinois, as conferees on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit court and district courts in the State of South Dakota, in which concurrence

of the House was requested.

The message further announced that the Senate had passed the bill (S. 592) to extend the time for making final payments on entries under the desert-land act; in which the concurrence

of the House was requested.

A further message from the Senate, by Mr. PLATT, announced that the Senate had passed, with amendments, the bill (H. R. 3289) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey; in which the concurrence of the House was requested.

REMISSION OF DUTIES ON NAVAL ORDNANCE, ETC

Mr. McMILLIN. Mr. Speaker, I call up for consideration the joint resolution (H. Res. 53) to remit the duties on ammunition for naval ordnance imported by the Secretary of the Navy, reported from the Committee on Ways and Means. I ask that the joint resolution be read, after which I will make a statement in reference to it.

reference to it.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the duties on the following-described ammunition for naval ordnance imported by the Secretary of the Navy since January 1, 1892, and now in bond at the navy-yard, New York, namely, 96 10-inch Firth armor-piercing shells. 200 6-inch, 200 8-inch, and 60 12-inch Holster armor-piercing shells, and 560 10-inch Hadfield common shells.

Mr. MCMULLIN. Under the rules of the House this should be

considered in Committee of the Whole. Unless some gentleman desires it to take that course, I would ask that it be considered in the House as in Committee of the Whole. I desire to give every gentleman an opportunity, if he wishes it, to discuss the

The SPEAKER. In the absence of objection the resolution will be considered in the House as in Committee of the Whole.

There was no objection.

Mr. McMILLIN. Mr. Speaker, it became necessary for the Government of the United States, when our troubles arose by reason of mob violence in Chile, to purchase a certain kind of ammunition that could not be obtained here and sent there within the time that it would be needed if needed at all. The Navy Department, under the laws passed for the procurement of armor and armor plates and supplies of that kind, did make the purchases, but there was not enough of the appropriation out of which the purchases were made to pay the duties thereon. This resolution seeks simply to remit the duties on this mercial. These duties, if paid, would have to be paid out of the Treasury of the United States. This is ordnance for the Navy Department of the United States, and therefore it is an idle form to go through the payment of duties under such circumstances. The Secretary of the Navy requests the passage of the resolution.

1 will ask that the letter be read, from the Secretary of the Navy, which is embodied in the report of the Committee on Ways and Means.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Ways and Means submitted the following report: The facts in the case are so fully set forth in a communication from the

Secretary of the Navy to the chairman of the committee that your committee begies to copy it, with the accompanying memorandum of details from the estimates of the Bureau of Ordnance:

"NAVY DEPARTMENT, Washington August, 20, 1893.

"SIR: In view of the reia ions subsisting between this Government and the government of Chile growing out of mistreatment of the crew of the U.S. Baltimore by a mob at Valparaiso in October, 1891, this Department found it necessary, early in 1892, to procure for the vessels of the Navy a larger quantity of armor-piercing shell and other, 1891, this Department found it necessary, early in 1892, to procure for the vessels of the Navy a larger quantity of armor-piercing shell and other ammunition than it was possible under any circumstances to obtain in the United States of domestic manufacture by the time within which it was expected that such ammunition might be required for active service, and in pursuance of the discretion vested in it by the acts making appropriations for orduance and ordnance store and supplies, and by the third section of the act making appropriations for the naval service, approved March 3, 1887, which provides that the material used in all naval structures provided for in said ect and the armament for the same shall be, so far as practicable, of American production and furnished and manufactured in the United States, ordered from certain European manufacturers the following described ammunition for naval ordnance, viz. ninety-six i0-inch Firth armor-piercing shell; six by 12-inch Holtzer armor-piercing shell, and sive hundred and shell; is six by 12-inch Holtzer armor-piercing shell, and sive hundred and fifty 10-inch Hadfield common shell, the orders for said shell being placed by telegraph and cable messages in January, 1892.

"The cost of the shell ordered as above stated was paid principally from the appropriations made by the acts approved August 3, 1886, and March 3, 1887, for the increase of the Navy, armor and armament, which appropriations made by the acts approved August 3, 1886, and March 3, 1887, for the increase of the Navy, armor and armament, which appropriations had been, in accordance with the request of this Department, consolidated by the Secretary of the Treasury in or

was no restriction as or the place the appropriations above mentioned for the end of the shells referred to was not sufficient to pay the duties on importations of that kind in addition to the cost thereof, and, inasmuch as there is no other appropriation from which the Department considers that the tariff duties on said shells can be paid, the shells are detained by the customs officials at New York, and are now lying in bond at the navy-yard at that place.

that place.

"I therefore inclose herewith a draft of a resolution providing for the remission of the duties on said shells, and have the honor to request that a measure be recommended by the committee for passage embodying the provisions thereof, in order that the shells in question may be distributed among those vessels of the Navy in service for which the same were proportions.

"Inclosed for the further information of the committee is a memorandum prepared by the Chief of the Bureau of Ordnance relative to the importation prepared by the Chief of to of said shells. "Very respectfully,

"H. A. HERBERT, "Secretary of the Navy.

"Hon. WILLIAM L. WILSON, "Chairman Committee on Ways and Means, "Chairman Committee on Ways and Means,"

"Memorandum of projectiles purchased abroad and referred to in the annual estimates of the Bureau of Ordnanes for the floral year ending June 30, 2895.

estimates of the Bureau of Ordnance for the facal year ending June 20, 1855.

"Ninety-six 10-inch Firth armor-piercing shell, valued at \$16,880.08, from Liverpool, per seamships Majestic and Arizona, and placed in bond at the navy-yard, New York, by permission of the Treasury Department, dated February 12, 1892.

"Sixty 12-inch Hoister armor-piercing shell, valued at \$25,597.38, from Havre, per steamship La Bretsgne, and placed in bond at the navy-yard, New York, by permission of the Treasury Department.

"Letter of the honorable Secretary of the Treasury to the Navy Department, dated July 26, 1892.

"Two hundred 6-inch Hoister armor-piercing shell, and two hundred 6-inch Hoister armor-piercing shell, while at \$22,692.75, from Havre per steamship La Toursine, and placed in bond at the navy-yard, New York, by permission of the Treasury Department.

"Letter of the honorable Secretary of the Treasury to the Navy Department. dated June 29, 1892.

"Five hundred and fitty 10-inch Hadfield common shell, valued at \$37,663.20, from Liverpool, 300 per steamship Nomadic and 250 per steamship Runic and placed in bond at the navy-yard, New York, by permission of the Treasury Department.

"Letter of the honorable Secretary of the Treasury to the Navy Department."

"Letter of the honorable Secretary of the Treasury to the Navy Department."

"Letter of the honorable Secretary of the Treasury to the Navy Department."

And placed in bond at the navy-yard, New York, by permission of the Treasury Department.

"Letters of the honorable Secretary of the Treasury to the Navy Department, dated November 3, 1862, and November 28, 1882."

The amount involved is \$43.500.

To require the payment of these duties by an apprepriation would result in unavoidable and unnecessary delay, to the embarrassment of the Navy Department, and would be so entirely a matter of bookkeeping on the part of the Government, profiting nothing, that your committee, believing the adoption of the resolution would relieve the situation, therefore recommend its passage.

Mr. RICHARDSON of Tennessee. I wish to ask my colleague a question. What amount of tax is remitted by this joint reso-Intion?

Mr. McMILLIN. About \$43,000.

Mr. RICHARDSON of Tennessee. Another question. By whom is this duty paid, by the foreigner or by the consumer?

Mr. McMILLIN. I suppose by the consumer. That is n

Mr. McMILLIN. I suppose by the consumer. That is my idea of it. There may be some difference of opinion on that, however

Mr. REED. I am glad to see that the gentleman from Tennessee, the last one who has spoken, made the suggestion in response to his colleague that this duty was paid by the consumer with something like bated breath. It looks like there might be

with someting fixe extent breach. It tooks the there ingut be some doubt in his mind on that point.

Mr. McMILLIN. The gentleman from Maine need not fear that there is any doubt in my mind on that subject.

Mr. REED. That is so; ordinarily I would not.

Mr. McMILLIN. If the taxes are not paid by the consumer, it is the first occasion that has come to my knowledge where they have not been.

Now, Mr. Speaker, if no other gentleman desires to discuss this matter, I demand the previous question.

Mr. REED. Mr. Speaker-

Mr. McMILLIN. If the gentleman from Maine desired heard I withdraw the demand for the previous question. If the gentleman from Maine desires to be

Mr. REED. I do not desire to make any special remarks about this, or offer any special opposition to it, because in substance it makes very little difference what is done in regard to it. The It makes very little difference what is done in regard to it. The fact that the Government obtained these materials outside is also accompanied by the further fact that they could not be obtained here, and that is one reason why I do not care particularly to make any objection to this transaction. I wish, however, it had been put in another form, namely, the form of an outright appropriation of the \$43,000 for the payment of the balance due, because it seems, by inference at least, to be the law of the land that when the Government imports anything it shall pay from one Department to another, so that uniformity may be maintained

Another difficulty that seemed likely to arise was that if wo had many transactions of this sort—and I am told that there are some few others of the same kind—if we had enough of them, it might bring our own people in unfair competition with foreign people about supplying the Government with the various articles of this kind that might be needed. And whatever may be thought of the general principle of protection or free trade, there is one thing the importance of which all must recognize, that the people of the United States should be able themselves. within their own borders, to make the necessary materials for

I should have been glad, as I have said, if the bill had taken a

different shape. I shall not make opposition further than this mere statement, however.

Mr. McMILLIN. The reason why it was not put in that shape was, according to the judgment of the committee, that it was wholly useless for the Government of the United States to make appropriations out of the Treasury of the United States to be appropriated by the United States back to the Treasury of the United States. United States.

Mr. REED. It is just as simple as to remit the duties in this case. It only requires an act of Congress in either case, and the \$43,000, I forgot to mention, although I had it in my mind at the time, will not appear in the appropriation bills, and as there have been some very "wicked appropriations" in the last two Con-

Mr. DOCKERY. Not in the last two; only in the Fifty-first.
Mr. REED. Oh! only wicked in the Fifty-first?
Mr. DOCKERY. Yes.
Mr. REED. I suppose there was no occasion for any wickedness in the Fifty-second?

ness in the Fifty-second?

Mr. DOCKERY. No; we were left alegacy by the Fifty-first Congress, and had to make provision to meet it. We were imposed on by the legislation of the Fifty-first.

Mr. REED. Well, you were very easily imposed upon. You had control of it, and you made bigger appropriations than we ever did, and you have been going around the country ever since making excuses for it. You had better have had smaller appropriations that we have a smaller appropriation that we had smaller appropriations that we have been going and the smaller appropriations that we have the smaller appropriations that we have the smaller appropriations that we have the smaller appropriation the smaller appropriation that we have the smaller appropriation that we have the smaller appropr priations, and then perhaps you would have needed fewer ex-

Mr. DOCKERY. One hundred and fifty-four million dollars of the appropriations of the Fifty-second Congress were entailed by the legislation of the Fifty-first Congress.

Mr. REED. Yes; "entailed!" You were children in swaddling clothes! Things are "entailed" upon you all the time. You are going about the country from one end to the other talking about what has been entailed upon you. Why do you not do something wourselves? Why do you not do

something yourselves? [Laughter.]

Mr. DOCKERY. I will say in reply to the suggestion of the gentleman from Maine [Mr. Reed] that I trust, with the House Democratic and the Senate Democratic, we will be able at this session or at the regular session of Congress to repeal some of the legislation that has imposed these extraordinary taxes upon

Mr. REED. You have not done very much repealing up to day. [Laughter on the Republican side.]
Mr. DOCKERY. We have had no opportunity heretofore.
Mr. REED. No opportunity! You have had three months.
What do you call an opportunity? You have had the House and Senate, and the President partially. [Laughter.] Why in the world do you not do something?

Mr. DOCKERY. Mr. Speaker—
The SPEAKER. The question is on the engressment and

third reading of this joint resolution. Mr. REED. I hope the gentleman from Missouri [Mr. DOCK- may will be indulged in his remarks. He is helping us.

[Laughter. Mr. DOCKERY. I want to say that during this extra session Mr. Dockery did not participate in that effort to repeal a part

Mr. DOCKERY. The gentlemen from Missouri did, and desires to repeal that law, with conditions that will be just to all sections of the country.

Mr. REED. Exactly. That is what some of our good people clways want—righteousness with conditions. [Laughter.]

Mr. McMillin. Mr. Speaker, I am glad to see that the gen-tleman from Maine [Mr. Reed] acknowledges the wickedness of some of the appropriations which he had a considerable part in imposing upon the country. I demand the previous question.
The previous question was ordered.
The joint resolution was ordered to be engrossed and read a

third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. McMILLIN, a motion to reconsider the last vote was laid on the table.

UNIFORM SYSTEM OF BANKRUPTCY.

The SPEAKER. The Clerk will report the special order. The Clerk reads as follows:

A bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States, On motion of Mr. OATES, the House resolved itself into the

Committee of the Whole House on the state of the Union for the further consideration of the bill, with Mr. OUTHWAITE in the chair.
Mr. WOLVERTON. Mr. Chairman, the principal difficulty

in obtaining a fair discussion of any bankrupt act, whatever may be its provisions, arises largely out of the prejudices created from abuses under the law of 1867.

These prejudices unfortunately have so effectually taken root in the minds of many members that the bill under consideration or any other bill that might be introduced will be met with prejudgment by many and a determination to resist any legislation on the subject, for fear that like results may follow any enactment on the subject.

Should there be any legislation on this subject of any kind at any time? If so, this Congress should feel able to act upon the question and meet it as one worthy of fair, candid, and considerate action. Are we unable to deal with the question? Ought we to feel that it should be postponed until abler men in the fu-ture occupy our places? Some say there is no necessity for it now, and therefore oppose action, choosing to wait until some great emergency may demand it, until there are more bankrupts throughout the country to avail themselves of its provisions, or until debtors have shown themselves to be more dishonest. Most of the arguments against the present bill are based on grounds generally opposed to all measures of the kind. Harsh epithets have been applied to the proposed measure and it has been denounced generally, but few have offered to substitute anything better. It is easy to criticise the work of another, but much more difficult to create and substitute anything in its place. People can be found who can criticise the Lord's Prayer, but who never offered a better prayer.

If a bankrupt act is needed, the members of this House should discuss the subject with a view of passing a bill that would accomplish what is desired under all bankrupt acts, as follows:

1. The relief of all honest but unfortunate debtors from the

burden of liabilities which they can not discharge, and allow them to commence business life anew.

2. To prevent dishonest debtors from disposing of their property for the purpose of hindering, delaying, and defrauding their

3. To distribute speedily and with reasonable expense the estate of the bankrupt between his creditors to whom in justice it belongs.

I believe this House has the ability to pass such a law. If the proposed act is defective in any particular, let amendments be suggested and discussed with a view of perfecting a bill, but not blindly refuse to act. Almost every commercial nation has bank-rupt acts except our own. England has had for centuries, and it is conceded to be the greatest commercial nation of the world. They have gone on from time to time amending their bankrupt laws to meet the improved condition of the country and covering any defects which experience developed. Over two hundred amendatory acts have been passed. The fact that other nations have found bankrupt laws beneficial to the people and to the advancement of commerce should have some weight with us. The

eatest statesmen of this country have time and again advocated the enactment of bankrupt acts. Clay, Webster, Hayne, Benton, and many other able statesmen in their time earnestly advocated such laws when the commercial traffic of this country was small compared with our present position as a commercial

My colleague [Mr. DALZELL] has cited the views of Mr. Webster, who so eloquently advocated the passage of a bankrupt law in 1840, and the gentleman from Alabama [Mr. OATES] has road to you from the works of Judge Story, giving the clear reasoning of this celebrated jurist in favor of a uniform system of bank-Also an extract from the eloquent speech of Henry Clay in the United States Senate in 1840, in favor of the passage of a uniform system of bankruptcy, and they need not be again

In 1827, when a bankrupt bill was under consideration in the United States Senate, Mr. Hayne gave the reasons for the en-actment of such a law in the most favorable terms, and I will read an extract from it, as his reasoning is as pertinent and more applicable to the situation to-day than when uttered by him on the floor of the Senate in 1827.

His views certainly ought to have weight with some gentle men who are opposing this bill. He was one of the ablest men that ever sat in the United States Senate; one of the few who was the compeer of Daniel Webster, and who could meet him in public debate on any question before that body. His views ought certainly to have weight, because they cover the conditions as they exist to-day, and apply to the situation now with greater force than when these words were uttered by Mr. Hayne. It shows how great minds differ upon subjects of this character

In discussing a bill like this, or on the same subject, after Mr. Hayne had laid down the doctrine that the framers of the Constitution imposed the obligation upon Congress to pass such a law, he said:

Hayne had laid down the doctrine that the frame'rs of the Constitution imposed the obligation upon Congress to pass such a law, he said:

Under the existing system, if system it can be called, in addition to the various and contradictory have which exist in severy State in the Union on the subject of bankerying year in solvency; in addition to the uncertainty and discussion which must always belong to any system on which twenty-divended the property of the control of the transport of

while the creditors who gave him credit when his circumstances were pros

while the creditors who gave him credit when his circumstances were prosperous are constrained to witness such fraudulent conduct, and, what is worse, are condemned to endure it. By a species of easy casuistry a failing merchant persuades himself that he violates no obligation; nay, that he is giving himself new claims to the confidence of his fellow-citizens in preferring those who have trusted him when in failing circumstances over those who have fetused credit when he had ceased to deserve it.

The former he considers as his debts of honor due to those generous friends who adhered to him in adversity, while he regards the latter as mere calculating men of business, whom it is no crime to defraud. Strip the case, however, of the false garb in which its disguised, and how stands the fact. The safe and solvent man of business has given credit to one whom the control of the case, however, of the false garb in which its disguised, and how stands the fact. The safe and solvent man of business has given credit to one whom the control of the case, however, of the false garb in which its disguised, and how stands the fact. The safe and solvent man of business has given credit to one whom the control of the case, however, of the false garb in which had a solvent man of business has given credit to one whom the case of the case of the case of the case of the safe and the case of the case of

Mr. Chairman, could a stronger argument than this be made in favor of the passage of a bankrupt law at this time, and does not the argument apply now with much greater force than it did in 1827, in view of the fact that in the interval our commerce has more than trebled? I have cited this argument at length to show to gentlemen who are opposing the enactment of any bank-rupt law that they are not in accord with the great minds of the past on that subject, of the desirability of a uniform system of bankrupt laws.

Most assuredly no one here will deny the ability of these great statesmen, or that their views on the subject is not entitled to

I take the position that the Constitution imposes on Congress ae duty to pass some act on this subject. The powers of the the duty to pass some act on this subject. Federal Government as conferred by the Constitution were intended for exercise and not merely for parade. It was intended by the framers of the Constitution to confer such powers on Congress as would, if actively exercised under the Government, efficient for the advancement of the general welfare of all the people of all the States. There is an undoubted implication from the grant of the power to Congress to pass a bankrupt law that the power conferred should be called into action.

The language conferring this power, the restriction against the exercise of it by the States, prohibiting them from enacting laws impairing the obligation of contracts, the objects to be attained by it all show that it was the intention of the grantors of this power that it should be exercised. There is, in my opinion, an obligation imposed upon Congress to legislate upon the

on, an obligation imposed upon Congress to legislate upon the subject. The Constitution affirms that it is desirable that some law should be passed by Congress establishing a uniform system of bankruptcy throughout the United States.

When the States yielded to the General Government the right to pass uniform laws of bankruptcy; when they consented to deny themselves the authority to pass laws impairing the obligation of contracts, did they anticipate that Congress would refuse to exercise the power conferred; would they have given up this power had they anticipated that it would never be called into exercise. The framers of the Constitution knew the benefits of such The framers of the Constitution knew the benefits of such laws which had long been in force in other comercial countries and deemed it a subject worthy of the consideration of Congress, so that any law on the subject might be uniform.

Congress has passed laws on all other subjects concerning which it was empowered to act, excepting this one. What would be the condition of this country if Congress had in the same manner declined to pass laws regulating the coining of money and the value thereof, uniform laws of naturalization, fixing the standard of

weights and measures, or establishing post-offices and post-roads?

All great statesmen in discussing the provisions of former acts have conceded that it was the duty of Congress to act on the subject, and only differed as to the features of proposed legis. lation.

As to the expediency of passing an act on the subject, Mr. Mad.

The power of establishing uniform laws of bankruptcy is so intimately connected with the regulation of commerce and will prevent so many frauds when the parties or their property may lie or be removed to different states that the expediency of it seems not likely to be drawn into question.

This view of the expediency of such legislation has been time and again affirmed by the greatest statesmen of our country for almost a century

We are met in the discussion of this act by the declaration of some that it is not expedient at this time, that there is no crying necessity for it; by others that any legislation on the subject would be unwise at any time, because other acts heretofore passed have proved defective and unsatisfactory, and have been repealed after short periods of trial.

Three acts have been passed and in course of time repealed. The act of 1800 was considered too favorable to the creditor. It imposed severe penalties on bankrupts. The failure of this act arose from the inherent defects in the act; the want of ability in the officers designated to carry it into execution. The country was in its infancy, our commerce was restricted, and it was enacted and repealed in times when party spirit was at its high-It was repealed without an effort to amend its admitted defects. Since that time numerous efforts have been made to enact another. In 1827 a bill was ably discussed in the Senate, but was considered in the House to be as much too favorable

to the debtor as the act of 1800 was partial to the creditor.

In 1841 an act was passed hastily to relieve those who had suffered from the panic of 1837. The act of 1867 was passed just after the close of a war which had wrecked the fortunes and prospects of thousands of persons who had formerly been successful manufacturers and traders. The act was designed principally to lift from these people burdens they could not carry, and to enable them to start business again and contribute their energy and experience toward the general welfare of the people. It was defective because of the times in which it was enacted and the little consideration its provisions received. It proved to be cumbersome, tedious, and expensive, and for these reasons the subject of abuse. Although it proved a great benefit to the whole country in the relief it afforded to thousands of honest debtors who had failed through misfortune, yet the fact that a few cases in almost every district showed that its provisions could be abused led to its repeal after eleven years' experience.

All these acts were emergency laws passed hastily, and some of them did not and could not be expected to contain the safeguards necessary to prevent abuses. It has been freely stated that there is no demand for the passage of an act at this time, nor any necessity for such law. We have been without a bankrupt act for fifteen years. For the last eight or ten years there has been a continuous and persistent demand for this legislation from the merghants, the appropriate range horsettingly satisfies. from the merchants, the manufacturers, and honest insolvents of every State. Petitions have been sent to Congress from boards of trade, mercantile and industrial associations, and men of mis-cellaneous occupations all over the country. For the last ten years legislation of this character looking to the passage of a permanent bankrupt law has been under consideration by the House of Representatives and in its Judiciary Committee and in the Senate.

The ablest men throughout the country have given it their attention, and have rendered valuable aid by making suggestions covering almost every provision of the bill. The great volume of the business of this country is transacted upon credit. Although the amount of money per capita to-day is twice as much as it was in 1860, it is not a tithe of what would be necessary to carry on the commercial transactions of the country if all business were conducted on a cash basis. No financier could accurately calculate the amount that would be required. Mr. Albert C. Stephens, editor of Bradstreet's, in a recent article in the Forum, says that 95 to 98 per cent of the wholesale business of the country is carried on by credit.

In a great manufacturing and commercial country the credit

system is absolutely necessary. Every time an article of trade or commerce is sold by one and purchased by another, and not paid for in cash, a debtor and creditor are created, and sometimes more. All credit is based on confidence. The loss of confidence of the co fidence in any community is the destruction of all credit. The passage at this time of a judicious bankrupt law will go far toward restoring confidence and strengthening credit. The creditor would not be obliged to watch both debtor and his associate creditors. He would feel assured that he stood on the same footing of every other creditor, and in case of misfortune would receive his share with the rest.

receive his share with the rest.

The true basis of credit is the certainty that all contracts will be honestly performed. How can this be exacted except through wise laws to compel the payment of debts promptly, equally, and

The business stagnation that now pervades this country has its foundation in a want of confidence. This want of confidence has resulted largely from the failure of debtors to meet their obligations. The insufficiency of the laws to protect all creditorsalike

in such times ends all credit.

From a table carefully compiled from the Bureau of Statistics I find that for the years 1879 to 1891, inclusive, there were 118,-711 failures in the United States, with liabilities to the amount of \$1,804,537,732. If the years 1892 andten months of 1893 could be ascertained these figures would be enormously increased. I find for the same years there were 10,767 failures in Pennsylvania, with liabilities \$176,212,624. In New York 14,987 failures, with liabilities \$460,102,688; and in other States correspondingly.

Table of failures for each of the States and Territories.

The number of commercial failures and the aggregate liabilities in dollars of those who have failed from 1879 to 1891 inclusive, for each of the States and Territories, together with the totals for all of the States and Territories, are shown as follows:

States and Territories.	ates and Territories. Number of failures.	
Alabama	1, 378	8 19, 512, 307
Arkansas	1,486	13, 314, 580
	6,799	75, 505, 160
California		13, 621, 013
Colorado		21, 671, 161
Connecticut	1, 910 901	21,071,10
Dakota (North and South)		8, 351, 77
Delaware		3, 222, 58
lorida	679	5, 514, 42
leorgia	2, 289	29, 485, 28
llinois	6, 652	96, 759, 800
ndiana	2, 629	29, 502, 700
OW8	8, 425	23, 681, 143
Cansas	2,972	23, 439, 200
Kentucky	2,802	33, 550, 250
Louisiana		41, 643, 46
Vaine	1,911	16, 708, 74
Maryland	1,560	27, 823, 013
Massachusetts		155, 559, 630
Michigan		38, 785, 39
Minnesota	2,602	34, 072, 19
Mississippi		20, 311, 03
		50, 951, 29
Missouri	338	3, 987, 27
Montana	2, 399	
Nebraska		12, 821, 98
Nevada		2, 761, 70
New Hampshire		4, 992, 45
New Jersey		25, 605, 68
New York	14, 987	460, 102, 68
North Carolina	1,706	13, 494, 10
Ohio	6, 320	88, 108, 60
Oregon	1, 373	8, 725, 30
Pennsylvania		176, 212, 62
Rhode Island	1, 403	36, 313, 07
South Carolina		12, 360, 98
l'ennessee	2, 809	29, 397, 98
Pexas		51, 881, 15
Vermont	539	9,504,70
Virginia	2,049	24, 934, 52
Washington		9, 061, 17
West Virginia		5, 032, 99
Wisconsin		28, 817, 88
Alaska		40,011,00
Arizona		
Idaho		10 044 40
Indian Territory		17, 344, 69
New Mexico		
Oklahoma		
Utah		
Wyoming		
	510 M11	1 004 500 00
Totals.	118,711	1,804,537,73

Table of failures in Pennsylvania,

711	81, 633	-	
422	82, 552	.51	811, 328, 768
384 540	83, 362 86, 801	.46	6, 195, 300 9, 661, 702
705 878	92, 409 99, 884	.76	13, 571, 420 19, 232, 165
	384 540 705 878 968	384 83, 362 540 86, 801 705 92, 409 878 99, 884 962 78, 959	540 86, 801 . 63

Table of failures in Pennsylvania-Continued

Years.	Number of failures.	Number engaged in business.	of	Liabilities.
1886 1887 1888 1889 1890	1,071	106, 526 83, 565 109, 699 87, 167 114, 804 117, 638	.77 1.12 .82 1.23 1.01 1.09	\$8, 392, 081 15, 308, 193 10, 499, 768 19, 064, 340 17, 869, 465 25, 447, 587
Totals	10, 767			176, 212, 624

Table of failures in New York.

Years.	Number of failures.	engaged in	of	Liabilities.
1879	1, 149 1, 069 1, 289 1, 174	100, 459 114, 096 116, 441 118, 980 124, 354 130, 180 132, 902 136, 568 141, 177 145, 481 147, 766 149, 168 148, 948	1. 19 .76 .70 .76 .91 1. 09 .89 .84 .75 .88 .79	\$21, 693, 347, 25, 077, 510, 19, 525, 388, 356, 522, 39, 004, 933, 88, 825, 618, 27, 874, 337, 22, 265, 756, 49, 114, 736, 846, 613, 52, 521, 126, 33, 991, 966
Totals	14,987			460, 102, 68

Do not these figures show the necessity of some legislation on this subject?

In my opinion, a wise and judicious bankrupt act passed at this time would do more to restore confidence, to start the wheels of our factories, and give an impetus to commerce and traffic and to rekindle the fires of ambition in the breasts of honest insolvents than any other act Congress could pass. I regard it as the most important legislation before this Congress. I believe it should claim our earnest and careful consideration, and that any law we pass should avoid the defects in previous acts, and should be intended to remain permanent on the statute books.

In my opinion the difficulty in obtaining loans in many of the

In my opinion the difficulty in obtaining loans in many of the States and the high prevailing rates of interest are largely owing to the attachment and insolvent laws of these States and their liberal exemption laws. A resonable and judicious bankrulaw placing all creditors of the same class on an equal footing, and preventing unjust preferences, would have the effect of encouraging outside capital to secure investments in such States and greatly benefit manufacturers and traders in obtaining legitimate endit to ensure or business.

and greatly benefit manufacturers and traders in obtaining legitimate credit to carry on business.

It has been stated that this legislation was to benefit the rich and oppress the poor. This statement is not true. Who compose the great army of debtors and creditors? They both belong to the same class of people. Who are the men who have built up the commercial business of this country? Not the millionaire, not the man who has inherited his fortune or obtained it by alliance, not the man who spends his time at Newport playing polo or clipping coupons. It takes but a small amount of brains to be a legatee or devisee, and less to inherit under intestate laws. It is the great body of energetic, active men in all branches of active business; men who have by years of toil and honest fair dealing with their fellow-men inspired their confidence and shown themselves worthy of credit; men who are willing to employ not only their means, but their crediting reat manufacturing and commercial enterprises—these are the men who have made this country a marvel in the eyes of the world. These are them en that keep the spindle humming and the wheels of the factory going. These are the men who furnish employment for the laborer and furnish bread for his family. At this time there are more than likely 150,000 of such men chained down by burdens they never can lift without relief from Congress.

Yet gentlemen who are opposing this bill say, it seems to me for the purpose of creating prejudice against it and inducing those who do not care to take the pains to examine its provisions to rejectit—those gentlemen say that if enacted into law it would be a law against the debtor and against the poor man. One gentlemen opposing this bill even said that it would be to the prejudice of the farming interest. Evidently he had never read it, because if he had he would have ascertained that it does not apply to the farmer at all in its involuntary provisions. It gives the farmer the privilege of taking advantage of its voluntary provisions, if he chooses, but the involuntary provisions of the bill apply neither to the farmer nor to the wage-worker.

Mr. Chairman, I have the honor to be a member of the Judichary Committee. I had the honor to be a member of that committee in the Fifty-second Congress; I do not know that I would have discussed at this time the provisions of this bill in detail at all but for the denunciations that have been heaped upon it and the announcement of the general principle that no law is needed upon this subject or should be passed. This bill has been denounced as iniquitous, it has been called pernicious, it has been called tyrannous; all the invectives that gentlemen could command have been hurled against it.

For this reason, sir, I feel that in justice to that committee, in

institute to myself as a member of that committee and one who has had something to do with endeavoring fairly and faithfully to secure the passage of a just and fair bill of this kind, I ought to say something in reply to these wholesale denunciations, and

to give some explanation of some of the provisions of this bill.

Perhaps there are 150,000 unfortunate people in the United
States who have failed through misfortune, who extended their credit too far, who have met with reverses in their business enterprises which no human foresight could have prevented, men who have been stricken down by financial revulsions that have swept the country like a tornado.

Will you refuse to grant these people relief?
Will you withhold from the country the benefits of the energy and experience of these people?

Will you stubbornly refuse to pass any bill because you object to some of the minor provisions of the one offered? Will you not help try to pass some reasonable act of relief for

Is it right or manly to refuse to recognize the demands of the people for the enactment of some just law on the subject—not even attempt it?

I am satisfied that the greater part of the opposition which has developed against the bill has arisen from not carefully reading

and understanding its provisions.

It is a lengthy bill, covering a very important subject and can

one of my colleagues from Pennsylvania [Mr. Sibley], who opposed this bill, applied some very severe epithets to it; and if he is correct in his denunciation of the measure, the members of the Judiciary Committee who participated in considering and amending the bill, or in allowing it to come out of the committee, were every one of them guilty at least of laches; for a bill such as the gentleman's denunciations would show this bill to be should never have been brought into this House. leave, however, to differ from the gentleman. He started out by saving that he was no lawyer; that he was not acquainted

with the forms or the phrases used by lawyers.

Now, if he had waited till he came to the end of his speech he need not have made that assertion, because anyone could have understood from the speech that such was the fact. Let us see whathe says about this bill, and as he comes from Pennsylvania, I feel it my duty to correct him, and to show him that there is on the statute books of Pennsylvania a pernicious law against which his abuse might be appropriately directed on the same subject. I refer to the old bread act of 1842. My colleague

Mr. Chairman, I wish to say a very few words on this bankruptey bill. I can not speak as an attorney, for I am not familiar with the law or its forms. But I wish to speak as one who has had extensive business interests in a number of different States of the Union. I have read the bill through carefully; and if I understand the effect of its terms and phrases it should, instead of being called a bankruptcy bill, be entitled more properly "A bill to divest all debtore of hope for the future, and to prevent any debtor who may suffer from temporary embarrassment from ever securing his financial freedom." Why, Mr. Chairman, up in Pennsylvania—I say it with no disrespect—when we wish to perpetrate such an act as this bill seeks to perpetrate, we take a jinnny and a dark lantern, and we never proceed in the light of day; we take the small hours of the morning to get away with a scheme like this.

Now, the only way in which I could imagine my friend from Pennsylvania could ever use his "jimmy" and his "dark lantern" would be in trying to effect an entrance into some prison or jail in order to release from imprisonment some debtor incarcerated there under the present laws of our State. He does not know, perhaps, that throughout the State of Pennsylvania there are men imprisoned to-day waiting the time when they can be discharged by going upon the stand and swearing as to what they are worth and where their property is or give bond that they will take the benefit of the insolvent laws and turn over everything they have to some assignee, without a discharge from their debts, before they can get out of prison.

I want to read for the benefit of my colleague the act under which this can be done in the State of Pennsylvania, where it is done frequently; and when he has heard this act read, and compared its provisions with those of this proposed bankrupt law, if he does not say that our present law is "iniquitous" and that this bill is a fair measure, I will be greatly surprised.

I wish to refer to this act of 1842 and put it upon the record for the benefit of my colleague and some others who have been opposing this bill and applying harsh language to it, and spreading broadcast the charge that this bill is pernicious and iniquitous in its provisions, that it is hard upon the debtor and hard tous in its provisions, that it is nare upon the dector and hard upon the creditor. To such gentlemen I want to say that there are acts on the statute books of every State of this Union which are severe and hard upon the debtor and unjust to the creditor, and that under the provision of this proposed law the interests of both classes will be protected according to the rules of equity, It would be well to read up the statute of our own States before indulging in wholesale denunciation of proposed legislation here without sufficiently understanding it. The Pennsylvania act I refer to has been a law on the subject of fraudulent debtors for over a half century. It is as follows:

53. In all cases where, by the preceding provisions of this act, a party to a suit can not be arrested or imprisoned, it shall be lawful for the party who shall have commenced a suit, or obtained a judgment in any court of record, to apply to any judge of the court in which the suit shall have been brought, for a warrant to arrest the party against whom the suit shall have been commenced or the judgment shall have been obtained, whereupon the said judge shall require of the said party satisfactory evidence, either by the affidavit of the party making such application, or some other person or persons, that there is a debt or demand due to the party making such application from the other party in the suit or judgment, in which affidavit the nature and amount of the indebtedness shall be set forth as near as may be.

54. If the demand set forth in the affidavit be such that the party could not, according to the provisions of this act, be arrested, and if the affidavit shall establish to the satisfaction of the judge one or more of the following particulars, to wit:

That the party is about to remove any of his property out of the jurisdiction of the court in which such suit is brought with intent to defraud his creditors;

lished against the party arrested is that he is about to remove any of his property out of the jurisdiction of the court in which suit is brought with intent to defraud his creditors.

62. Such commitment shall not be granted if the person arrested shall enter into a bend to the complainant, in the penalty and with the securities prescribed in the preceding section, conditioned that he will, within thirty days, apply by petition to the court of common pleas of the county, or to judge thereof, if the court shall not within that time be in session, for the benefit of the insolvent laws of this Commonwealth, and that he will comply with all the requisitions of said law and abide all orders of the said court in that behalf; or in default thereof, and if he fail in obtaining his discharge as an insolvent debtor that he shall, on the day of his so failing, surrender himself to the jail of said county.

63. Any defendant committed agreeably to the eighth section of this act shall remain in custody until a final judgment shall have been rendered in his favor in the suit prosecuted by the creditor at whose instance he shall have been committed, or until he shall have assigned his property and obtained his discharge as provided in the subsequent sections of this act; but such person may, at any time, be discharged by any judge of the county, on his paying the debt or demand claimed and costs, or by giving the security for the payment thereof, as provided in the ninth section of this act, or on his executing either of the bonds mentioned in the tenth and eleventh section of this act.

I invite my friend to carefully consider the provisions of this Pennsylvania statute and compare them with the proposed bankrupt bill and see whether the poor debtor would not be greatly benefited in Pennsylvania by the passage of this bill.

I can cite an attachment act of the State of Texas which is in-deed "vicious and peruicious;" I can cite similar acts of many other States equally hard on the poor debtor. I affirm, that with the exception of one or two States, the States of this Union gen-erally have upon their statute books domestic attachment laws with reference to insolvency which in their provisions are harsh with respect to debtors and inequitable with respect to credit-ors. Our proposition is to enact a law with reference to debtors who become bankrupts and their creditors, which will neither be harsh to the one or inequitable to the other, but just to both of them. I could refer to a statute in the State of Texas which is harsh on the debtor and unjust to creditors.

Mr. KILGORE. I understand the gentleman to say that he can find in the statutes of Texas harsher remedies in their application to the debtor than are provided for in this bill.

Mr. WOLVERTON. I do not understand distinctly what the

has provisions for attachments; but they state the ground of the proceeding; the ground must be sworn to, and the creditor must give a bond for the protection of the debtor in the event that he sorts to this harsh remedy without proper cause.

Mr. WOLVERTON. I do not wish to be interrupted at this time; but when the proper time comes I will read this statute

of the State of Texas, and will make good my statements.

Mr. KILGORE. I merely wanted to say that we require a party to give bond before he can institute such a proceeding under our statute.

Mr. WOLVERTON. That is true; but the statute allows a local creditor of the State of Texas to issue an attachment against the proposed debt that is not due:

That is true.

That is true. against the property of his debtor, who may be his friend, on a

Mr. KILGORE. That is true.

Mr. WOLVERTON. What hope has the creditor in another
State under a law of that kind, where a creditor within the State
can sue on a debt that is not due, and take away property belonging, perhaps, to the creditor in another State—property which
may lie in the store in bulk as received from that creditor?

shall be just and equitable to every person, without imposing too excessive

hereas there is now pending in the Congress of the United States an cently very fair measure, known as the 'Torrey bankrupt bill:' There-

"Resolved, That we respectfully petition our United States Senators and members of the National House of Representatives to vote for the passage of the Torrey bill.

"Resolved, That the secretary of the Dauphin County Farmers' Alliance and Industrial Union, the largest farmers' organization in said county, be instructed to mail a copy of this action, with seal attached, to our Senators and members of Congress."

I suppose it has also escaped his attention that this bill has been editorially considered and approved by the National Economist, which is one of the leading papers which advocates the principles of that union. I will read it for the benefit of the House:

THE TORREY RANKRUPT BILL.

The Federal Constitution contains a provision which reserves to Congress the right to pass uniform laws upon the subject of bankruptcies. By it the States are forbidden to impair the obligations of contracts. The result is that Congress can, and the States can not, pass a comprehensive bankrupt

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The Torrey bankrupt bill is conceded on all hands to be a perfectly fair and comprehensive measure. On the one hand, it provides that suits in bankruptcy may be instituted by a debtor against himself when he wishes to take the benefits of the act; and, on the other, that such suits may be commenced by a debtor's creditors upon the grounds, in general terms, that he has been guilty of fraudulent acts, or has become insolvent and can not pay such debts as have been liquidated. Proceedings in bankruptcy could not be prosecuted with effect against a man who was simply indebted on the property of table on a contract.

not be prosecuted with elect against a man who was simply indeseed on open-account, or liable on a contract.

In all cases there will be a fair trial, and the defendant may have a jury, if he desires, to determine the facts in the case.

A bankrupt, who is in general terms an honest man, and has surrendered his property, over and above the exemptions allowed by his State, to his creditors for pro rata distribution to those of the same class, will receive a discharge.

his property, over and above the exemptions allowed by his state, to his creditors for pro rata distribution to those of the same class, will receive a discharge.

The cost of bankruptey proceedings are very small; that is, as compared with other proceedings. There is a small filing fee to be paid in each case, but it will not be required from a voluntary bankrupt who does not have, and can not procure, the money with which to pay the amount.

Creditors, under the provisions of this bill, will not be permitted to take advantage of one another, as they now do, by securing preferences, either voluntary or by attachment, but will be required in all cases to take in full settlement their pro rata part of the estate.

The bill in all of its details is a fair measure, and is of uniform application, and is hence designed to do great good in the best interests of honest people in all parts of the country.

Every Populist in the House, and every member in sympathy with the objects of the National Farmers' Alliance and Industrial Union, is in sympathy with this measure. This fact its significant, and is evidence that it has been found to be a companion piece to all of the reforms which the union advocates.—The National Economist.

The president and the members of the executive committee of the National Farmers' Alliance and Industrial Union have all expressed intelligent and well-considered opinions as to this bill. One of these gentlemen, Col. H. C. Demming is, I am glad to say, a prominent and influential citizen of my State. an article from the Evening News of this city containing interviews with these gentlemen, as follows:

BANKRUPTCY LEGISLATION—VIEWS OF PROMINENT ALLIANCE MEN ON THIS QUESTION—THIS SENTIMENT STRONGLY IN FAVOR OF A NATIONAL BANKRUPTCY LAW—THE TORREY BILL WOULD PROVE A BLESSING TO THE PEO-

Your correspondent to-day called upon the executive committee of the Farmers' Ailiance and Industrial Union, now in session in this city, to ascertain the views of the members on the subject of national bankruptcy legislation, with results as follows:

Mr. H. L. Loucks, president of the National Farmers' Alliance and Industrial Union, said:

"I have always believed in the policy of a comprehensive, equitable ruptcy law, as provided by the Federal Constitution at the time of its adoption. The present is, I think, an auspicious time for legislation by Congress upon that subject. I do not, of course, speak for the Farmers' Alliance and Industrial Union, but only as an individual. Our union is permoting many reforms calculated to benefit the people; these benefits will, of course, only accurate for the future.

ing, perhaps, to the creditor in another State—property which may lie in the store in bulk as received from that creditor?

Mr. KILGORE. That is true, but he can not get a judgment on his debt until it is due.

Mr. WOLVERTON. No, but he has got the property, and after the property is gone what remains for any other creditor? This bill does not give the creditorea right to have the property of the debter seized before the adjudication until a bond has been given.

Now, I suppose my friend Mr. SIBLEY was not aware when he used this hareh language against this pending measure, that it had received the indorsement of the Dauphin County Farmers' Alliance and Industrial Union, and that it will in every respect promote the best interests of the grangers and the people whom he specially represents and poses for in this House. For the purpose of informing him, I read from the resolutions that were adopted at Harrisburg on the 28th day of January, 1893, by this body:

DAUPHIN COUNTY FARMERS' ALLIANCE AND INDUSTRIAL UNION.

Harrisburg, Fa. January 98, 1893.

At a meeting of the Dauphin County Farmers' Alliance and Industrial Union, on the above date, there was unanimously passed resolutions as follows:

"Whereas the Constitution of the United States provides for a national bankrupt law; and

"Whereas there is now no such law, notwithstanding one is required which

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fees, nevertheless the court shall be open to him. The bill contemplates fair dealing on all hands, i.e., the debtor is to turn over his property, over and above his State exemptions, to a trustee and get a discharge, if he is honest. The creditors who have secured valid liens will have them enforced, and the unsecured creditors will receive a pro rata of their claims quickly and at small cost. This subject has not been considered by our National Union, but is certainly an appropriate companion to the reforms which we demand."

small cost. This subject has not been considered by our National Union, but is certainly an appropriate companion to the reforms which we demand."

Col. H. C. Demming, of Harrisburg, Pa., secretary of the executive committee of the National Farmers' Alliance Industrial Union, said:

"The Torrey bankruptcy bill provides that every person, except a corporation, may go into voluntary bankruptcy. That provision, of course, includes farmers and the industrial classes generally. It provides that suits in bankruptcy can not be brought against those chiefly engaged in farming, or the tiliage of the soil, or wage-earners. I am satisfied that these provisions will prove satisfactory to the members of the Farmers' Alliance and industrial Union, and that they will be individually benefited by the enactment and administration of such a law. If the suballiances of our organization would consider and pass upon the subject, and forward their Senators and Congressman the conclusions reached by them, it would greatly enhance the probability of favorable action by Congress upon the bill. It has been pending for several sessions, has been considered in and out of Congress, and has been indorsed by bodies of almost every sort and description all over the country, and, therefore, there does not seem to be any good reason why it should not be enacted for the benefit of the whole people. There may be can hereafter be adjusted by supplement."

Mr. L. Leonard said:

"My views upon this subject are of course simply the expression of an individual opinion, and are not claimed to in any way stand as an expression of any official action. Under most of the existing State laws no provisions whatever are made for the discharge of an honest unfortunate who has surrendered all his property and has been left with debts hanging over him; in those States where such provisions are made the discharge of the contry, because of the carristance of the bankruptey bill which has received pretty nearly the unannous approval of the bankruptey bill which has

Again, my learned friend from Pennsylvania [Mr. SIBLEY] says:

I do not think I am in a condition at present to suffer in that way; but I now that for many years of my business experience there was not an hour when some malicious, evil-disposed person could not under a bill of this kind ave forced me into bankruptcy.

I am too charitable to believe that my friend has been as bad as he represents himself. Under this bill there would have been only ten reasons which could have been assigned by anybody to have put him into bankruptoy.

First. Concealing himself, departed or remained away from his place of business, residence or domicil with intent to avoid civil process and defeat his creditors.

Surely he never was guilty of this.

Second. Failed for thirty days while insolvent to secure the release of any property levied upon under due process of law for \$600, etc.

He certainly would not have us believe that he was insolvent for many years.

Third. Transferred his property with intent to defraud his creditors.

Surely he would not come under this head.

Fourth. Made an assignment or admitted his inability to pay his debts.

Nor this.

Fifth. Made, while insolvent, a gambling contract.

Surely this would not apply to him.

Sixth. While insolvent, transferred his property, or suffered it to be levied upon for the purpose of giving a preference.

Was he ever guilty of this?

Seventh. Procured a judgment to be entered against him to defeat his creditors; secreted his property to avoid being levied upon to defeat his creditors.

Ninth. While insolvent, suffering an execution for \$500 or over to be re-

turned nulle bond.

Tenth. While insolvent, allow paper to remain under protest for thirty days aggregating \$500.

Surely my friend was guilty of none of these offences, yet he denounces this bill with the statement that for the many years of his business experience there was not an hour during which he

could not have been thrown into bankruptcy.

I am of the opinion that if he had been "familiar with the law or its forms" he would have came to a very different con-

clusion. Again, it was suggested by my learned friend from Texas [Mr. CULBERSON], for whom and whose opinions I have the highest regard on questions of law, that this was a political measure. I fear that my learned friend is of that class so well described by Judge Story in the citation which was read by Col. OATES of Alabama, who have become so wedded to their own laws—the

laws of his own State—that he refuses to act on general laws upon bankruptey for the whole country for fear they would repeal or make ineffective the local laws of his own State. peal or make ineffective the local laws of his own State. Now, it seems to me it was very unfair for my friend to try to throw odium upon this as a political measure. It is not a political measure in any respect or aspect whatever. It is the first suggestion of the kind I have ever heard in that direction in committee or out of committee, or anywhere else

The Judiciary Committee has never divided on party lines in considering this subject. The same is true of the subcommittees of that body which have considered the bill. The Judiciary Comof that body which have considered the bill. The Judiciary Committee of the Fifty-first Congress, which contained a majority of Republicans, reported the bill favorably. The Judiciary Committee of the Fifty-second Congress, which was composed of a majority of Democrats, reported it favorably. The Judiciary Committee of the present Congress, which has a majority of Democrate reported the bill without amendment. In the Fifty Committee of the present Congress, which has a majority of Democrats, reported the bill without amendment. In the Fifty first Congress the bill was supported upon the floor of the House by prominent members of the Democratic party, as follows: Messrs. WILLIAM L. WILSON, of West Virginia; THOMAS C. CATCHINGS, of Mississippi; Littleton W. Moore, of Texas; JOSEPH H. OUTHWAITE, of Ohio; William McAdoo, of New Jersey, and WALTER I. HAYES, of Iowa. On the other side it was sey, and WALTER I. HAYES, of Iowa. B. Taylor, of Ohio; sey, and WALTER I. HAYES, of flows. On the other side it was supported by gentlemen as follows: Messrs. E. B. Taylor, of Ohio; James Buchanan, of New Jersey; Bishop W. Perkins, of Kansas; George E. Adams, of Illinois, and Nathan Frank, of Missouri. If we believe the gentlemen who have so stated that his is a Republican measure, we are confronted with the proposition that upon its first appearance here it was supported upon the floor by six of the leading Democrats of the House and by five Republicans.

I have never heard it asserted that there were any politics in I have never heard it asserted that there were any politics in a uniform system of bankruptcy. The gentleman alleged that there is, for some reason. Is it because the bill originated in the Fifty-first Congress, or was there first presented, and is it to be treated for that reason as the outgrowth of Republican principles or as a Republican measure? I ask, What politics can be found in it? Were there no members amongst those who constituted the "National Convention of the Representatives of stituted the "National Convention of the Representatives of Commercial Bodies" which considered and promulgated the bill, who were Democrats? Is there any line to be drawn through trade or commerce which can distinguish a Democrat from a Republican? I fear it was for the purpose of bringing down on the bill obloquy and odium, and induce people to vote against it as a political measure who otherwise upon fair consideration of the purpose as a political measure who otherwise upon fair consideration of its provisions would be inclined to support it, or make an effort to perfect a bill of this character so that it might be properly enacted by Congress. And he said with a good deal of ridicule and sarcasm in his tones that this bill is an "old citizen."

Well, Mr. Speaker, an old citizen very often is better than a new one; and on this subject of bankruptcy or the drafting of a bankrupt bill, I assure you too much attention can not be given to it by the best and ablest lawyers; and the fact that it has been before the House three, four, or five times or more; that it has been considered by different judiciary committees; that it has been considered in the Senate and the House, and that it once been considered in the Senate and the House, and that it once passed the House, ought not to detract from its utility or make it unpopular, because any man who will consider the matter must recognize the need of some such legislation. "Mr. Torrey," he he says, "is the author;" that it still bears the name of "Torrey." Mr. Torrey has not done anything in connection with the passage of this act, or in conference with any of its members of this or any previous Congress which has detracted from his character as a reputable man; he is universally spoken of by both the friends and opponents of the bill as an earnest, considerate, and able adversage of the cause he represents. and able advocate of the cause he represents.

Mr. BOATNER. Does the gentleman from Pennsylvania really think, as the opponents seem to, that if it was fully established that this bill was to be known as the Torrey bankruptcy bill, that that ought to be sufficient to defeat it?

bill, that that ought to be sufficient to defeat it?

Mr. WOLVERTON. No, sir; it does not matter what you call the bill. The question before the House, and the only question is, is it fair, is it just, is it an honest bill, calculated to accomplish the purposes intended? The principal objection to Mr. Torrey seems to be that he is a first-class lawyer. Is it a crime to be a lawyer? I regard it as the highest and the noblest and most honorable profession. If lawyers are criminals the Judiciary Committee is a pack of criminals, and the chairman is the chief. [Laughter.] It is no crime to be a lawyer.

Mr. BOATNER. The gentleman from Texas [Mr. CULBERSON] on yesterday seemed to be so anxious to establish the fact that this bill remains the Torrey bill, that I was laboring under

that this bill remains the Torrey bill, that I was laboring under the impression that he seems to think there is something in that name which would render it improper for members to support the bill after that fact was established. Mr. WOLVERTON. The attempt evidently was by referring

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to the authorship and supporters of the bill to make it unpopular before this House, and to prevent a fair consideration of its

suggest that if the author of this bill was an obscure man and its supporters were unknown and few in number, that the present opponents would object to it on that ground, although a meritorious measure. Since the bill by its provisions and their arrangement speak a volume as to the ability of its author and arrangement speak a volume as to the ability of its author and as it has been indorsed by all classes of people from one end of the country to the other, the opponents have seen fit to try to detract from its merits by abuse of its author and supporters. Mind you, it is not alleged or pretended that a single unfair, inconsiderate, or dishonest thing has been done in connection with or in behalf of this measure. It is simply stated in loud tones that a lawyer drafted it and that rich wholesale dealers support it. Let us examine these allegations and see whether they are true and whether any member ought to ignore its provisions and let his vote be controlled by the history of the bill outside of

Congress.

The National Convention of the Representatives of the Commercial Bodies of the United States held its first sesions in St. Louis in the spring of 1889, and its second session in Minneapolis in the fall of the same year. It promulgated this measure as the "Torrey bunkruptey bill." The officers and chairmen of committees of that organization are as follows: President, Jay L. Torrey (a lawyer), St. Louis; secretary, James T. Wyman (a dealer in sash, doors, and blinds), Minneapolis; assistant secretary, Cinton A. Snowden (the general manager of a newspaper). tary, Clinton A. Snowden (the general manager of a newspaper), Tacoma, Wash.; treasurer, Peter Nicholson (the president of a bank), St. Louis. The chrimmen of the committees are; Presidential. Hon. George W. Stone (the chief justice of the supreme court of Alabama), Montgomery; Congressional, Lowe Emerson (a carriage manufacturer), Cincinnati; finance, William T. Baker (a commission man and ex-president of the board of directors of the World's Fair), Chicago; bankruptcy literature, Breedlove Smith (an insurance man), New Orleans; executive, William E. Schweppe (a wholesale grocer), St. Louis.

The formation of this organization in public for the promotion of the public good was not wrongful, but commendable. The organizers and promoters of this body realized the necessity of a bankruptcy law, and they evidently foresaw the difficulties of securing action by Congress, and hence went about the matter in a perfectly straightforward and laudable way. Our long delay in taking action upon the subject has justified all they have done. It appears that only about 5 per cent of the members are wholesalers; the other 95 per cent are engaged in all of the occupations and pursuits known to our people. tary, Clinton A. Snowden (the general manager of a newspaper),

cupations and pursuits known to our people.

The members of the House will be pleased, I am sure, to know the extent to which this measure has been considered and to learn the names of the large number of bodies and petitioners who have indorsed it, and who the officers and committeemen of this national organization are. I will accordingly submit the

One would think, from what has been said by the opposition, that this act was conceived and drafted and was being pressed only by the wholesale dealers. In point of fact, the principal op-position outside of Congress that comes to the enactment of this law is from a few of the largest wholesale dealers of this country, who are able to take care of themselves. The reasons for their opposition is ably stated in an interview with Mr. J. K. Burnham, which I submit.

ham, which I submit.

It has been said by one of my colleagues from Pennsylvania [Mr. WILLIAM A. STONE] that there is no demand for this legislation at this time. I want to say that the leading newspapers in the State of Pennsylvania, irrespective of party politics, have supported not only general legislation on the subject of bankruptcy, but the Torrey bill. Petitions have been sent here from the state of the state o citizens from all over the State, as will be seen by the list I have submitted. Even Texas has largely petitioned for the passage of this law, and its leading newspapers are in favor of it.

I will insert and have printed clippings from some of the principal papers of these States, showing that there is a persistent demand for this legislation.

Mr. WILLIAM A. STONE. Will the gentleman allow me to

ask him a question?

Mr. WOLVERTON. Yes.
Mr. WILLIAM A. STONE. Are you not surprised, considering the great effort that has been made to pass this bill, and to get petitions for it, that the petitions are not a great deal more

numerous than they are? Mr. WOLVERTON. In answer to the gentleman's question I would say that if he will take the pains to examine the petitions that are on file here and in the Senate, he will find there never was a bill brought before this House or the Senate of the United

States which has been so extensively petitioned for from his own

State and from every other State in this Union, as this bill. There are more petitions and resolutions in favor of this bill from more people—people representing more brains, industry, and enterprise—than have ever been presented in behalf of any

other public measure before Congress.

Mr. WILLIAM A. STONE. Will the gentleman allow me

Mr. WILLIAM A. STONE. Will the gentleman allow he another question?
Mr. WOLVERTON. Certainly.
Mr. WILLIAM A. STONE. So far as my own city is concerned, I say without fear of successful contradiction that no periods. tition was ever obtained, except at the tail end of a canvass. There is no spontaneous desire for a bankruptcy law, and I will take my chances in opposing it here, knowing that I represent the real desire of my constituents. It is an easy matter toget up petitions. You can get a petition signed by one-half of the peo-ple of the country for the hanging of the other half, if it is well presented.

presented.

Mr. WOLVERTON. That is a declaration which, if believed, would do away with the efficacy of all petitions. The gentleman says, "Have there been any petitions in favor of this bill?" and when I say to him that there have been a great many, and from his district, his reply is that petitions can be gotten up to hang people. If it is true in Pittsburg that they pay no more attention to the papers they sign than that, then petitions from that city would be worthless. I can not believe that his statement is true.

This bill has been favorably passed upon by the American Association of Flint and Lime Glass Manufacturers. I note that among its members are a large number of prominent and prosperous firms from the city of Pittsburg. I submit its action, as

AMERICAN ASSOCIATION OF FLINT AND LIME GLASS MANUFACTURERS.

Whereas this body heretofore appointed a delegate to the National Bankruptcy Convention, held at Minneapolis, for the purpose of formulating and securing the enactment by Congress of a national bankrupt law; and Whereas the convention held at Minneapolis has formulated and sent to this body a copy of the bankrupt bill, known as the Torrey bill, as a result of their labors; and,

Whereas this body believes that it is very important and necessary to secure proper and necessary bankruptcy legislation by Congress; therefore be it

cure proper and necessary bankruptcy legislation by Congress; therefore be it **Resolved**, That the American Association of Flint and Lime G'ass Manufacturers, representing fifty-six firms and corporations of the United States, whose names are hereto signed, hereby declares itself to be in hearty accord and full sympathy with the other commercial bodies of the United States in their support of the Torrey bankrupt bill.

Be it further resolved, That this body does hereby assert, most emphatically and unreservedly, that our great interstate commerce and the credit system which underlies, and, to a great extent supports the same, requires and deserves the full protection which will be afforded them by the enaction and the honest though unfortunite debtor, and which will be economical and speedy in its operations, while tending to prevent, discourage, and punish commercial fraud, and will, if enacted, remedy existing abuses, neglects, and great losses now sustained by reason of discriminating and conflicting State insolvent laws.

Be it further resolved, That the officers of the association are hereby instructed to prepare and transmit a copy of the foregoing to Congress from our association, urging the passage of the Torrey bill at the coming session, and that as individuals we urge it upon our respective Representatives in Congress.

Adams & Co., Pittsburg, Pa.; Ætna Glass and Manufacturing Company, Bellaire, Ohio; Atterbury & Co., Pittsburg, Pa.: A. J. Beatty & Sons, Tiffin, Ohio; Bellaire Goblet Company, Findlay, Ohio; Belmont Glass Works, Bellaire, Ohio; Chas. Brox, Port Jervis, N. Y.; Bryce Bros., Pittsburg, Pa.: Bryce, Higbee & Co., Pittsburg, Pa.; Bukeye Glass Company, Martin's Ferry, Ohio; Central Glass Company, Wheeling, W. Va.; Challinor, Taylor & Co. (Limited), Tarentum, Pa.; Columbia Glass Company, Findlay, Ohio; Coöperative Fint Glass Company, Findlay, Ohio; Coöperative Fint Glass Corning, N. Y.; Cumberland Glass Company, Corning Glass Works, Corning, N. Y.; Cumberland Glass Company, Cumberland, Md.; Dalzell, Gilmore & Leighton Company, Findlay, Ohio; E. DeLa Chapelle & Co., Ottawa, Ill.; Dithridge Fint Glass Company, New Brighton, Pa.; Dithridge Fint Glass Company, Pa.; George Duncan & Sons, Pittsburg, Pa.; Elson Glass Company, Martin's Ferry, Ohio; Thos. Evans Company, Pittsburg, Pa.; Excelsior Filnt Glass Company, Pittsburg, Pa.; Escolar Glass Company, Pottoria, Ohio; Glilmider & Sons, Philadelphia, Pa.; E. P. Gleason Manufacturing Company, New York, N. Y.; Greensburgh Glass Company, Greens urg, Pa.; Hemingray, Glass Company, Covington, Ky.; Hibbler & Co., Brooklyn, N. Y.; Hobbs Glass Company, Wheeling, W. Va.; Hogan, Evans & Co., Limited), Pittsburg, Pa.; Mount Washington Glass Company, New Bedford, Mass.; Jas. J. Murray & Co., Philadelphia, Pa.; Richards & Bros., Pittsburg, Pa.; Chenk & Co., Pittsburg, Pa.; Mount Washington Glass Company, New Bedford, Mass.; Jas. J. Murray & Co., Philadelphia, Pa.; Richards & Bros., Pittsburg, Pa.; Chenk & Bros., Pittsburg, P

This same organization happened to be in session during the consideration of this bill in the Fifty-first Congress, and then sent an urgent telegram asking for the passage of the bill.

A large number of bodies in my State have considered the subject and reported their conclusions at length. The Philadelphia Royal of Trade has collected their configuration to the classical state.

delphia Board of Trade has called attention to the alarming increase of the liabilities of those who fail under the State enactments; its action to which I refer was as follows:

[Memorial to the Senate from the Philadelphia Board of Trade, at its fifty eighth annual meeting.]

PHILADELPHIA, PA., January 26, 1891.

To the Senate of the United States:

Your memorialist, the Philadelphia Board of Trade, respectfully petitions you to immediately consider and pass the Torrey bankrupt bill, for reasons as follows:

a. The number of commercial failures for the whole country is increasing from year to year, and the amount of the liabilities of those who fall is for each year largely in excess of the preceding year. For your information facts are submitted as follows:

Table of commercial failures

[As reported by Messrs. R. G. Dun & Co., for the years 1888 to 1890, inclusive.]

Years.	No. of failures.	Liabilities.	Excess of liabilities over preceding year.
1888 1880	10,670 10,882 10,907	8123, 829, 973 148, 784, 337 159, 856, 964	824, 954, 364 41, 072, 627

This showing must give rise to great apprehension as to what the future will bring to the commercial interests of the country.

2. As a result of the failure of Congress for eleven years to enact a bankrupt law, there are to-day hundreds of thousands of honest men who are plodding their weary way as best they can under burdens of indebtedness which they can not and never will be able to pay. The hanging over them of this cloud of indebtedness militates against a sound public policy, interferes with their exercising the rights of citizenship in the highest and best sense, and prevents them from adequately supporting their families and deducating their children, all to no advantage to their respective creditors.

2. Four national conventions have been held since the repeal of the old bankrupt law for the sole purpose of securing the enactment of a new one. The last of them promulgated the Torroy bill, and it has since been indorsed by hundreds of commercial bodies in the several States of the Union and petitioned for by hundreds of thousands of citizens, without regard to their residences, occupations, or political convictions. These facts indicate conclusively that the honest progressive men of this country, those who honestly labor for the perpetuation of a commerce founded upon the rules of integrity, are weary of the present condition of the laws, which begot recklessness and want of care on the part of those engaged in business, the giving and receiving of preferences, the execution and enforcement of secret judgments, and the perpetuation of fraud and chicanery in its multifarnious forms. They further bear testimony that these same men desire a uniform law, as contemplated by the Constitution, which will produce more conservative business methods, enable debtors and creditors to confer together for nutual advantage without the fear of the institution of compulsory processes, and in the event of commercial failures, equitable, prompt, and editentage.

In ylew of all which, conclusions are reached as follows:

discharge.

In view of all which, conclusions are reached as follows:

1. Resolved, That in the opinion of this board there is but one way to check
the increase of commercial failures, diminish the amount of liabilities in
volved therein, and restore and maintain confidence, and that is for Congress to pass a law embracing both the voluntary and involuntary systems
of bankruptcy, to supersede the incomplete and varying laws of the several

States.

2. Resolved further, That this board believes that honest insolvents should be discharged from their debts, under such carefully guarded provisions of law as would prevent the extension of like privileges to dishonest men.

3. Resolved further, That this board respectfully submits that the Torrey bankrupt bill, involving as it does the property rights of every man, woman, and child in the whole country and the rights of every honest insolvent man to a discharge, is the most important measure now pending before your body and should therefore be immediately considered, to the exclusion of all other business.

4. Resolved further, That the officers of this board are hereby instructed to inform the Senators and Representatives in Congress from this State of the above action, and to carnestly urge them to use their utmost influence to have the Torrey bill passed before the adjournment of Congress on March 4 next.

A true copy from the records.

FRED. FRALEY, President Philadelphia Board of Trade.

W. R. TUCKER, Secretary.

One of the great privileges still left to the people is the right to petition to Congress to make known their wants in the only way open to them. This has always been considered a sacred way open to them. This has always been considered a sacred right. Their petitions should be respected—not sneered at—and should have great weight on subjects which are so intimately connected with their prosperity as these which affect credit and

Now, Mr. Chairman, my friend [Mr. WILLIAM A. STONE], whom I have long and favorably known, made a speech on this bill, criticising it very severely. I propose to take up the gentleman's criticisms and to show him and the members of the House wherein he has erred as to the provisions of the bill and the results which will follow from its enactment.

I feel that it is due me, that it is due to this committee, to show this House that this is notan "iniquitous" but a just bill. Why

should members blindly and sullenly refuse to consider the bill? If it does not suit those gentlemen who are opposing it, and who seem to be criticising it for the purpose of killing it, let them, as they have ability, come forward and try to amend it; we want a good bill, not a bad one; if this one is faulty let us try to correct it. It is unquestionably the best bill ever presented to Congress on this subject, but if it can be improved its friends are not only

on this subject, but it should be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. Mr. Chairman, I move that my colleague be allowed to complete his remarks.

colleague be allowed to complete his remarks.

There was no objection.

Mr. WOLVERTON. I thank my colleague for his kindness.

The gentleman from Pennsylvania [Mr. WILLIAM A. STONE]
gave as a reason why we should not enact a bankruptcy law that
a similar measure in England has been from time to time
amended. He shows, in referring to the subject, that England
has never been without such a law upon the statute books since
the "act of 34 and 35 Henry VIII, c 4." (1542.)

It is true that this law, like other laws of England, and nearly
all of the laws, without exception, in this country has been
from time to time amended as experience suggested. I respectfully submit, therefore, that the course of legislation upon this
subject in England, instead of furnishing a precedent why we

subject in England, instead of furnishing a precedent why we should not enact such a law, furnishes uncontrovertible proof that we should, without delay, enact such a law and hereafter from time to time amend and improve it just as the English nation has done.

I challenge the proposition that the law of 1867 was unpopular with the people because of its harshness to the unfortunate bank-rupt as alleged, and submit that the reasons for its unpopularity was because of its being so amended that the fees of bankruptcy officers were excessive, and the delays in its administration tedious and unbearable, coupled with the fact that in the South it was administered by a lot of irresponsible carpetbag judges who brought the United States courts into contempt with the people.

I respectfully dissent from the statement that-All bankrupt laws have at all times been unpopular with the great m people, and have soon been repealed or modified after their enactme

This is the only first-class country which has not at this time,

This is the only first-class country which has not at this time, and which has not had for many years consecutively upon its statute books, a bankruptcy law. It has been found in practice to be as essential to have a commercial probate law for the administration of the assets of bankrupts as to have a probate law for the administration of the assets of deceased persons.

The reasons why the bankruptcy laws in the United States have been repealed are that they have been, without exception, enacted after times of commercial distress, and have been for the purpose simply of relieving the victims of such distress and were not wisely conceived as fair and impartial laws. The bill we are vocate has been framed in view of the experiences under similar vocate has been framed in view of the experiences under similar laws in this and other countries, and does not contain the provisions which have resulted in the repeal of the former laws, but on the contrary is a perfectly fair and impartial measure to both debtors and creditors.

The gentleman certainly can not maintain his assertion that-A bankrupt law should never be passed in anticipation of business depression. Its effect is to hasten and bring on such a condition.

This bill is so conditioned as to prevent creditors from taking advantage of the debtor; to prevent creditors from taking advantage of each other; to prevent the debtor from taking advantage of his creditor; and to secure the honest debtor in the event of bankruptcy the exemptions allowed him by the laws of the State in which he lives, and a discharge from his debts, and to his creditors a pro rata part of his estate quickly and at small cost. It follows that confidence will be given both to debtors and creditors as to their property rights, and the rigors of business. ness depression will be greatly relieved by the maintenance of

Because we have in this country forty-four States is not a valid reason why we should not also have one uniform system relid reason why we should not also have one uniform system of bankruptcy, as was contemplated by the Constitution. The fact that we have so many States, and that their laws upon this subject are diverse, is one of the strongest reasons why we should have a national law, as contemplated by the framers of the Constitution. If this power thus reserved to Congress had been wisely exercised in the beginning and a law enacted applicable to our then conditions, and had been amended from to time to time to keep pace with our national development, such a thing as a State insolvency law would never have been dreamed of; but as Congress failed in the early days of the Government to act, and then on three different occasions put upon the statute books an emergency rather than a permanent law, the result was that the States were forced, because of the necessity for legislation upon this subject, to enact these insolvency laws; their existence, therefore, constitutes an aggressive demand for action by Congress, and the fact that we have the forty-four rarying systems constitutes a most potent argument for the enactment of one uniform law to succeed them.

The reference of the gentleman [Mr. WILLIAM A. STONE] to the disadvantages of forced sales of property in a community would seem to imply that he is unconscious of the fact that forced sales of property are occurring from day to day all over the country under the imperfect laws now in force, and that these laws are very much more expensive and very much more hurtful than they would be under the proposed law; more expensive and the proposed law. pensive, because failures are more frequent now than they would be then; more hurtful, because under the present imperfect State laws they can not be so carefully conducted with reference to the best interests of those concerned, and for the purpose of making the property bring its full market value.

It is a source of common regret that business complications result in failures, that imperfections of moral character result in dishonest acts of debtors, and that in consequence of these two facts judgments are entered against debtors and in favor of creditors, and that the courts of justice in the ordinary course endeavor to secure a satisfaction of these judgments. Since these conditions exist our endeavor is to so far as possible prevent them, and in case they occur to provide a simple, expeditious, and inexpensive method of securing the discharge of the honest debtor and a compromise or the distribution of the estate to those to whom it belongs. Such is the purpose and only pur-

The gentleman from Pennsylvania [Mr. William A. Stone] seems to entertain views diametrically opposed to his associates who are endeavoring to defeat this bill. He says:

A bankrupt law can only work good to the persons who are thereby relieved of their debts. It is for them and them alone. It can only work injury to the trade and to the public.

Other gentlemen on the same side of the controversy have maintained with great vehemence that a law is not demanded at all by the debtor class, but that it is a wicked scheme on behalf of creditors to oppress debtors. As a matter of fact, the enactment of this law is demanded by all classes in all parts of the country. A few great houses have, I am informed, opposed, and are still opposing the enactment of this measure, but the great mass of all business concerns, so far as I know, are in favor of it.

The gentleman whose remarks are under consideration said: The involuntary provisions allow creditors to force a debtor into bank ruptcy against his will.

This statement is not accurate except in the sense that you might say that the creditors of any debtor may obtain judg-

ments against him.

If a debtor should commit an act of bankruptcy under this bill his creditors might, under very careful restrictions, institute proceedings against him; the debtor would have his day in court, and a jury trial, if desired, and if it transpired that he had committed the act of bankruptcy complained of would be adjudged a bankrupt; yet if under similar circumstances the creditors, or anyone of them, should proceed against the common debtor, and judgment should be obtained against him, the reoults would be much more disastrous to his financial interests than they possibly could be under the proposed law.

I only take up the argument of the gentleman from Pennsyl-

vania [Mr. WILLIAM A. STONE] because he was trying to array sentimentagainst the bill. He has the ability to do so. I take up these vere criticisms which he chose to make against it for the purpose of illustrating the provisions of this bill, and I can show that my learned friend was incorrect in almost every proposition; and I suppose that arose from the fact of insufficient time to give it

proper examination. He said:

Various acts are set down in the bill as acts of bankruptcy. I need not enumerate them. Some are authorized by the laws of the States, thereby bringing a conflict between the laws of the States and the United States.

The gentleman certainly does not mean to say that acts of bankruptcy are prescribed by the laws of the States since the power to do so was expressly reserved to Congress by the Federal Constitution, yet all of the States have enacted laws pursuant to which creditors may proceed against debtors, and by which, under certain circumstances, they may have writs of attachment; but it can not be fairly said that this proposed law will come in conflict with those laws.

The casual listener to the remarks by those who have opposed the bill would, no doubt, conclude that debtors were an entirely privileged class within the districts represented by these gentlemen, and that this bill was a radical innovation upon their

rights.

As a matter of fact, anyone who is a creditor of any debtor, or thinks he is, living anywhere in the United States, may go into court and bring a suit to determine his rights. Mind you, this is anyone who has, or imagines he has, a claim against the

person whom he sues. If his claim is founded upon a note, he may institute suit on the very day on which it becomes due and not be compelled to wait, as he is under the bankruptey law, for thirty days; he may bring a suit by himself without being com-pelled to secure the assistance and copperation of two other creditors where there are twelve or more creditors of such debtor; he may bring his suit without reference to the amount of his claim instead of being required to have an unsecured claim for \$500 or over; he may proceed, although he has ample security for his claim, which he could not do under the bill; he may sue because of default on an open account, which he can

not do under the proposed law; after instituting his suit he is entitled, as a matter of right, to a trial in the ordinary course. In such suit there may be continuances and delays just as there might be in the bankruptcy suits; but sooner or later the time will come when he will be entitled, if he prevailed in his action, to a judgment, under the proposed law the plaintiffs may never obtain judgment, because it is the privilege of the defendant, after suit is brought and before a trial is had, to come into court and offer a compromised settlement; i. e., secure addi-tional time to pay the already due amounts or a reduction of the amount due with or without security or any other form of settlement which the debtor may wish to make and which the

creditors are willing to accept.

If in the ordinary suit the creditor has obtained final judg-ment, he is entitled to an execution, and under it the property of the defendant must be levied upon and sold; there is no escape from this result; if it happens that the levy is made in times of depression or of financial distress, the property will, of course, be sacrificed; if the debtor has amounts due to him, his debtors will be garnisheed and compelled to come into court and answer as to whether or not they are indebted, and if so, how much, and when it will be due, and whether they have property of the defendant, and if so, what and how much; this process is of special hardship to the debtors of country mer-chants since they may be garnisheed by every creditor who may institute proceedings and will thereby be compelled to come to court and answer; this is true, although it may transpire that the amounts which are owing by them are not and will not be due for a long period of time. The condition of the same debtor whose misfortunes I have

just described, in the ordinary course under present laws, would be very much less rigorous under the proposed law. This fol-lows from the fact that subsequent to the adjudication his property would be taken possession of by the trustee appointed by the creditors, and be administered not under a sheriff's flag, but according to the rules of equity; he would be permitted to retain the exemptions allowed by the laws of his State, and in the event he was an honest man would receive an absolute dis-

charge from his debts and be permitted to again prosecute with-out restraint the occupation of his choosing. If the defendant in this bankruptcy proceeding happened to be a country merchant having large outstandings, his debtors would not be compelled to respond to garnishments as in other cases, but would be required to settle with the trustee in accord-ance with the contract entered into between them and the debtor; if it happened that such contract was that the debt should be paid at the end of the year or upon a given contingency, the trustee would be entitled to collect it then, but not until then; if the debtor wished to contest a claim represented by the trustee, he would have an opportunity to do it in the same courts and in the same manner as he would have had an opportunity to do had not bankruptcy proceedings intervened; if there was a reason why the case should be compromised rather than litigated, this end could be accomplished under the proposed bank-

ruptcy law. The condition of a vicious creditor under the proposed bankruptcy law is not so good as it is under the present State laws, because under the former his hand is stayed, while under the latter he has full sway in the ordinary course. The position of the creditor who insists upon realizing, irrespective of the rights of other creditors or the financial interests of the debtor, the full amount of his claim will not be so advantageous under the proposed law as it is under the laws of the State, where it is permissible for the creditor who first secures a writ of attachment to realize on his claim in full, because, under the provisions of the bill, he will only be entitled to his pro rata portion of the common debtor's estate; he may insist under present laws upon the common debtor's estate; he may insist under present laws upon the payment of every farthing of his claim, but under the bill, if a compromise should be agreed upon and approved by the court, he would be compelled to accept just what the other creditors accepted; nothing more, nothing less.

The position of the fair-minded creditor will be better under the hardward law them under the bardward law them the present State levels.

the bankruptcy law than under the present State laws; because, while he now sometimes comes first and sometimes comes last in

the struggle against the debtor and the other creditors, he will, under the proposed law in every case receive his pro rata part of the debtor's estate quickly and at small cost.

The statement is therefore made that the position of the un-

fortunate honest debtor and of the creditors as a whole will be better in every stage of litigation under the proposed law than it is now under the laws of the States

The present State laws will not be interferred with so far as they are invoked as between those who are solvent or those who have not committed acts of bankruptcy. Statistics compiled by the Treasury Department from the annual sheets of the mercantile agencies show that for fourteen years the annual failcantile agencies show that for fourteen years the annual fair ures among those engaged in business has not exceeded 1.07 per cent per annum. This percentage includes all of the failures under the present imperfect laws. It is confidently anticipated that under the proposed law the percentage will be even smaller; the result, therefore, will be that this proposed law, against which the opponents are inveighing, will not be the rule for the guidance of all of the people in the technical sense, but will apply only to the administration or extinement of the but will apply only to the administration or settlement of the affairs of less than 2 per cent of those engaged in business.

The gentleman who opened the debate, in opposition to the bill [Mr. WILLIAM A. STONE], further said:

The great majority of all business in this country is done on credit. If it was reduced to a cash basis the country would be greatly crip; led: yet under this bill no man would be justified in incurring a debt, as he might be forced into bankruptcy if he was unable to meet it.

This gentleman was never more mistaken in his life than in making this statement. He is right in saying, in the latter part of it, that the majority of the business of this country is done on credit. He is right in saying that if the business of this country was reduced to a cash basis the country would be greatly crippled. One of the greatest and most beneficial results to be obtained by bill will be to aid the conducting of business on credit by making credit more secure and to prevent the crippling of the country by reducing the conducting of the business to a cash

The panic of this year has illustrated how dreadful it is, in a financial sense, to curtail the credit of the country. It is confidently believed that the enactment of this bill will greatly lessen the probability or possibility of the recurrence of any such con-ditions. One of the characteristics of all of the speeches in opposition to the bill has been that they have contained vehement statements that the bill is calculated to do great injury to the people of the country. These statements have not been supported either by statistics, the provisions of the bill, or by argu-

The gentleman whose remarks are under review took occasion to say:

The bill is in the interest of the creditor, the involuntary part of it. It is skillfully drawn—so skillful that it will be extremely difficult to keep out of bankruptey.

A man in the ordinary course of business will be liable to tumble in at any time, wholly unaware that he was at all in danger.

Let us test the accuracy of this statement by the provisions of the bill.

The first ground of bankruptcy is:

(1) Concealed himself, departed, or remained away from his place of business, residence, or domicile with the intent to avoid the service of civil process and to defeat his creditors.

It is a ground of attachment in most of the States that a debtor should perpetrate this act for the purpose of avoiding the service of civil process. This bill makes it also necessary that such avoidance should be for the purpose of defeating his creditors. By the dictionary clause the first section of the bill, the word "defeat" shall include "defraud, delay, evade, hinder, and impede." I do not think that it can be reasonably said that an honest man will "tumble (into bankruptcy) at any time wholly unaware" because of the commission of this act of bankruptcy. The second ground upon which proceedings may be instituted

in bankruptcy against a debtor is that he has

(2) Failed for thirty days while insolvent to secure release of any property levied upon under process of law for \$500 or over, or if such property is to be sold under such process then until three days before the time fixed for such sale, and until the petition is filed.

If the property of a solvent person should be levied upon and he should fail within the time limited to have it released, it he should fall within the time limited to have it released, it would not constitute an act of bankruptey, but if he is insolvent, it would be an act of bankruptey, and the creditors, under very careful restrictions, might if they saw fit institute proceedings; they would not institute proceedings unless it was for the necessary protection of their interests any more than they would pursue a like course in any other case. For the purpose of illustrating let me superce a sea in which it seems to exthat the the ing, let me suppose a case in which it seems to me that the ends of justice would be defeated unless this provision shall be retained in the bill.

A man who is in debt has become insolvent; he is not willing

to retain his exemptions, secure a discharge, and have the property in excess of his exemptions ratably distributed among his creditors, but on the contrary he wishes to have his entire property taken by an insolvent relative or friend who will secretly hold it for him; in order to carry out such a purpose he would perform an act which would be a ground of attachment which would be known first and only to the relative or friend; an attach ment would follow and in the ordinary course the entire property would be sacrificed, and the proceeds carried away; would any member of this House want such a result as I have illustrated consummated under a law enacted by Congress? One of the chief purposes of the bankruptcy law is to secure the ratable and equitable distribution of the estates of bankrupts. In order to carry out this object we must, therefore, insert in the bill such provisions as will prevent the estate from being carried away by fraudulent or favored claimants. It therefore seems to me that this provision can not work a hardship to any honest

man, and that it is necessary to the perfection of the bill.

Mr. COBB of Alabama. The gentleman does not mean to assert that under the attachment laws of a State the whole property of a debtor can be taken under an attachment suit for the collection of one debt?

Mr. WOLVERTON. I mean to say that when the debt is large enough to cover the whole of his property they can attach the whole of the property.

Mr. COBB of Alabama. That seldom occurs.

Mr. WOLVERTON. It does occur. It has occurred in my State recently under the most iniquitous use of the laws of the State of Pennsylvania now in force. Goods in the whole package, that were ordered within thirty days before from New York, were seized to pay the debt of another, which was collusive. Now, if you can have a large debt, a debt large enough, or collusion, it would take the whole property. It is immaterial whether the whole property is absorbed by one claim or a number of them so long as there are other claims of equal merits which are not even paid in part.

Mr. BAILEY. Mr. Chairman, if the gentleman from Pennsylvania will permit me aquestion just there. I understood him to say that within the past ninety days there had occurred a case in his State where a party had ordered goods from New York, and while the goods were still in the original package there had been a collusive attachment. I ask the gentleman from Penn-sylvania if it is not the law in his State that in such a case the

purchase can be vacated and the goods reclaimed?

Mr. WOLVERTON. It could under the laws of the State.

Mr. BAILEY. Then why did not the parties do that? Mr. WOLVERTON. Under the attachment laws of Pennsylvania, on this collusive arrangement, where the creditor lives in New York and the debtor lives in Texas or in Pennsylvania, in six days it can be swept out of existence. The remedy under our laws is inadequate in such a case.

Mr. BAILEY. Apart from the collusion, if the purchase was made upon a misrepresentation of the solvency of the purchaser, the courts all hold that no title has passed, and the purchaser,

chase can be vacated and the goods reclaimed.

Mr. WOLVERTON. That may be the law in Texas. In Pennsylvania we could indict him for obtaining goods under false pretense

Mr. BAILEY. We could go into his storehouse and take the

Mr. WOLVERTON. I have seen, and every lawyer has seen, most gross injustice done to creditors through the connivance of debtors with some favored creditor and perhaps with some collusive creditor.

The third ground upon which proceedings may be instituted is that a person has-

(3) Made a transfer of any of his property with the intent to defeat his

You will remember the word "defeat" shall include "defraud, delay, evade. hinder, and impede." If there is any gentleman upon the floor of the House who objects to a debtor being proceeded against who has transferred any of his property for these pur-poses, so far as I am concerned, he is welcome to oppose the bill. The fourth act of bankruptcy is that a person has

(4) Made an assignment for the benefit of his creditors or filed in court a ritten statement admitting his inability to pay his debts.

If a debtor should perform either one of these acts it would constitute an act of bankruptcy, and his creditors might if they saw fit institute proceedings; it would not be incumbent upon them to do so. If they wished the administration to occur pursuant to the provisions of law under which the assignment was made, it would proceed in that way, but if such a number of them as are required to file a petition preferred to have the administration under this uniform law, it would be their privilege to have proceeding in bankruptcy begun.

The purpose of the proposed law, so far as the estate is con-cerned, is to prevent preferences and secure its ratable distri-bution; this purpose could be entirely defeated unless the bill contained this provision with reference to assignments. If there was no such provision in the bill and I was a debtor and wished to favor my relatives or friends, or to have my property hidden away and lived in a State where preferences were permitted, I away and fived in a State where presented were printing, would simply make my arrangements and then my assignment, and then laugh both at my creditors and the Congressmen who thus legislated under the Constitution. Certainly the debtor could not complain since under the law he would be entitled to

his exemptions, and, if honest, to a discharge.

Certainly the creditors could not complain since they would Certainly the creditors could not complain since they would secure a prompt and inexpensive administration under a law of Congress enacted pursuant to a power reserved to it in the Federal Constitution at the time of its adoption. As to both of these grounds it will be noted that they are not complete unit the debtor has either signed the assignment or the statement of insolvency. It can not be doubted but what in either event his affairs should be taken in hand by a representative of the credit of th itors rather than his personal representative and his estate be distributed.

The fifth act of bankruptcy is that a person had-

(5) Made while insolvent a contract personally, or by agent, for the purchase or sale of a commodity with the intent not to receive or deliver the same, but merely to receive or pay a difference between the contract and market price thereof, and at a time subsequent to the making of such contract.

This provision covers the case of an insolvent debtor gambling in futures, which has been criticised because it was alleged to establish a different rule for gambling in options for rich men and poor men. It will not interfere, and ought not, in my judgment, to interfere with the business of solvent persons; but it will, and I think it ought to interfere with the man who has become insolvent, and who is gambling and thereby running a risk on the balance of his estate instead of having it distributed pro rata among his creditors, if they so elect. The sixth ground upon which proceedings may be instituted

is that a person has-

(6) Made, while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law or otherwise for the purpose of giving a preference.

Please note that this applies only to a person who is insolvent. In this connection I quote from another part of the bill so that you may comprehend the full meaning of the words "for the

you may comprehend the full meaning of the words "for the purpose of giving a preference."

It is provided by section 60 of the bill as follows:

A person shall be deemed to have given a preference if, being insolvent or in contemplation of insolvency or bankruptcy, he has procured or suffered alugement to be entered against himself in favor of any person or made a transfer of any of his property with intent to (1) defeat the operation of this act; (2) enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class.

If a bankrupt shall have given a preference within four months before the filing of a petition, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference, it shall be voidable by the trustee, and he may recover the property or its value from such person.

This proposition of the hill is intended to prevent the defeat of

This provision of the bill is intended to prevent the defeat of justice. It will not, in any way, or to any extent, interfere with the ordinary and legitimate transaction of business. If a debtor is attempting to make away with his property in contemplation of bankruptcy, it will stop it, and eventuate in the equitable distribution of the estate. I respectfully submit that in that event the result proposed to be obtained is that which should be desired by all honest men.

sired by all honest men.

Mr. RAY. Why is it any more dangerous to his creditors for an involvent man to gamble than it is for a solvent man?

Mr. WOLVERTON. I should say, in answer to that, that a good deal would depend upon the ability of the man to shuffle cards. [Laughter.]

Mr. RAY. It would depend on that, and on how long his gambles lessed, and on how much he could afford to lose, would it

bling lasted, and on how much he could afford to lose, would it

Mr. WOLVERTON. Yes; but if he is insolvent, he can not afford to lose anything, because an insolvent man is one who has not enough property to pay his debts, and what he has left he ought not to gamble with, because it belongs to his creditors, in equity at least.

Mr. RAY. But he might gain enough from his gambling operations to pay all his debts. [Laughter.] Now, is it not true that when a solvent man gambles in anything or in any way he

endangers his creditors.

Mr. WOLVERTON. It is true, I think, as a general rule, that whether a man is solvent or insolvent, it is dangerous for him

to gamble. Mr. RAY. Mr. RAY. And many a solvent man has in that way lost his money or his property and cheated his creditors?
Mr. WOLVERTON. Yes, sir.

Mr. RAY. Now, if we are going to strike at gambling at all in this bill, why not strike at it boldly and square y and prohibit gambling by the solvent man as well as the insolvent?

Mr. WOLVERTON. My answer is that this is not an act to prevent gambling; and while it is true that it is dangerous for a solvent or for an insolvent man to gamble, and that gambling on the part of a solvent man begin the his insolvent was the solvent or the solvent man to gamble, and that gambling the solvent man to gamble, and the solvent man to gamble the solvent man on the part of a solvent man may led to his insolvency, yet this bill can not properly do more than provide that a man who has not enough to pay his debts has no right to gamble in futures to

not enough to pay his debts has no right to gamble in futures to the injury of his creditors.

Mr. RAY. He endangers his creditors by gambling. In the section of this bill which defines acts of bankruptcy, you say that if a man conceals himself or avoids service of process, he has committed an act of bankruptcy. Why is that an act of bankruptcy? Simply because the man is supposed thereby to endanger his creditors. As the bill now stands, it is not necessary that he shall be actually insolvent. He may be insolvent, but if he does any of the acts have enumerated and to which I just rehe does any of the acts here enumerated, and to which I just referred, and which you say endanger his creditors, you propose to put him into bankruptoy solvent or insolvent, and you say that is right and just. Now, if it is right and just to put a man into bankruptoy because he avoids the service of process in one particular case, when he is entirely solvent, why not put him into bankruptcy if he endangers his creditors by gambling in any way or manner?

Mr. WOLVERTON. There is a vast difference between gam-Mr.WOLVERTON. There is a vast difference between gambling and concealing one's self or running out of the jurisdiction of court to escape service of process. A man who will conceal himself to avoid a legitimate process of the court being served upon him is an anarchist. He is opposed to all law.

Mr. RAY. You do not claim that if a man should conceal himself to avoid service of process he would be an anarchist?

Mr. WOLVERTON. I speak of a man who runs away from the ordinary process of the courts.

Mr. RAY. But there might be a case where the man would do it innocently.

it innocently.

Mr. WOLVERTON. There could not be many such cases.

Mr. RAY. A man might desire to have a little time to get the money to pay up, and in the meantime he might dodge service of process. Now, in this bill as reported you go to the extent of saying that if a man does that he is committing an act of bankruptcy, which may be taken advantage of by any of his creditors at any time six months thereafter, even though he may have returned and read that the transfer of the say in th at any time six months thereafter, even though he may have returned and paid that particular debt and surrendered himself to the process of the court.

Mr. WOLVERTON. That is a long question, and is rather more an argument than a question.

Mr. RAY. I know it is an argument, but I wanted to bring these two provisions of the bill together.

Mr. WOLVERTON. I can not see the resemblance between

gambling and avoiding service of judicial process. answer to the gentleman's question, let me suppose that a man should conceal himself from his creditors, or should avoid the service of judicial process in order to let a friend's judgment ripen so that he could issue execution upon that judgment and sweep up his property and prevent the other creditors from getting service upon him and coming upon his property.

Mr. RAY. I would not approve that, of course: but I want to

return to the line of argument which you were pursuing when I

asked you a question.
Mr. WOLVERTON. In relation to gambling?

Mr. RAY. Yes, sir. Dealing in options or futures, which is a species of gambling. Now, if you put a man into bankruptcy for an act of that kind you do it, I suppose, upon the theory that the act endangers the rights of his creditors. But if you hold that, why not go a step further and say that if a man, being insolvent, plays cards for money, he also shall be thrown into bank-

ruptcy.

Mr. WOLVERTON. I do not know but what it would be a good addition to this section. The gentleman may know more good addition to this section. The gentleman may know more about cards than I do and about the danger of playing them, and if he thinks that provision is necessary for the protection of a man's creditors, I am willing to accept the amendment.

[Laughter.] Mr. RAY. Mr. RAY. I do not know anything about gambling; I have never played cards for money, but I have "hearn tell" about it [laughter]; and I suppose that when a person who is insolvent goes into a gambling house and risks his money on a game of cards it is just as dangerous to his creditors as if he goes into nee of these "exchanges" or into Wall street and risks his money on a chance game of "futures" and "options." I can see no distinction between the two cases. Therefore I say if we go to the extent of providing against one kind of company in this bill I extent of providing against one kind of gaming in this bill I think we ought to go further and include the other.

Mr. STOCKDALE. Suppose a man wins at the game.

Mr. RAY. Then it is all for the benefit of his creditors, of

Now I oppose this provision in regard to "futures" and "options" upon principle; and I do not believe it should have a place in a bankruptcy bill. That is why I oppose it—not because I am in favor of that kind of dealing at all, but because I believe any provision of this kind detracts from the force of a bankruptcy bill. But if we retain the provision I am now discussing, then I can not see any reason why we should not put in a further provision against other kinds of gambling. All I desire to elicit

I can not see any reason why we should not put in a further provision against other kinds of gambling. All I desire to elicit from the gentleman now addressing the House is his reason (if he has any good reason) for including the one and not the other. Mr. WOLVERTON. My reason is that the law is not intended to apply to an honest solvent man. You can not put a man into bankruptcy unless he is dishonest, has failed, or become insolvent and not paid his debts.

Mr. RAY. The gentleman does not catch the point to which I am order verify to direct his attention.

Mr. RAY. The gentleman does not ca I am endeavoring to direct his attention.

Am endeavoring to direct his attention.

Mr. WOLVERTON. I think I do.

Mr. RAY. No; here is the point: Suppose an insolvent man deals in "futures" or "options;" now, you say that shall be regarded as an act of bankruptoy.

Mr. WOLVERTON. Why? Because he is insolvent.

Mr. RAY. Very good. Now, suppose an insolvent man goes into a gambling house, and is accustomed to do so—

A MEMBER. He is the only kind of a man that ought to go there.

Mr. RAY. Unfortunately that is not the only kind of men who do go there. Now, as I was saying, an insolvent man goes into a gambling house and risks his money on a game of cards-\$100 or \$500 or any other sum; and he is in the habit of doing this. Sometimes he wins and sometimes he loses. Now, why this. Sometimes he wins and sometimes he loses. Now, why not make this an act of bankruptcy as well as gambling upon "futures" or "options?" Why put the one in and not the other? That is the point I would like the gentleman to elucidate.

Mr. WOLVERTON. A millionaire is not a bankrupt simply because he plays a game of cards.

Mr. RAY. No; but I am putting the case of a man who is insolvent when he goes into a gambling house and plays cards

Mr. COCKRAN. How could be play if he were insolvent?
Mr. RAY. Why, sir, many a man who is insolvent has his pockets full of money.

A MEMBER. Somebody else's money.

Mr. WOLVERTON. The money which ought to be divided

among his creditors.

Mr. RAY. It is getting to be quite customary in these times for the men who carry the most money in their pockets or about their persons and who do the least work not to pay their honest

debts.

Mr. COCKRAN. May I ask where that custom prevails?

Mr. RAY. In New York City to quite an extent.

Mr. COCKRAN. Oh, the gentleman is mistaken.

Mr. RAY. I beg the gentleman's pardon. As a lawyer he must be perfectly conversant with the fact that all through the State of New York, as well as in other States, it is quite customary for men to become, as they say, insolvent, unable to pay their debts, and they put their property into the hands of their wives, or relatives, or friends, and still they go about, dressed in purple and fine linen, riding in carriages and cutting a great swell, although they do not pay anything that they owe. Now, that is one of the reasons why I favor the passage of a properly framed bankrupt law, to render that sort of thing impossible. Occurrences of that kind do take place, as we know.

Mr. COCKRAN. Is there anything in the bill that prevents that?

Mr. RAY. Yes, if it becomes a law. Mr. WOLVERTON. Now, if the gentleman will allow me to

Mr. RAY. Certainly. I had no intention of interrupting my friend, but simply to get this explanation.

Mr. WOLVERTON. I have had no experience in dealing in futures or gambling at the table. I know that a man who is solvent has a right to do nearly anything that he pleases, except to commit crime; since his money is his own he can apply it as to commit crime; since his money is his own he can apply it as he pleases. But when a man is insolvent and has not enough to pay me my honest debt and pay others what he owes he has no business to go into the gaming house, where the invariable rule is to lose, and gamble away money or property.

Mr. RAY. Why not put him into bankruptcy?

Mr. WOLVERTON. I do not see any objection to doing so. I should say that under those circumstances his property should be notable distributed among his anglitans.

be ratably distributed among his creditors.

I will continue to show the errors into which my colleague [Mr. WILLIAM A. STONE] has fallen.

The seventh ground for proceeding is that a person has-(7) Procured or suffered a judgment to be entered again intent to defeat his creditors.

You will, of course, remember that "defeat" shall include "defraud, delay, evade, hinder, and impede." Under the laws of many of the States judgments are obtained for these various Under the laws purposes, and I regret to say that the frauds are consummated in this way with impunity. For my part, I have a greater con-tempt and loathing for frauds which are committed under the forms of laws than for those which are committed in violation of the law. This provision of the bill is intended to maintain the integrity of justice, and to prevent judgments from being en-forced which are not bonafides. If any gentleman upon the floor wishes to oppose the bill because of this provision he is welcome

to do so, so far as I am concerned.

The eighth ground upon which proceedings may be instituted

is that a person has

(8) Secreted any of his property to avoid it being levied upon under legal rocess against himself and to defeat his creditors.

In considering this ground please keep in mind the meaning of the word "defeat." Hiding of the property is not of infrequent occurrence in many of the States as a means of defeating the process of the courts. I know and every member of the House knows that the only effective means of fighting anarchy to the states and to enable them to have their process. is to uphold the courts and to enable them to have their proces served. The debtor who undertakes to thwart the service of the process of the courts and the ordinary administration of justice in them is, in my judgment, one of the worst enemies of society. I therefore think that any debtor who is guilty of such acts ought to be amenable to the process of the bankruptcy court, and in case the allegation is fairly proven, I think his estate ought to be administered.

The ninth ground is that a person has-

(9) Suffered, while insolvent, an execution for \$500 or over, or a number of executions aggregating such amount, against himself, to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed.

This provision has been criticised in the course of the debate because it was alleged that there was no occasion to put a man into bankruptcy where, upon execution, no property could be found. Those who have made this criticism are evidently unaware that under the laws of some of the States real estate can not be sold under an execution, and that a man against whom a judgment has been obtained might own large tracts of land and yet an execution issued upon such judgment would be returned "No property found."

Such criticisms are evidently made with a forgetfulness of the fact that a fradulently-inclined debtor not infrequently removes his property out of the jurisdiction within which the execution might be served or converts it into cash, and hides the cash, and that, as a result, the execution proves unavailing. It must. therefore, be apparent to the mind of every gentleman that this

ground is necessarily a part of the bill.

The tenth and final ground for action on the part of creditors

is that a person has-

(10) Suspended and not resumed for thirty days, and until a petition is filed while insolvent, the payment of his commercial paper for or aggregating \$500 or over.

You will observe that the person, firm, or corporation who might suffer its paper to go to protest and remain in protest for thirty days and until a petition was filed, must be one which is insolvent, or they will not be liable to be adjudged a bankrupt. Under the present laws of all the States a person may be sued immediately after going to protest, and irrespective of the amount of the paper and irrespective of the solvency or insolvence. ency of the maker. It therefore can not be said to constitue any hardship that a person who owes on commercial paper to the amount stated, and who is insolvent and who does not within thirty days and until the petition is filed resume the payment of it, may be proceeded against in bankruptcy. Under the old law the time, as I remember it, was fourteen days, and there was no provision that the person in default should be insolvent. I did not hear, in the course of my practice under that law, nor have I heard it contended in the whole course of the agitation in behalf of a bankrupt law nor in debates on this bill, that any hard-

ships were suffered under the old law on this ground.

I invite the attention of every member of the House, and espe cially do I insist that the opponents of this bill shall note, that it is not a round for the institution of bankruptcy proceedings that an amount due upon open account has not been paid; that an undetermined amount due under a contract has not been paid; on the contrary, it is necessary that the defendant shall have done or suffered to be done some act which is designed to defraud his creditors or some of them, or that he has in writing admitted his inability to conduct his own affairs, to pay his own debts, or has

defended against a proceeding and a judgment against him, or that in writing he has promised to pay a stated amount. In view of all which, I submit that I have conclusively shown that it will not "be extremely difficult to keep out of bank-ruptcy," and that no "man in the ordinary course of business ruptoy," and that no "man in the ordinary course or business will be liable to tumble in at any time, wholly unaware that he was at all in danger," as was stated by the gentleman whose remarks are in question.

The member from Pennsylvania [Mr. WILLIAM A. STONE] is reported in the CONGRESSIONAL RECORD as having said:

The lawyers who live at the places where the United States court sit will have a monopoly of the bankrupt practice, and those lawyers who attend to the general practice and their clients will be at their mercy.

The reply to this statement is, first, that it is incorrect; and, second, that if it were true, still it would not be any reason why a bankruptcy law should not be passed if it would prove in practice for the best interests of the whole people. The fact that the law, if passed, will be a national one makes it necessary that it should be enforced by the Federal courts, since it has been held that the Government can not force a State court to exercise jurisdiction under a Federal law. If it were attempted to administer a national law in the State courts the ends of justice might be entirely defeated by the refusal of the State courts to act; we might, therefore, have presented to us the spectacle of a part of the courts acting and a part not, or of a part acting sometimes and in some cases and at other times refusing in other cases to act

It must therefore, in the best interests of all parties, be enforced in the United States courts. The inconvenience to parties in interest from having the law administered in the United States courts has been, in my judgment, greatly overestimated by the opponents of the bill. As a matter of fact, the Federal courts hold sessions for the most part at all of the places where there is a sufficient amount of business to in any sense justify it.

It may be fairly said of any part of the country where a United States court is not held within a reasonable distance, that such part of the country is sparsely settled and that there is little occasion for holding court there; it also, of course, follows that in any sparsely settled country there will be very little bank-ruptcy business to be transacted. The inconvenience of living where courts are never held is also experienced in a greater or less degree under present State laws, and is always one of the inconveniences which the pioneers in any country voluntarily

In order to bring the administration of the law as near to every man's door as possible, it has been provided by the bill that the meeting of creditors shall be held at the county seat of the county where the bankrupt resides, unless it would be manifestly inconvenient to the creditors; that referees to whom cases for administration may be referred by the court may be appointed without limit as to number, and that such territorial districts may be assigned to them as may be desirable; that claims against estates may be proven by the simpleaffidavit of the claimant, and that they will be allowed as of course upon being filed in court, or before the referee, or sent to either by mail, and that evidence in bankruptcy cases may be taken in the form of depositions under the provisions of law now in force or which may be hereafter enacted upon this subject.

These provisions, and possibly others which do not occur to me at this moment, have been made in the bill in order to prevent anything in the line of hardships which might possibly occur in anything in the line of hardships which might possibly occur in the administration of it. In addition, it is provided that litigation with regard to the property interests of the estate shall be brought in the court which would have had jurisdiction of the controversy had not bankruptcy proceedings intervened. That is to say, if A has a claim against B, and A is put into bankruptcy the trustee of A, in the event litigation is necessary and they are both citizens of the same State, must sue B in the State

If they were residents of different States, and the claim was such a one as the United States circuit court would have jurisdiction of, the suit may be brought in the proper United States circuit court. But the trustee of A could not, under any circuit court. cumstances, bring sult in the bankruptcy court and compel B to come in and litigate his rights in that tribunal unless it should be by the consent of B. Thus it will be seen that the objection concerning which so much has been said, and regarding which so much opposition has been found to the enactment of the bill, is reduced to the minimum if not entirely done away with by an explanation of the very careful provisions which have been made in the bill upon this subject.

It is a notorious fact among business men and lawyers cognizant of the facts of the case that the collection business of the country has for a series of years become less and less, until at the present time there is very little of it by comparison with what it formerly was. This fact grows out of the condition of

the laws. For example, if a number of claims against a debtor are put into the hands of a lawyer for collection it usually results in an attachment being issued against the debtor, or of his making some form of voluntary assignment, or of being put into the hands of a receiver; and this, too, irrespective of whether the claims are just or unjust, and irrespective of whether he is solvent or insolvent. In other words, the great majority of the debtors of the country are not sufficiently strong financially to defend themselves against claims which they believe to be un-just, because even the bringing of a suit against them is likely to alarm other creditors and result in their being forced to the wall financially.

If this bill should be passed, then the conditions will be en-tirely different in this, that if claims are put in the hands of lawyers for collection against a debtor, he will be able to defend against them if he desires, since in the event his creditors become alarmed, he may secure a meeting of them and explain fully and frankly his actual conditions, since this law will prevent them from taking advantage of one another by entering into a struggle to see who can first secure a lien against his

property.

It follows therefore that the passage of the bill will, instead of resulting in the consolidation of the legal commercial business of the country, result in its revival and of its being transacted the parties live.

As before stated, the percentage of failures among those who are engaged in business for the whole country does not exceed a little over I per cent per annum, and has not done so for years, up to the present year at least, and if therefore it were true, as it is not, that all of this business would be concentrated to the places of the meeting of the bankruptcy courts, still it would not materially interfere or affect the ordinary legal business of the country; and besides, if it did, this point ought not to be considered since every lawyer of standing would consider first, the best financial interests of his client before considering what effect it would have on his legal practice.

It was stated that-

The application may be made at any time after two months from the date of the adjudication in bankruptcy.

This is not all of the provision. It is that-

A person, not a corporation, may, after the expiration of two months and within the next four months subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending; if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from alling it within such time, it may be filed within, but not after the expiration of the next six months.

This limitation of the time within which the application may be filed is to prevent a fraudulent bankrupt from making application for a discharge after the death or removal of witnesses from the jurisdiction of the court. In other words, it is that when persons who can not obtain their discharges when all of the facts surrounding their failure can be proved in order to

receive them, they can not do so at some subsequent time.

The speaker criticises the use of the word "material" as applied to the false statement which would prevent a bankrupt from receiving a discharge. He also criticises the word "substantial" as modifying the word "valuation" with reference to the amount of accounts concerning which there was a misrepsentation. These words were used in order that the bankrupt should not be refused a discharge unless the false statement complained of was material. In other words, he should not be denied relief because he made a false statement of no importance. In the same manner the word "substantial" is used with reference to the amount of claims which might be inserted in the schedule or omitted from it, since it was not desired that an amount of no importance should be taken cognizance of. The criticism seems to have been made in a spirit indicating a de-sire that we should be more considerate of the debtors rights than we have been, but I respectfully submit that in the provisions of the bill we have been more considerate than it is the

wish of the gentleman we should be.

Complaint is made that there is a provision to prevent a discharge where the application is "with fraudulent intent or neglect charge where the application is "with fraudulent intent or neglect to keep books of account or records from which his true condition might be ascertained," accompanied by the statement that there are a great many people in business who do not keep such accounts or records. I know, of course, that there are a great many people who do business without keeping formal sets of books, but in view of the practice, universally I believe, of exchanging bills, of conducting correspondence, of securing insurance, of making returns for taxes, and of other details connected with business, I think there are always records from which the financial condition of the denter may be ascertained axthe financial condition of the deptor may be ascertained, except where as a part of a deliberate design such records have been destroyed or have not been made, with a wrongful intent.

In all events it seems to me reasonable that those who ask for

this great privilege under the law should be only such persons as shall be able to stand this very reasonable and lenient test as to the good faith with which they have conducted their business affairs which has resulted in their unfortunate financial condition, and which has necessitated an application for their dis-

It is stated asfollo ws:

Under the act of 1867 the bankrupt could not obtain a discharge unless the assets equaled 30 per cent of the debts proved against his estate, or on the assent of one-fourth in number or one-third in value of his creditors. No such requisition is necessary under this bill; it is a matter wholly and solely with the judge. The creditors have nothing to do with it.

This statement is made as a criticism of this bill, and as going to show that the act of 1867 was a better measure than this one

The provision with regard to the payment of 30 per cent of the debts proven did not apply in the act of 1867 to all bank-rupts as this statement would seem to imply, but only to those who were voluntary bankrupts. As to the policy of requiring the payment of any percentage as a condition precedent to the discharge of a bankrupt, I have this to say: The discharge of a debtor from the just claims of his creditor can be justified only upon the ground that it is required by a sound public policy. A sound public policy has nothing to do with the question as to whather any argument is paid by the debtor's extraction as to whether any amount is paid by the debtor's estate, or, if so, the exact amount paid. It simply goes to the extent of saying that where an honest man has made a fair surrender of his property

he shall be discharged from the further claim of the creditor.

The same reasoning which justifies the passage of exemption laws by the several States justifies the passage of a law for the discharge of the honest bankrupt. Imagine an exemption law by the terms of which a debtor was to have a bed for his family and the implements of trade for himself, only upon condition that he could pay, say 30 per cent of the amount he owed. should a law be passed giving to a bankrupt a discharge whos estate paid 30 cents, and refuse it to a bankrupt whose estate only paid 29.99 cents; why should a bankrupt be discharged whose misfortune has only amounted to the reduction of 70 cent of his estate, and refused to a bankrupt whose entire estate has been destroyed by a devastating flood or a disastrous cy-

clone.

Clone.

The only ground upon which a discharge may be granted by the authority of a law of the United States and decree of a court after hearing, is that of a sound public policy. This being true, why should there be a condition-precedent added that the dictates of a sound public policy shall be withheld unless the debtor shall have been able to beg or coerce a certain per cent of his creditors to consent that he shall have a discharge? I have heard it said that under the old law creditors not infrequently withheld their consent to discharges until paid a finanquently withheld their consent to discharges until paid a financial consideration to give it. Does any gentleman think that speculation upon such a basis is justified? I would not be will-ing to advocate a law under which such a species of speculation

would be possible.

My conclusion, therefore, upon this question is that those who are entitled to the consideration of the law are only honest men, and that they are entitled to it without reference to the extent or character of their misfortune, and without reference to the

good nature or malicious feelings of their creditors. It was urged by the same member of this House as an objection to the passage of this bill with at least apparent frankness,

The judge shall discharge unless the bankrupt shall have done one of five things, and, as an involuntary bankrupt, he must have done at least one of these things; and as the judge has in adjudicating him a bankrupt already passed upon that question, I see no way in which an involuntary bankrupt can ever be discharged.

This gentleman, mind you, made the opening argument in opposition to the bill; lest you may not have gotten the full force of the statement which I have just quoted, let me read it to you

The judge shall discharge unless the bankrupt shall have done one of five things, and, as an involuntary bankrupt, he must have done at least one of these things; and as the judge has in adjudicating him a bankrupt already passed upon that question, I see no way in which an involuntary bankrupt can ever be discharged.

I submit this statement as fairly in line with most of the statements which have been made so freely in opposition to this measure. I do not question the sincerity of the gentleman making it, but I do submit that if I shall show that he is entirely mistaken in so important a point as this, it will be but a reasonable conclusion that he is entirely mistaken in his other statements which are calculated to throw discredit upon the bill

Let me read you the pertinent parts of the bill so that you can see by a comparison that this error is flagrant.

Section 2, a, is as follows:

SEC. 2. a Acts of bankruptcy.—Acts of bankruptcy by a person shall consist of his having within six months prior to the filing of a petition

against him (i) concealed himself, departed or remained away from his plac of business, residence, or domicile continuously with intent to avoid the service of civil process and to defeat his creditors—

Meanwhile he may have created a preference-

Meanwhile he may have created a preference—

(2) failed for thirty days while insolvent to secure the release of any property levied upon under process of law for \$500 or over, or if such property is to be sold under such process then until three days before the time fixed for such sale and until a petition is filed; (3) made a transfer of any of his property with intent to defeat his creditors; (4) made an assignment for the benefit of his creditors or filed in courta written statement admitting his inability to pay his debts; (5) made while insolvent a contract personally, or by agent, for the purchase or sale of a commodity with intent not to receive or deliver the same but merely to receive or pay a difference between the contract and the market price thereof, at a time subsequent to the making of such contract; (6) made while insolvent, a transfer of any of his property or suffered any of it to be taken or levied upon by process of law otherwise for the purpose of giving a preference; (7) procured or suffered a judgment to be entered against himself with intent to defeat his creditors; (8) secreted any of his property to avoid its being levied upon under legal process against himself which intent to defeat his creditors; (8) suffered while insolvent an execution for \$500 or over, or a number of executions aggregating such amount, against himself to be returned no property found, unless the amount shown to be due by such executions shall be paid before a petition is filed, or (10) suspended and not resumed for thirty days and until a petition is filed, while insolvent, the payment of his commercial paper for or aggregating \$600 or over.

Section 13, a and b, is as follows:

Section 13, a and b, is as follows:

Sec. 13. a Discharges, when granted.—A person, not a corporation, may after the expiration of two months and within the next four months subsequent to being adjudged a bankrupt, file an application for a discharge in the court of bankruptcy in which the proceedings are pending; if it shall be made to appear to the judge that the bankrupt was unavoidably prevented from filing it within such time, it may be filed within but not after the expiration of the next six months.

• The judge shall hear the application for a discharge, and such pleas as may be made in opposition thereto by parties in interest, at such time as his convenience will permit and as will give parties in interest, at such time as his convenience will permit and as will give parties in interest a reasonable opportunity to be heard, and discharge the applicant unless he has (1) committed an offense punishable by imprisonment or fine as herein provided: (2) given a preference as herein defined, under anassignment for the benefit of creditors or otherwise, which has not been surrendered to the trustee; (3) knowingly made a materially false statement in writing concerning nish financial condition to any person for the purpose of obtaining credit or of being communicated to the trade or to those from whom he has sought or obtained credit; (4) made a transfer of any of his property which any creditor, who has proved his debt in the proceedings, might, at the time of the bankruptcy, have impeached as fraudulent if he had then been a judgment creditor, unless such property shall have been surrendered to the trustee; or (5) with fraudulent intent destroyed or neglected to keep books of account or records from which his true condition might be ascertained.

Section 29, a, referred to in subdivision (1) in the section on discharges as above, is as follows:

Section 29, d, referred to in subdivision (1) in the section on discharges as above, is as follows:

Sec. 20. a Offenses.—A person shall be punished, by imprisonment for a period not to exceed ten years, upon conviction of the offense of having willifully (1) appropriated to his own use, embezzled, spent, or unlawfully transferred any property belonging to a bankrupt estate which came into his charge as trustee; (2) attempted to account or accounted for any of his property, or attempted to account or accounted while a bankrupt for any of the property belonging to his estate by fictitious losses or expenses; (3) concealed while a bankrupt, or after his discharge, from his trustee any of the property belonging to his estate; (4) in case of any person having to his knowledge, after he has become a bankrupt, proved a false claim against his estate, falled to disclose that fact, within one month after coming to a knowledge thereof, to his trustee; (5) made a false oath in, or in relation to, any proceeding in bankruptcy; (6) made a substantially false valuation, as a bankrupt, or any of the property of his estate in his schedule of property or omitted therefrom any of the property of his estate, or from the list of his creditors any person to whom he is indebted in a substantial amount, or included therein any person to whom he is not indebted, or included therein a creditor for an amount substantially more than the true indebted-ness; (7) obtained on credit any property with intent not to pay for the same or with intent to use the same to prefer a creditor or increase his property in contemplation of bankruptcy; (8) presented any false, or substantially exaggerated, claim for proof against the estate of a bankrupt, or used or offered to use any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; (9) received any property as a consideration to act or foreear to act in any propeeding in bankruptcy; (10) secreted any of his property or which is a part of or relates to

Now let us make the comparison; begin with section 2 on acts of bankruptcy; the first ground (1) as there stated is not referred to in either of the other sections, and it follows that he might be adjudged a bankrupt on that ground and still be discharged. The gentleman therefore shows by his statement that he has not examined the bill carefully, since it is conclusive on at least this one point, that he is in error in stating that an involuntary bankrupt can not be discharged.

Let us continue the examination; the second (2) ground, as stated in section 2 as above, falls under the same head, and the

gentleman is therefore in error in two respects.

The third (3) ground for proceedings is that the defendant

(3) Made a transfer of any of his property with intent to defeat his cred-

By referring to the section on discharges as quoted, subdivision four (4), you will see that such a transfer is not a ground for refusing a discharge if "such property shall have been surrendered to the trustee." The gentleman's statement is there-

fore inaccurate in this respect. He is in error therefore in at least three particulars.

The fourth (4) ground as stated in section 2 is not referred to in either of the other sections and therefore justifies the scoring of the fourth error against the gentleman who has thus maligned

The fifth (5) ground for beginning a suit relates to dealing in options. Such an act is neither an offense nor a ground for refusing a discharge. Another error must therefore be credited

to my colleague.

The sixth (6) act of bankruptcy relates to giving a preference. Although a debtor might be adjudged a bankrupt on this ground, still he would be entitled to a discharge as you will see by reference to section 13, (2) if such preference has been surrendered to the trustee. Still the gentleman continues in error.

The seventh (7) ground is not set out in either of the other

sections and the score of errors therefore numbers seven.

The eighth (8) ground relates to the secreting or hiding away of property for the purpose of defrauding the creditors; a bankrupt who has been guilty of that act would not (see (10) section 29) and ought not to be given a discharge. The gentleman's statement is, I am glad to say, correct in this particular, and I accordingly score one in his favor.

Coverded nice (9) and tan (10) are not referred to in sections 12.

Grounds nine (9) and ten (10) are not referred to in sections 13 20, and two additional errors must therefore be charged.

The statement therefore, that no involuntary bankrupt can get a discharge is an error; if adjudged a bankrupt on any one of nine grounds he may, so far as such grounds are concerned, secure a discharge; if adjudged a bankrupt on one ground he will, on that account, be denied a discharge. There are other grounds on which a discharge may be refused. I therefore again call attention to the fact that the opposition to this bill is founded chiefly upon a want of information as to its provisions and a mis-conception of the results which it will accomplish.

WILLIAM A. STONE. Will my colleague yield for a

question?

Mr. WOLVERTON. Certainly.
Mr. WILLIAM A. STONE. Why not give the bankrupt who applies for a discharge the right of trial by jury on the specification-

cation—
Mr. VAN VOORHIS of New York. He has that right.
Mr. WILLIAM, A. STONE (continuing). The same as you give him the right of trial when he is adjudicated a bankrupt?
There is no provision in the bill for any such action.
Mr. VAN VOORHIS of New York. He has it now.
Mr. WILLIAM A. STONE. Oh, no.
Mr. WOLVERTON. I will say that no objection on that account was made to the bill in the argument of my friend when

count was made to the bill in the argument of my friend when he was on the floor the other day, nor do I see that it would be objectionable to be incorporated in the bill as an amendment if

But what I do complain of before the House is the wholesale denunciation that this bill has received by the opponents without an effort on their part to try to correct alleged imperfections and to make it a permanent law. Have you not got the courage to and to make its permanential. Have young to the courage to do it? Is there a want of ability to do it? I know it is not that. But these criticisms are for the purpose of defeating any law upon the subject. They are for the purpose, in many instances, of retaining the infamous attachment and assignment acts which

are upon the statute books of many States.

I have criticised at some length the argument of my colleague [Mr. WILLIAM A. STONE] merely for the purpose of showing that this bill is not infamous, as it has been stigmatized by very many who have argued against it, and for the purpose of draw-

ing attention to its provisions.
I have no doubt that if the gentleman, with his ability and his experience, and others who have criticised this measure, were to experience, and others who have criticised this measure, were to get together and suggest amendments and consider the matter curefully and candidly, not seeking for some little loophele in the bill or some little point which they can criticise as unsatisfac-tory, for the mere purpose of condemning it as a measure—if they were thus to seek to perfect this bill, they either would find that it was perfect, or we would concede their points and thereby make it so.
Mr. RAY. Will the gentleman p
Mr. WOLVERTON. Certainly.

Will the gentleman permit me?

Mr. RAY. I do not suppose the gentleman wants to be inac-

Mr. RAY. I do not suppose the gentleman wants to be inac-curate in any of his statements?

Mr. WOLVERTON. No, certainly not.

Mr. RAY. I had the floor for an hour and a half, and I criti-cised this bill rather severely in some of its particulars. Three days before I addressed the House on the bill, I printed in the RECORD proposed amendments which I suggested, and I deliberately stated that I criticised the bill for the purpose of having it amended. So I hope the gentleman will not make the wholesale

charge that every gentleman who has criticised the bill has done

it for the purpose of defeating it.

Mr. WOLVERTON. If my statement was as broad as suggested by the gentleman from New York [Mr. Ray] it was in-correct to that extent. I believe the gentleman from New York [Mr. RAY] did suggest some amendments, and did state that he was in favor of the passage of a uniform bankruptcy law by this Congress, but that he disapproved of some of the provisions of this bill

Mr. RAY. That is it.
Mr. WOLVERTON. I was notalluding to the criticism of the gentleman from New York. His method of argument is proper and fair. This House is able to take up a bill, if it is argued in that spirit, with a view of making suggestions and amendments and to perfect the bill. I have at least no doubt that after it has received the careful consideration of this House, instead of its hostile criticism, and has gone to the Senate and received fair consideration there, and if the two Houses can not agree, then after consideration by a conference committee, it will result in the enactment of a law creating an uniform system of bankruptey throughout the United States that will be as beneficial as any legislation that could be enacted by this Congress.

I have taken more time than I ought, and yet, as a matter of curiosity, and perhaps to show the reason why some of my friends adhere to their views against all measures that might be introduced for the purpose of creating an uniform system of bankruptey, I wish to call attention to the fact that they have, on the statute books of their States, laws which are infamous in every particular, and calculated to produce injustice and inequalities between creditors, and which are harsh in their operations upon debtors. A comparison with these laws and this bill will show that it is a just and humane measure.

Take, for instance, the law that prevails in the State of Texas on the subject of attachments. Here is a fair sample of the attachment laws that now prevail and are upon the statute books of the different States. This applies to debts not due as well as

to debts which are due:

The judges and clerks of the district courts, county courts, and justices of the peace may issue writs of original attachment, returnable to their respective courts, upon the plaintiff, his agent, or attorney making an affidavit in writing, stating:

1. That the defendant is justiy indebted to the plaintiff in a certain amount.

2. That the defendant is not a resident of the State, or is a foreign corporation are entire as anyth.

ration, or acting as such.

tion, or acting as such.

3. That he is about to remove permanently out of the State, and has ressed to pay or secure the debt of the plaintiff.

4. That he secretes himself so that the ordinary process of law can not be

ved upon him, That he has secreted his property for the purpose of defrauding his cred-That he is about to secrete his property for the purpose of defrauding

6. That he is about to secrete his property out of the State, without leaving sufficient remaining to pay his debts.
7. That he is about to remove his property, or part of it, out or the county in which suit is brought with intent to defraud his creditors.
9. That he has disposed of his property, in whole or in part, with intent to defraud his creditors.

fraud his creditors. 10. That he is about to dispose of his property with intent to defraud his

creditors.
11. That he is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors.

In every case the creditor could make an affidavit there that a man who was about to sell a horse was doing it for the purpose of converting it into money for the purpose of placing it beyond the reach of his creditors, because that is the ordinary course of trade, in order to get the money.

Mr. STOCKDALE. In reference to all these attachment laws which have been spoken of by the gentlem in almost every State in the Union, when they are attaching goods the creditor must give bond to indemnify the defendant against any damage

Mr. WOLVERTON. I would like to ask the gentleman if he ever knew of any such bond being sued upon in his life? We have the same provision in Penusylvania. Under this bill property can not be seized before adjudication until after a good bond

shall have been given.

Mr. STOCKDALE. If the gentleman will allow me to answer that question, I will state that almost generally the damages may

be assessed upon that bond in the same suit.

Mr. VAN VOORHIS of New York. But only in case the judgment is set aside

Mr. STOCKDALE. If the attachment fails, then he can sue

for damages.

Mr. VAN VOORHIS of New York. That would be done in the regular way of setting it aside.

Mr. STOCKDALE. If the attachment is defeated, in most of

the States he can sue for damages.

Mr. VAN VOORHIS of New York. How can it be defeated

except by being set aside?

Mr. STOCKDALE. I think there is some difference between defeating and setting aside, if I understand the English language. Mr. VAN VOORHIS of New York. The attachment is a pre-

Hminary thing.

Mr. STOCKDALE, You will find in the general attachment laws in the States that you take the attachment and the property, then you show cause, and if you fail, the party has a cause

of damages against you.

Mr. VAN VOORHIS of New York. That does not occur in bankruptcy. There is no provision of that kind in bankruptcy.

bankruptcy. There is no provision of that kind in Mr. STOCKDALE. Oh, yes.
Mr. VAN VOORHIS of New York. Oh, no.
Mr. STOCKDALE. You have not read the bill.
Mr. VAN VOORHIS of New York. I have look

I have looked over it.

think that was probably in the old bill.

Mr. WOLVERTON. There is this difference between the bankruptcy law and the law I have just read as being the law of Texas. Down in Texas they are against the creditor if he lives out of Texas, but if he lives in Texas there is no law too sharp for him.

for him.

Mr. VAN VOORHIS of New York. Against the poor debtor? Mr. STOCKDALE. They want to treat foreigners with cour-

tesy.
Mr. WOLVERTON. I hope the gentlemen have settled this question between themselves.

Mr. STOCKDALE. To our satisfaction. Mr. WOLVERTON. To your satisfaction.

In view of the attachment and exemption laws they have in Texas nobody can be compelled to pay their debts.

Mr. BAILEY. I would say to the gentleman from Pennsyl-

vania that, with all our exemptions, we pay our debts better than any people in the Union

Mr. WOLVERTON. They pay 10 per cent for money and up-

ward.

Mr. BAILEY. But we pay it.
Mr. WOLVERTON. I am not saying anything against Texas,
but I am saying that if you had different laws that would invite
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be the saying that if you had different laws that would invite
be the saying that if you had different laws that would invite the saying that if you had different laws that would invite the saying that it is the say capital to your State, you would be able to get money for 5 per cent instead of 10. If you did not exempt saw mills, and grist mills, and rolling mills, and everything that you could pile on a lot and 200 acres of land; if you did not have this attachment law in force, money could be sent from the North or from the South or wherever it was seeking investment, and you could have it for 5 per cent interest. have it for 5 per cent interest.

Mr. BAILEY. Why do not they go to Mississippi, where they have no such exemption as we have in Texas?

Mr. WOLVERTON. I have not examined the laws of Mississippi as to that point.

Mr. BAILEY. The exemption laws there are very similar to

those of other States.

those of other States.

Mr. WOLVERTON. Take Texas, Kansas, and the Dakotas, and even Illinois, and other States where the exemptions are so liberal, no man need be afraid of any process of execution against his property. The proposed enactment does not disturb the homestead exemption. It allows a man to retain as much property as is exempt under the State laws. The involuntary provisions do not apply to farmers, nor to wage-earners. The honest farmer or wage-earner who is poor and who owes debts of any amount may under the voluntary provisions of this act be disamount may under the voluntary provisions of this act be dis-charged from debts he is unable to pay. As a sample of the ex-emption laws which I have spoken of, I will refer to those which prevail in Texas.

By the Constitution of 1875 the homestead of a family, not in a town or city, is made to consist of not more than 200 acres of land, which may be in one or more parcels, with the improvements thereon. The homestead in a city, town, or village of lot or lots not to exceed \$5,000 in value at the time of designation, without reference to the value of improvements thereon; provided the same shall be used for the purpose of a home, or as a place to exceed the calling or business of the head or a family. The homestead is protected from forced sale for the payment of all debts, except for purchase money, taxes due thereon, or for work and material used in constructing improvements thereon, and in respect to the last, the contract for work and material must be with the consent of the wife given in the manner provided by law.

improvements thereon, and in respect to the site site of the manner provided by law.

In addition to this it is provided that in case of the death of a person leaving wife and children, or either, there shall be granted out of the estate a sun sufficient to support them for one year; also if the exempted articles provided for by law do not exist in kind, the property of the estate may be sold for each to raise their value, not to exceed \$6,000 for homestead, and \$500 for further exempted property.

There is also exempted to every family, free from forced sale for all deby sall household and kitchen furniture; any lot or lots for sepulture in a cometery; all implements of husbandry; all tools and apparatus belonging to any trade or profession; and all books belonging to public or private libraries, and family portraits and pictures; five milch cows and calves; two yoke of work oxen; two horses and one wagon; one carriage or buggy; one gun; twenty hogs; twenty head of sheep; all provisions and forage on hand for home consumption; all bridles, saddies, and harness necessary for the use of the family. And to every citizen not a head of a family, one horse, bridle, and saddie; all wearing apparel; any lot or lots for sepulture in a cometery; all tools, apparatus, or books belonging to his trade, profession or private library. Current wages for personal service are not subject to garnishment. Articles otherwise exempt may be made subject to valid liens. (See Liens.)

Now, I can see how my friends from Texas can afford to resist Now, I can see flow my friends from Texas call allord to resist the passage of this or any other bankrupt act. Any debtor in Texas to-day, with the enormous exemptions he has allowed him, and with the attachment laws of that State in force, is entirely proof against any creditor in New York or elsewhere who

may sell him goods on credit.

Mr. KILGORE. The exemptions in Texas are pretty well understood, and any man who deals with a citizen of Texas deals understood, and any man who deals with a citizen of these exemptions and it is not become a support of these exemptions. with him with full knowledge of those exemptions, and if he wants to hold him responsible, he ought to take care to ascertain that the man has property over and above those exemptions that will be liable for debt.

Mr. WOLVERTON. That is all correct, and I do not know

That is all correct, and I do not know of anything that could be put upon the statute books of any State

of anything that could be put upon the statute books of any State that would go further than such legislation as this to promote immigration. The character of the people who would immigrate there, however, might be questionable. [Laughter.] For several years the State of Kansas, because of its liberal homestead exemption laws, has been the refuge of nearly all the fraudulent debtors who have migrated from my State, though perhaps some of them may have gone to Texas. Certainly homestead exemptions like this would promote immigration, and I hope they will keep such laws upon their statute books in Texas and in other States to encourage emigration of a ce tain kind from my own State. [Laughter.] There are, however, advocates even in Texas of the passage of a uniform bankrupt law at this time. I have a clipping from the Dallas Times-Herdd this time. I have which I will read: I have a clipping from the Dallas Times-Herald

A BANKRUPTCY BILL.

A bill to relieve the great and constantly increasing class of hopelessly insolvent debtors is now an imperious necessity. The present demand for this bill is not from one, but from all classes.

The people are entitled to eujoy all the rights secured to them by the Federal Constitution. One of these rights is to have enacted a bankrupey law. That right can not be enjoyed save through Congressional legislation. From all over the Union bodies of all sorts and petitioners from all classes have been for seven years and are now demanding the passage of this bill with a unanimity that is pronounced and pressing. The bill seems a wise, conservative, and economical measure, meeting adequately the just demands of the people.

Congress should pass the bill, and Messrs. Culberson, Kilgore, and Arliev should forego their opposition to it.

Mr. KILGORE. I wish to say that that is an evening paper published in Dallas, which probably echoes an editorial written perhaps by Mr. Torrey or some other friend of this bill. [Laugh-I think that paper itself went into the hands of a receiver some time since

Mr. WOLVERTON. Many intelligent and sound reasons have

been expressed by the newspapers of Texas for the enactment of this bill. I submit and will have printed a few of them.

An able address was made in support of this bill in the Fifty-first Congress by the Hon. Littleton W. Moore from Texas; it appears in the CONGRESSIONAL RECORD under date of July—

Mr. WILLIAM A. STONE. I wish to ask my colleague the question: Did you ever know a proposed law which authorized notices to be given by advertising through the newspapers that was not favored by all the papers that knew of the provision.

[Laughter. Mr. WOLVERTON. I never have known of a newspaper be-Mr. WOLVERTON. I never have known of a newspaper being bought as the gentleman intimates. I suppose that the publishers of newspapers, to a limited extent, are governed, as well as lawyers and other people, by considerations of self interest. It is simply absurd for my colleague to intimate that the very general indorsement given this bill by the press throughout the country is because there will be a petty amount of advortising for one paper in each judicial district.

Mr. WILLIAM A. STONE. And to the extent of their interest they outly not to be guides of public opinion.

Mr. WILLIAM A. STONE. And to the extent of their interest they ought not to be guides of public opinion.

Mr. WOLVERTON. I know that the papers which are now and have been supporting this bill have not done it with the expectation of getting a three or four dollar advertisement now and then. They are far above that.

Mr. WILLIAM A. STONE. But you do know that this bill makes a great deal of advertising for the newspapers?

Mr. WOLVERTON. I do not. It provides for an economical administration of bankrupt estates; far more economical than any law that I have examined.

any law that I have examined.

Mr. BAILEY. I would like to ask the gentleman from Penn-Mr. BAILEY. I would like to ask the gentleman from Penisylvania a question before he passes from this point as to the general indorsement which this bill is stated to have received. I ask him whether he believes that one out of a thousand of those who have indorsed this bill has ever read it? I undertake to say that not half of the members of this House have read the bill through.

Mr. WOLVERTON. I am bound to believe that those who have indorsed the bill have read it. As to the members of the House, I am led to believe that your statement is true—it must.

I think, be true as to some of the gentlemen who have spoken

In opposition to the bill.

Mr. BAILEY. Then surely the indorsement of the bill by persons who have not read it can not possess very much weight, I should think, with the gentleman from Pennsylvania.

Mr. WOLVERTON. I did not concur in your insinuation as

to the indorsers.

Let me submit what the brick manufacturers of the country think about it; possibly you will realize that they know what they are talking about:

NATIONAL BRICK MANUFACTURERS ASSOCIATION, Indianapolis, Ind., January 22, 1891.

To the Congress of the United States:

NATIONAL BRICK MANUFACTURERS' ASSOCIATION, Indianapolis, Ind., January 22, 1891.

To the Congress of the United States:

The undersigned, the National Brick Manufacturers' Association of the United States of America, assembled in its fifth annual convention, respectfully urges upon your honorable bodies the passage of the Torrey bankrupt bill, and submits as reasons therefor the following:

(1) The members of this association, in their capacities as business men and manufacturers of bricks, which are extensively used in all the States of the Union, are interested in common with the persons, firms, and corporations to whom they sell their products in having their rights and responsibilities clearly and fully defined by one equitable, national uniform law, instead of by the varying laws of the States in which they do business.

(2) The members of this association, as the purchasers of large quantities of supplies, are interested in the passage of that bill in common with the persons, firms, and corporations from whom they purchase, as it will extend credit, prevent frand, and restore and maintain confidence between business men, manufacturers, mechanics, and bankers.

(3) The members of this association, as consumers of commodities, are interested in the enactment of a law which will enable the sellers of goods to collect the price, or a part of it, of the goods sold, to the end that honest people who pay their debts will not have to pay in multiplied profits for the losses sustained by the sellers of goods to dishonest persons.

4. The members of this association, in their dual capacities as debtors and creditors, are interested in the placing upon the statute books of a law which will be perfectly fair to them in those capacities.

In view of the foregoing it is—

"(1) Resolved, That the rights and responsibilities of business man, manufacturer, and mechanic in this, that it will give to him additional credit, open to him additional markets, and reduce the hazards of business.

"(3) Resolved further, That it is

Mr. BAILEY. Permit me a word further. The gentleman has arraigned me as one of those who are opposed to a system of bankrupter

Mr. WOLVERTON. No.

Mr. BAILEY. I am as much in favor of a proper bankruptcy law as the gentleman from Pennsylvania or any other gentleman can be.

Mr. WOLVERTON. I have not said that you are opposed to

a bankrupt bill.
Mr. BAILEY. Well, I understood my name to have been

Mr. WOLVERTON. This is taken from a newspaper pub-

Ished in your own State.

Mr. BAILEY. Yes, sir.

Mr. WOLVERTON. So far as I am informed on the subject, the gentleman, I hope, is going to advocate the passage of this

Mr. BAILEY. The gentleman knows I am not, or ought to know it. But I want to say a word further. The gentleman has read an extract from a newspaper saying that I ought to forego my opposition to this measure. Now, I undertake to say that there is not a man connected with the paper which thus passes there is not a man connected with the paper which this passes on the merits of this bill who has ever read the bill or even seen it. An expression of that kind weighs very little with me, as I am sure it must with the gentleman from Pennsylvania.

Mr. WOLVERTON. I do not concur in the gentleman's insulation. I do not think that anyone, whether the publisher of the property of the publisher.

of a newspaper or a member of Congress, is competent to discuss the provisions of any proposed legislation unless he has read them. The presumption is that the editors of all of these papers are familiar with the provisions of the bill; many of the articles refer to the fact that the writer has read this bill carefully section by section, or that they have consulted attorneys in whom they have confidence who have read it and given favor-

able opinions as to its provisions. These opinions come from

some of the ablest men in the State of Texas.

Mr. BAILEY. Half of those articles were written right here

in Washington.
Mr. WOLVERTON. I have no means of knowing whether the gentleman speaks upon information or only belief

I find that almost every prominent newspaper, not only in the State of Texas but in my own State and in every State in the Union, advocates the passage of this bill. I find that petitions have been presented to this House and the Senate during the last two or three years asking the passage of this bill, the petitioners stating that they have examined its provisions and approve them. The writers of many of these newspaper clippings and other articles which I have before me state that they examined the bill carefully, while others state that they have had them examined by others who are competent to pass judgment upon them.

Interviews with leading lawyers in the South, in the North, in the East, and in the West show that they ask for the passage of this bill or of the bill which was before the FIfty-second Coness—a measure which the Judiciary Committee of the present

House has modified and improved.

Mr. STOCKDALE. I would like to ask the gentleman a question on that line. Does he believe that there is a member of this House, including himself, who is in favor of passing this identi-

Mr. WOLVERTON. Yes.
Mr. STOCKDALE. Are you in favor of this bill just as it is?
Mr. WOLVERTON. I would like to see one or two or more
Mr. WOLVERTON. I would like to see one or two or more amendments made to the bill, but if there are no amendments offered, I will vote for the bill just as it is. And I have heard expressions from a number of other members of the House, and I believe a majority of them will vote for this bill just as it is. Is there anything in this bill which should justify any member of the House in refusing to vote for it? Its provisions for voluntary bankruptcy meet, I believe, the approbation of everyone who has examined them.

As to the provisions for involuntary bankruptcy, any one who will read them over carefully must come to the conclusion that this is a fair and just bill in its present form, even without amendment, and if it can not be amended, should pass as it now stands. It differs materially from the act of 1867 as to the mode under which proceedings are to be conducted. If it is alleged against any person that he has committed any act of bankruptcy, under the second section of the bill, for instance, has made a transfer of his property with intent to defeator defraud his creditors, which, under the operation of the statutes of every State, even where a contract is made for the purpose of carrying it out, I believe has been declared in all instances to be void; when an allegation is made by a petitioner or petitioners that such a person has committed such an act of bankruptcy he has notice, fifteen days' notice, to appear in court, and he may demand a jury trial; and in involuntary proceedings in bankruptcy the peti-tioner is bound by law, under the decisions of the courts, to establish affirmatively every proposition necessary to give the court jurisdiction.

While a man in voluntary proceedings may submit his estate to the administration of the bankrupt courts when he alleges that a debtor has committed an act of bankruptcy, it enables him to force him into a bankrupt court, and if the party thus forced into the court comes in and files his answer, denying the allegations of the petition, he has a right to trial before twelve of his peers to determine whether he has made the assignment for the

purpose of defeating, injuring, or delaying his creditors.

Mr. STOCKDALE. And 200 miles from home perhaps.

Mr. WOLVERTON. The bankruptcy courts sit near to the homes of the great body of the people who will have business in them. It is the only court which can take jurisdiction of bank-ruptcy proceedings under the Constitution. Mr. VAN VOORHIS of New York. And that same provision

was in the law of 186'

Mr. WOLVERTON. Yes; and in every other law on the subject ever passed. Mr. STOCKDALE. We know how it worked down in our

country; it was a pretty hard condition of affairs, induced largely by that very provision.

Mr. WOLVERTON. It is a provision which is essential in

every bankrupt law, however.

Mr. WilLiAM A. STONE. Do you call a jury picked up around the marshal's office, for example, tipstaffs, guards of prisoners, and others of that kind, a "jury of peers;" men whose interest is the marshal's interest, which is to make as much fees

for the marshal as possible?

Mr. WOLVERTON. The question, Mr. Chairman, which has just been submitted to me is foreign to the question under dis cussion, and is an insinuation that in the western district of

Pennsylvania, in which I reside, the circuit courts and the disriot courts are conducted in violation of law, and that the judges and marshals and district attorney are scoundrels.

Mr. WILLIAM A. STONE. Oh, no.

Mr. WOLVERTON. The gentleman himself was once a dis-

Mr. WOLVERTON. The gentleman himself was once a district attorney, and it may have been true that they then selected the deadbeats and bums around the offices in the public buildings for such purposes; but to-day I wish to say that they are summoned from all parts of my district, and are properly recommended before being put into the panel. I do not believe that the United States courts are improperly administered in that regard. A man against whom an allegation is made, or who has committed some act of bankruptcy under the second section of the bill, has the right of trial by jury, and the jury composed of proper persons is to determine whether he has committed the act or not within the meaning of the law.

Mr. KILGORE. Will the gentleman allow me a moment? The gentleman from Pennsylvania has a great deal to say about

The gentleman from Pennsylvania has a great deal to say about jury trials. I suppose the custom prevails in Pennsylvania as in

jury trials. I suppose the custom prevails in Pennsylvania as in Texas for a district judge of the court to assume the right to comment on the testimony and to charge by the weight of the testimony in the case, so that a jury trial in many cases under such circumstances results simply in a farce.

Mr. WOLVERTON. The trial by jury is a highly important right accorded to the citizen.

Mr. KILGORE. I understand, of course, it is, where the jury is left to judge of the facts and the court to charge according to the law. But that is not the case in the United States courts. Their discretion has been abused à dozen times in our country in directing the particular verdict which shall be refindered by in directing the particular verdict which shall be rendered by

Mr. WOLVERTON. I am not aware of such cases of abuse, and it may be that my friend from Texas has not the same high standard of judges that the other States have.

Mr. KILGORE. Well, we have been improving a little re-

Mr. WOLVERTON. It may be that the people have not confidence in their courts, or in the trial by jury in many cases; and I could readily understand the opposition to the system for that reason. But in my State we have the most implicit confidence in the circuit and district judges; and I would feel assured if a person against whom an act of bankruptey was alleged claimed the right of trial by jury, the judge in the western dis-trict of Pennsylvania would see that the trial was granted to him in the proper sense of the word.

Mr. WILL! AM A. STONE. No question of that.
Mr. WOLVERTON. And he would have a perfectly fair jury.
Mr. WILLIAM A. STONE. I am not objecting to the judges.
Noone has a higher regard for them than I have; but my objec-

Mr. REED. Does the gentleman from Pennsylvania [Mr. WOLVERTON] desire to conclude to-night? If not, will he yield to a motion that the committee rise?

Mr. WOLVERTON. I would like to have ten or fifteen min-

utes more in the morning.

Mr. SPRINGER. Then if the gentleman will yield to me for that purpose, I will move that the committee rise.

Mr. BAILEY. The gentleman says he only has fifteen minutes more

Mr. SPRINGER. Well, we are to have a caucus to-night and

The gentleman from Pennsylvania [Mr. WOLVERTON] has the floor.

Mr. WOLVERTON. I yield to the gentleman from Illinois [Mr. SPRINGER] for the purpose of allowing him to move that the committee do now rise

Mr. BAILEY. It interferes with the arrangement of the de-bate, and I must insist that the gentleman conclude this evening.

He only wants fifteen minutes.

Mr. SPRINGER. The gentleman yields to me to make the motion that the committee rise, and certainly he ought to be

allowed to conclude in the morning.

Mr. BAILEY. If the gentleman yields, I must object to his retaining the floor, because it interferes with the arrangement of the debate.

Mr. REED. Certainly, Mr. Chairman, it can not be in the power of any one gentleman to object to such a request as this. Mr. SPRINGER. I understand that the gentleman from Pennsylvania [Mr. WOLVERTON] prefers to conclude to-morrow.
Mr. WOLVERTON. Yes; I am tired now.

Mr. REED. If the gentleman from Illinois would suggest that

there is no quorum present— Mr. SPRINGER. How will you ascertain that under the

The CHAIRMAN. The gentleman from Pennsylvania [Mr.

Wolverton] will proceed.

Mr. Wolverton. In another particular this act is far more simple and less expensive than the act of 1867. One of the abuses to which the act of 1867 was subjected was the expense abuses to which the act of the caused by the register who was appointed for each Congressional district.

The man who filed a petition in bankruptcy, whether volun-

tary or involuntary, was obliged to file with his petition a considerable sum of money. Proofs of claims were required to be made before the register or United States commissioner, whereas now this referee is only allowed a fee of \$10, to be filed with the petition, and I per cent on the net amount paid in dividends to the creditors when an estate is administered, and a half of 1 per cent on all sums paid in composition.

The trustee's fees are also limited.

Objection was made by the learned gentleman from Texas [Mr. CULBERSON] to the insufficiency of the compensation of the referee, and he stated that competent men could not be secured to fill such positions.

The gentleman's objection in the previous Congress was that the expenses were too great, that there was a salary attached to the office of referee. That has been modified so as to provide for the office of referee. That has been modified so as to provide for the payment of fees. The gentleman's objection then was that

the salary of \$1,000 per year would be a great burden.

The effect of giving the referee a limited fee in each case and a percentage on the amount distributed to the creditors is to induce him to so administer the estate as to make the dividends as

large as possible, and do it as speedily as possible.

I believe a careful examination of this bill by the members of this House will show that all of the objections which led to the abuses under the act of 1867, and which largely influenced Congress in the repeal of the act in 1878, have been eliminated from it; that it is a speedy way of administering the estate of a bank-

it; that it is a speedy way of administering the estate of a bankrupt, that it is inexpensive, and that it is just.

I do not say that there are not some provisions of this bill that
might not perhaps be bettered by amendments. Some amendments have been suggested by the lawyers of this body. When
we come to consider the bill in detail I do not know but that I
would vote for some of those proposed amendments; but if the
provisions of the bill are not amended, after a fair discussion
of them, I am willing to vote for this bill rather than have no
bill on the subject passed by this Congress.

bill on the subject passed by this Congress.

How much longer will the members of this House allow the 150,000 and more people, a large proportion of whom are bonkrupts, to labor under the load that they can not bear? How much longer will they deprive the community of the benefit of the experience and energy of these men who have been curied down by misfortunes unforceseen by them, and which perhaps could not have been anticipated? How much longer will they allow honest creditors to be robbed by fraudulent debtors and by fraudulent associate creditors? There is no member here who does not know men of this character in his own district, and perhaps in his own town, energetic business men of the country, who within the last ninety days, or the last four months, have been driven to the verge of bankruptcy, if not actually into insolvency, because of the financial stringency which they could not control.

Shall we refuse to act? Shall we say it has not been demanded by the people in the presence of the list of indorsements which I have submitted? Why should we not respond to the demands of people who are doubtless quite as wise as we are, and who have as much at stake, especially when they assert the necessity for such legislation, and submit for our consideration a bill which ombodies the relief they need?

I submit and will have printed a memorial as to the financial condition which is able and logical, and is entitled to the thoughtful consideration of every member of the House.

Mr. BAILEY. Mr. Chairman, I objected a moment ago under the impression that the gentleman could conclude in a few mo-ments. If he has more that he desires to say, and if he thinks he can not conclude within fifteen minutes, I am perfectly willing for him to yield now and to resume when the bill comes up for consideration again. My objection was based on the belief that he would be able to conclude in fifteen minutes; and I thought the House should sit that much longer "ather than to carry the gentleman over to another day. It is at parent to me now that he can not conclude within that time without unduly hurrying himself, and I am entirely willing for the gentleman to have all the time he wants. If it is agreeable to him, in the above sence of the gentleman from Alabama [Mr. OATES], I will move

that the committee rise.

Mr. WOLVERTON. It will be agreeable to me.

When the committee rose at the time this bill was under consideration I was explaining that this bill was entirely different in its provisions from the act of 1867, and that all the objectionfr.

788 nable features of that bill had been eliminated. I am satisfied that a careful examination will show you that one of the great objections to the former act—the expense attending the admin-

objections to the former act—the expense attending the administration of estates—has been corrected and that it will be impossible under this bill for officers or anyone connected with the winding up of an estate to charge more than reasonable fees.

Since my former discussion of this bill a letter has been handed to me by the gentleman from Illinois [Mr. BLACK], showing what abuses are practiced in that State under existing laws in the scramble among creditors of a failing debtor. The following are the letter and the clipping from the Chicago Tribune referred to:

CHICAGO, October 29, 1893.

DEAR SIR: We are greatly interested in the bankruptcy bill now pending in the House, and most earnestly hope for its passage. The fact that not in one failure out of ten has the creditor anything to say, and that the most stupendous frauds are practiced, with no possible redress to the creditor adoption of this measure. Every business interest in the country requires it, and the only class that oppose it are those who, by reason of their position and legal equipment, have advantage over all other merchants. Their opposition is purely selfish and greedy, and the main one in the city belonging to that class, which is the largest firm in the West, never settles, we are told, for less than one hundred cents on the dollar.

We inclose clipping from the Tribune of this morning, which displays a fair sample of failures, as now made, and how they are handled. The resultant effects are as clear as the noon-day sun—enormous lawyers' fees, business annibilated, without anything for the unsecured or merchandise creditor. A better or more convincing argument for the necessity of national legislation on this subject can not be found.

If agreeable, we ask that you kindly and particularly extend your best efforts and influence for the enactment of this meritorious law.

Very truly yours.

CHICAGO JEWELERS' ASSOCIATION.
MERIDEN BRITANNIA COMPANY.
BENJAMIN ALLEN & CO.
L. GOULD & CO.
C. H. KNIGHTS & CO.
C. D. OSBORN & CO.
L. C. WACHSMUTH & CO.

Hon. John C. Black,

House of Representatives, Washington, D. C.

BATTLE FOR A STORE—CREDITORS AT WAR OVER FRANKENTHAL, FREUDENTHAL & CO.—WOODCOCK HOLDS THE FORT AGAINST A RIVAL RECEIVER AND EVEN REPULAES THE UNITED STATES MARSHAL—HE "CRACKS" THE BIG SAFE TO GET AT THE BOOKS FOR AN INVENTORY—PINKERTORS KEEP POSSESSION IN THE NAME OF THE TITLE AND TRUST COMPANY—MANY SUITS BROUGHT—ARGUMENTS TO-DAY.

Vigorous efforts were made by representatives of various creditors yesterday to obtain possession of Frankenthal, Freudenthal & Co.'s store. A second receiver was appointed on the petition of a creditor. The Federal authorities were appealed to by another. The United States marshal sent out in response to the appeal failed to get possession, as did the second receiver. The safe, which was locked when the Mooney & Boland men vacated the store Wednesday night, was "cracked" by an expert employed by the receiver named by Judge Brentano. The affairs of the firm will come before Judge Brentano this morning, when an attempt will be made to unrayel the complications which have arisen.

There were more than a dozen Pinkerton men scattered through the store yesterday morning. A big one stood behind the glass door and denied admittance to every person unless he was supplied with an order signed by Attorney Mayer. Even this was not accepted until the watchman had held a conference with the attorney by telephone and had the order confirmed. Early in the day Arthur Woodcock and assistants, representing the receiver arrived to take an inventory and examine the books. They struck a snag immediately. The safe was locked, its bolts having been shot before the Mooney & Boland men vacated the premises. Receiver Woodcock sent over for Attorney Mayer, who ordered him to get an expert and have the safe "cracked."

THE BIG SAFE IS CRACKED.

A few moments later pedestrians on the street caught sight of the curious spectacle of a man in his shirt sleeves working with a drill on the doors of the locked strong box. He was an expert from a neighboring safe company. Representatives of other interests in the litigation were in the store. One telephoned Judge Brentano. Attorney Mayer was called to the telephone immediately by the judge. The result of the conversation was that it was agreed the receiver should not take the books out of the store. In five minutes the safe was open.

While this was going on lawyers in the case were busy preparing fresh sults, which when filed served to further tighten the tangle into which the affairs of the firm have apparently passed. At 10 o'clock lawyers for both sides went into Judge Brentano's court to argue a motion made to remove the receiver. The entire afternoon was consumed in the arguments. The hearing was brought to an end by Judge Brentano putting the case over until this morning.

hearing was brought to an end by Judge Brentano putting the case over antil this morning.

While this hearing was going on Emanuel Frankenthal's attorneys went into Judge McConnell's court with a bill making Charles E. Frankenthal defendant, and asking for a receiver for so much of the property as is covered by his mortgage. The court granted the application and appointed Sam Bloch receiver. As there could not be two receivers in possession of the same property, Mr. Bloch did not get upon the premises.

UNITED STATES COURT GETS INTO THE CASE.

UNITED STATES COURT GETS INTO THE CASE.

A fresh knot was tied by Attorneys Moses, Pam & Kennedy, who called on the United States court to help them get possession of property in the store. Attorney Moses of the firm went before the United States court and swore out a writ of attachment for \$10,000 in favor of S. Wright, fr., of New York. The writ was given to a deputy United States marshal to serve. He went to the store at 7 p. m., and knocking on the door demanded admission. He was refused. The marshal showed his badge. The door was opened and he walked in. Then F. E. Jennison, representing the receiver, explained the stituation. The marshal then withdrew out of deference to the State courts to await their action in the premises.

Added to the complications made by these suits is a petition filed in the county court on behalf of the unsecured creditors, whose claims exceed \$20,000 in the aggregate, asking that a general assignment be declared for the benefit of all creditors. A large number of replevin suits, too, have been filed in the circuit court, and the writs are in the hands of the sheriff,

who, however, can do nothing with them as long as the receiver appointed by Judge Brentano is in possession. Should the order appointing this receiver be vacated it will then be within the province of Receiver Bloch's duty to immediately take possession under the authority he derives from the order of Judge McConnell.

The sheriff will be on hand this morning in Judge Brentano's court, and will make a strong effort to get in ahead of Mr. Bloch should the receivership of the American Trust and Savings Bank be terminated. Once in possession the sheriff would recover the goods specified in the writs of replevin which he holds.

The store might have been mistaken for a police barracks last night. There was a light burning in the front part of the store, and a half dozen men in uniforms could be seen within. There were guards on each floor of the building. Custodian McGill was there and Deputy Sheriff Leyhe was in command. F. E. Jennison, representing the American Trust and Savings Bank, was prepared for a long slege to maintain his actual possession of the place.

The following is a clipping from the New York Times, referring to the same case at a later stage of the proceedings:

SHERIFF BEAT THE RECEIVER—RACE TO GET SOME PROPERTY WHEN THE JUDGE SIGNED AN ORDER.

CHICAGO, November 2.

JUDGE SIGNED AN ORDER.

CHICAGO, November 2.

Judge Brentano to-day discharged the common-law receiver appointed in the suit of New York creditors for the Frankenthal & Freudenthal property. His action left the store unprotected for a time, as the receiver had been in possession. A race for possession began at once between the sheriff, acting for judgment creditors, and a new receiver appointed in usual form by Judge McConnells.

When the representatives of the unsecured creditors reached the store on Monroe street, they found Deputy Sheriff Jones in possession under an attachment writ.

The sheriff is the only officer now in possession, and he proposes to hold out against all comers. Outside the store twenty wagons were drawn up in line. In them replevin creditors were expecting to carry goods. Deputy Jones said he would deliver the material called for by their replevin writs.

The receiver appointed in the common-law proceeding and now discharged was the American Trust and Savings Bank. The subsequent receiver is Samuel Block. Samuel Block

This could not have occurred if this bill had been enacted into This could not have occurred if this bill had been enacted into a law. The debtors could have applied for the benefit of the act. Could have offered a compromise with the creditors, or, if they had committed any of the acts of bankrutcy, the creditors could have filed a petition against them, and in either way avoided the wasting of the debtor's property.

This is only one of thousands of cases constantly occurring throughout the country.

throughout the country.

Corporations are excluded from the benefits of the voluntary provisions of the bill but may be forced into involuntary bank-ruptcy, but in no event can they they be discharged from the payment of their debts.

As to the criticism that the bill does not include national banks, I would say that this question was carefully considered by the committee and it was deemed unwise to include them. The national banking laws are very strict. Banks are subject to frequent examination and held to most rigid accountability by the Comptroller of the Currency, and, in my judgment, it would be very dangerous and unwise to give them any privileges under a bankrupt act. Many banks would only be too glad to embrace the provisions of such a bill.

It has been said that we are approaching a period of liquida-on. This only furnishes an additional reason for the passage tion. This only for of a bankrupt act.

Sudden liquidation would result in increasing failures enormously. No one could estimate the financial ruin that would follow the immediate collection of all outstanding overdue obli-

If a carefully considered bankrupt act is passed, it wil land only afford relief to thousands of meritorious persons who are now weighed down with the pressure of pastmisfortune and who look to the passage of a bankrupt act as the era of their deliverance from bondage, but we will be prepared for the vast number of such people who may be wrecked in coming liquidation. There are some who pretend that they would favor an act with

provisions for voluntary bankruptcy only. Would it be wise to enact such a law? A moment's consideration will show anyone that such an act would be a great injury to both debtor and creditor. It would enable the fraudulent debtor or one who had the inclination to be such to secretly part with his property, and after covering up his crooked ways and passing the limitation imposing conditions against his discharge, take the benefit of the act and escape with his ill-gotten spoils and flee to some State where liberal exemption laws would shield him in their

future enjoyment.
Such an act would make the conditions much worse than they now are under the various acts now in force in the different States. It would destroy credit instead of restoring and extend-

ing it. I confidently believe that such an act would be found to work such injustice to both debtor and creditor that it would meet with repeal sooner than any of its predecessors.

Why should there be any objection to the involuntary provisos of a bankrupt act? Almost every action contained in the involutary provisions of this bill is contained in one form or an-

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other of the statutes of almost every State, and in many of the statutes the provisions are severer against the debtor.

The fact that the Legislatures of every State have passed laws

which punish fraudulent conveyances, concealment of person or property, hindering and delaying creditors, remove from State or county without payment of debts and fraudulent purchases, shows that the judgment of all right-minded men is against fraud in every form.

Why refuse to provide a uniform law for involuntary bank-ruptcy when every State has various provisions on the same sub-ject? Is it because there is a desire that these State laws may be used for local creditors to the injury of creditors residing outside of the State where the fraud is committed? Is it because of a desire to prevent creditors from receiving their equal share in the assets of the fraudulent debtor? Is the opposition from motives of selfishness? If so, no stronger reasons could be presented for the passage of a uniform law of bankruptcy.

A bankrupt act should be passed not alone for the benefit of debtors, but also for the benefit of creditors. If a man is unable

to meet his obligations and is sinking deeper and deeper in debt the balance of his stock in trade in equity belongs to his creditors who furnished it, and should be distributed pro rata among them, and the debtor discharged from the balance of his obligations.

Will any fair-minded man say this is not right?

Will any right-minded man say that all creditors of the same class should not share equally in the assets of a fraudulent debtor,

regardless of where his residence may be?

Will anyone justify for a moment the proposition that one creditor, be he rich or poor, should have the power, either by fraudulent preferences or by the employment of State attachment laws, sweep away the whole of a man's estate and deprive other worthy creditors of the same class from receiving one cent.

These are daily occurrences in every State. Men by a false show of prosperity and property gain the conmen by a laise show of prosperty and property gain the confidence of the wholesale men, procure large stocks of goods from manufacturers or dealers, and when his foreign creditors least expect it the sheriff's flag is put up and the stock is swept away from the very creditors who furnished it, and they are compelled to witness the great wrong and endure it.

Is this right? Does not this destroy confidence and credit?

Do not such transactions injure the credit of other merchants and business men in the same community? Does this not tend

It has been said that this act and all others are in favor of the rich wholesaler and the manufacturer. I deny it. 'for the benefit of all persons who buy or sell on credit. The act is

It is said that this measure has been prepared by the boards of trade and that for that reason it should be defeated; this is not true, but suppose it had been and was a good measure. Who compose boards of trade? The manufacturers and merchants of every city and town throughout the United States

Will anyone here dare to stand up and advocate that it is right to cheat and defraud a man because he may be rich? Is it not as much a sin to steal from one as another? Is it a crime to be a successful manufacturer or wholesale merchant in this country? Is it a crime to succeed in any business to which an active, industrious man has devoted his energies for a business lifetime? Has he no right to suggest or advocate laws which his experience has shown him will benefit trade and enable him to grant

credit to persons with comparative security?

Any argument which basis opposition to this bill on the fact that it had its origin with boards of trade is unjust, and can only be employed for the purpose of bringing any legislation on the subject into disrepute, regardless of whether the proposed act will prove beneficial or not. Such considerations should never be suggested. The questions each member should de-termine, are first, is any legislation on the subject necessary and demanded for the best interests of the whole people, and then, after a careful consideration of the whole bill, to determine whether it will accomplish if enacted what is desired. It is a question worthy of your earnest consideration, each for himself. If there are objections to any of its features, honestly and earnestly try to cure them by amendments.

I am satisfied that this House has the ability to act on this sub-

ct. Why put it off for your successors?
I am confident that with an honest effort a bill will be passed. If it should prove defective in any particular, such defects can be removed by amendment in the future and will result in the establishment of a permanent act on the subject to the great benefit of all the people of this country.

I am in favor of a bankrupt law:

1. Because the framers of the Constitution imposed upon Congress the duty of passing such a law in consideration of the States yielding up their right to pass any law impairing the obligations of a contract.

2. Because the Constitution confers on honest, unfortunate in-

solvents the right to have such law enacted.

3. Because it will be the means of relief to thousands of unfortunate debtors who are weighed down with a burden of debt from which there is no hope of escape except through the provisions of such an act.

4. Because the passage of such a law will restore to business 4. Because the passage of such a law with restore to business life in this country thousands of men whose energy, experience, and enterprise will promote the general welfare of the people.

5. Because it will create and maintain a conservative tone to all transactions between debtors and creditors, inspire confi-

dence and consequently restore and extend credit.

6. Because it will prevent fraudulent preferences, no matter in what form attempted, and will secure an equal distribution of assets when fraud or collusion is attempted among all creditors of the same class

Because it will secure the equitable marshaling and distribution of the estates of bankrupts to the bona fide creditors promptly and at small cost.

Because under its provisions the rights of honest debtors and honest creditors in every stage of their dealing, whether in personal and friendly conference or before the courts, will be better and more promptly and economically protected than under the present State laws.

THE NEWSPAPERS OF PENNSYLVANIA,

I am glad to say, have accorded this bill a very general indorsement. I insert a few clippings from some of them, as follows:

DEBTORS AND A BANKRUPTCY ACT.

Nothing is more curious in the history of legislation under a representative government than the peculiar notions of equity that now and then obtain and the blind way in which they induced action without the slightest regard to faces. An instance is in the opposition to the Torrey bankruptcy law on the ground that it is hostile in its operation to the interest of the "debtor class."

THE EXACT OPPOSITE OF THE TRUTH.

If we accept as the debtor class the men who in every part of the country buy goods of any kind on credit, which we suppose to be about what the opposents of the bill have in their minds, what is their interest? Is it not clearly that they shall be able to get credit for as much merchandise as they are likely to be able to sell at a fair profit and get pay for? Is not that above all other things the one which would be the most to their advantage? The answer can hardly be doubted.

Well, wishout a national bankruptcy law the seller to whom they apply for credit must take his chances of getting paid, first, from the honesty of the debtor; second, from his success in business, so that he can pay if he wishes to; and, finally, if from misiortune he is unable to pay in full, from the means afforded for collection by the laws of the State in which the buyer lives.

wheles to; and, finally, if from misjortune he is unable to pay in full, from the means afforded for collection by the laws of the State in which the buyer lives.

If the seller lives in our State and the buyer in another, he knows that these means of collecting are very uncertain. Another creditor, living in the same State with the buyer, has much better chance of getting a judgment, and may easily use up all the debtor's assets. Then if the debtor had not honest, there are many opportunities for fraudulent collusion, and in any case the means of collection are expensive and troublesome. Nor does the debtor necessarily fare any better for these disadvantages of the creditor. Under the laws of any one of many States his business may be closed up by an attachment, he may be greatly injured in property, andwhat is the equivalent of property—in business reputation; or he may practically be ruined by legal proceeding; against which he has no adequate defense. And this may happen when with a little time and a chance to continue his business and "burn himself," he might pay all his debts and have a decent chance for making a living or a fortune afterward. It is plain, under these conditions, that the seller will be cautious about giving credit. He will "discount" the risk of loss. He will give a shorter "line" of credit, and he will add something to prices as an insurance against loss. He is bound, if he be a prudent and honest merchant, to take all these precautions. It is the only way in which he can be reasonably sure of success in carrying on his own business and in meeting his own obligations.

These conditions, therefore, are not to the interest of the debtor class and to the creditor class as well.

It reduces the risks and losses and difficulties of doing business for both classes, and tends to make all business more profitable, more active, and more general, because safer, simpler, and easier.

This is exactly what the Torrey bankrupty act does. It provides a legal method by which, when a business man, witho

The power of any one creditor to inreasen or oppress a state, and against.

The whole purpose of the law is to reach an equitable, fairly speedy, inexpensive, and complete settlement of the insolvent's estate, and to set him upon his feet again. What could be more desirable for debtors than this! How can any reasonable man say that any honest debtor suffers, that in fact he does not greatly benefit by such a system?

In reality it seems as if there were a class in our Legislatures, National and State, who have a very odd notion of the interest of the debtor class, who imagine that that interest consists solely in escaping payment.

Now, that is the interest of dishonest debtors, but not of the debtor class. On the contrary, the latter, as a class, suffer from every instance in which

dishonest ones escape payment, because every such instance injures credit and increases the difficulties of doing business.—Times, New York; copied by Item, Allentown, Pa.

LIBERAL AND YET JUST.

A bill prepared by Col. Torrey of St. Louis is attracting attention not only from boards of trade, but from the people more directly interested, and the press are ably discussing and approving the measure.

Business is expedited in every conceivable way by the provisions of the

Business is expedited in every conceivable way by the provisions of the Torrey bill.

The Torrey bill was presented to President Harrison by a committee of commercial bodies, able addresses being made on the occasion.

Among those who then spoke were Col. James O. Broadnead, chairman of the committee: John M. Bartlett of Minneapolis, Hon. Louis Bush, president of the New Orleans Board of Trade; Hon. John H. Doyle, president of the National Bar Association; Leonard J. Gordon, president of the Board of Trade of Jersey City, N. J.; B. F. Johnson of Richmond. Va.; W. J. McManigal of Ohio, Edward C. Rogers, president of the American Paper Manufacturers' Association of the United States; and Hon. W. G. Whipple, mayor of Little Rock, Ark.

There seems to be no question as to the practical character of Col. Torry's bill. in the spirit of equity with which it deals with the important matter around which it seeks to place legal guards that will assure every interest and right involved, and when it comes before Congress, we repeat, there now seems to be no doubt, in circles where it is understood, of its passage through both branches with few if any alterations.—Independent, Harrisburg, Pa.

MEASURE IMPERATIVELY DEMANDED.

That such a law is imperatively demanded every business man in the country knows. The commercial classes have demanded such a measure for years. Boards of trade and commercial bodies all over the land have petitioned Congress for years to pass such a law.

It is an honest man's bill, and no business man who really cares for his credit can consistently oppose it.

It is expeditious, cheap, and deals fairly with the debtor and all the creditors.—New Era, Lancaster, Pa.

WILL INCREASE DIVIDENDS OF ESTATES.

When the Federal Constitution was formulated a provision was inserted reserving to Congress the sole power to enact a bankruptcy law, and the States were forbade impairing the obligation of contracts, and as a result an adequate law can only be furnished the country by Congress.

The Torrey bill fills the requirements, and there seems to be no reason why it should not go through without serious opposition.

A good feature of the bill is that it is designed to be administered with a together different results from the old law. The officers are so compensated as to make them hurry to close up an estate as soon as it can be done with due deference to the best interests of the creditors.

Under the former act the officers were all compensated in a way that interested them in prolonging the administration.—Call, Philadelphia.

WHAT IT WOULD ACCOMPLISH.

WHAT IT WOULD ACCOMPLISH.

The Torry barkruptcy bill should be placed on the statute books. The bill has elicted golden opinions from the leading business men, boards of trade, and the various commercial institutions all over the country.

With such a consensus of opinion in its favor, no factious or selfish opposition should be permitted to interfere with its passage.

In a great country like ours, with its enormous volume of business, its gigantic commercial interests, and its enterprising and speculative business men, numerous and oft-recurring cases of bankruptey are absolutely unavoidable, and such being the case, the want of a general, uniform, and equitable bankruptcy law is little short of a national grievance.

However perfect State laws may be, where business operations are so extensive and scattered, such laws are insufficient, and in many cases unjust. They leave distant creditors in a state of perpetual insecurity well calculated to lessen confidence and check the expansion of business.

The Torrey bill is the only legislative enactment now necessary to make the laws pertaining to debtor and creditor all but perfect, and its passage would mean much for the financial interests of the country.

It is admitted by all to be a just measure, admirably drafted by an ableaty.

It would if nessed relieve business may generally of a good deal of an

and experienced lawyer to give ity.

It would, if passed, relieve business men generally of a good deal of an xlety, prevent many unnecessary losses, stimulate commerce, and give a wholesome impetus to enterprise and speculation.—Commercial List and Prio Current, Philadelphia.

[Meeting of Confectioners at St. Louis.] THE NATIONAL CONFECTIONERS.

Mr. Peckham. Mr. President and gentlemen. I have the pleasure of introducing to you Mr. Torrey, the author of the Torrey bankrupt bill. [Ap-

adenig to you mr. Torrey, the author of the Torrey bankrupt bill. [Applause.]
Mr. Torrey. Mr. President and gentlemen: It affords me pleasure to be the recipient of your kindness, and to speak of the bankruptcy agitation and the bill which was before the last and will be before the next Congress.

At the conclusion, I will ask the members present to make any inquiries that they may desire upon any branch of the subject.

You will be interested to know that the first of two conventions which resulted in the promulgation of the Torrey bill was held in this room.

Two years ago there assembled here an earnest and aggressive body of men: they were the representatives of the commercial bodies of the country and honest insolvents. The sole purpose of their meeting was to take steps to secure the enactment of a bankrupt law by Congress, as contemplated by the Constitution.

the Constitution.

The first convention, after several days' session, adjourned to meet at Minneapolis in the fall of 1889.

At the second convention a bill was adopted and named the Torrey bankrupt bill. That measure has since been before the country, and has been indorsed by hundreds of leading bodies. A large number of national bodies, like your own, have put their seal of approval upon it. Vermont, Nevada, and idaho are the only States in which it has not been indorsed by bodies. Bodies in all the other States have indorsed the measure, and petitions have been sent from all the States.

It is necessary to go to Congress for such a law, because the framers of the Constitution inserted in that instrument a provision that Congress should have the power to enact uniform laws upon the subject of bankruptery. The same instrument prohibited the States from impairing the obligation of contracts. The result is that the States can pass a bankrupt law under

which an honest man can be discharged from his debts owing to creditors

which an honest man can be discharged from his debts owing to creditors residing in another State.

There are many theoretical advocates of a uniform commercial law in all of the States as the result of separate State enactment; as a practical proposition that result is impossible. In addition you have the added impossibility of having adequate State laws upon the subject.

We must, therefore, appeal to Congress for the desired law, and must continue to appeal until that body enacts the desired measure.

Our carnest endeavor has been to formulate a practical and fair law; one that would protect alike the rights of the debtor and the creditor. We believe that we have succeeded, and the indorsements we have received for the measure bear overwhelming testimony to our success.

VOLUNTARY WITHOUT INVOLUNTARY BANKRUPTCY.

In some quarters persons who are thought to be enemies of bankrupt legislation in any form are advocating the passage of a voluntary bill—that is one which would permit a debtor to deliberately prepare for bankruptey, and then file his petition, without the possible interference and filing of a petition by his creditors during his preparations for the taking of that step. We think the passage of such a law would be hurtful of the best interests of the people whose interests are sought to be served by such a law.

The bill in question consists of a perfectly fair voluntary law and a perfectly fair involuntary law, so inherwoven that the only difference between them is as to who files the petition; that is to say, a person, firm, or corporation who files their own petition is referred to as a voluntary bankrupt, while one against whom a petition has been filed by his creditors is an involuntary bankrupt. The rights and responsibilities are the same, the sole difference being that, as stated, who files the petition.

You can not compel a creditor to part with his goods, and, on the other hand, you can not compel a debtor to purchase them—that is, the transaction is purely voluntary upon the part of both parties to it.

RECIPROCAL RIGHTS OF DEBTOR AND CREDITOR.

RECIPROCAL RIGHTS OF DEBTOR AND CREDITOR.

The amount owing by the debtor is the amount due the creditor, so that if you were to take the aggregate of all of the amounts owed by debtors it would exactly equal the aggregate of all of the amounts owed by debtors it would exactly equal the aggregate of the entire amount outstanding by creditors. It the efore seems perfectly conclusive that the rights and responsibilities should be reciprocal between the two parties to the transaction. It would, therefore, be manifestly unjust to legislate in behalf of one of the parties to the transaction to the exclusion of the rights of the other. Let me state the same proposition in a different way: Each of you purchase given articles and thereby become a debtor; you in turn sell them, and with reference to the identical articles thereby become a creditor; would it be fair for you to have rights as against the person from whom you purchased the goods without having corresponding rights as against the person to whom you sold them?

We are endeavoring to secure the enactment of a perfectly fair measure, and have, therefore, provided for equal and exact justice between debtors and creditors in their every relation.

TWO GENERAL CLASSES.

Two GENERAL CLASSES.

The acts of bankruptcy are divisible into two general classes—the one consists of acts which indicate dishonesty, and the other gives evidence of unquestioned insolvency.

It is thought that if a debtor to whom credit has been extended has been guilty of dishonest acts with reference to the property, and is endeavoring to put it beyond the reach of his creditors, that they ought to have an opportunity to collect the amount due to them.

On the other hand, if a debtor has become insolvent so that he can not pay 400 cents on the dollar the creditors ought to have an opportunity to say whether they will take such a per cent as the estate can pay or extend the time for the debtor and give him an opportunity to try and make good his contracts.

To the creditor, in a financial sense, it is immaterial whether the depreci-tion of his debt is due to the dishonesty, misfortune, or incompetency of

We earnestly believe that the enactment of the bill will redound to the best interests of the whole people. [Applause.]

A DIALOGUE.

Mr. President, I shall be glad to answer any questions which may be

Mr. President, I shall be giad to answer any questions asked.

Mr. Hooker. What provision is made for the bond of the trustee?

Mr. Torrey. The creditors fix the amount of the bond of the trustee; he must have at least two bondsmen; each of them must make an affidavit to the effect that he has unincumbered property worth at least the amount of the bond. If the court is not satisfied that the affidavits are true additional evidence may be taken as to the property qualifications of the bondsmen. Bonds will be filed in court, and may be sued upon by parties who claim to have been injured by the breach of them.

Mr. HOOKER. How is the amount regulated?

Mr. TORREY. The creditors at their meeting fix the amount.

Mr. BARNETT. Must a person owe as much as \$500 before he can become a bankrupt?

Mr. Barnett. Must a person owe as much as \$590 before he can become a bankrupt?

Mr. Torrey. That is the amount fixed in the bill for involuntary bankrupts; there is no limitation as to voluntary bankrupts. It was thought that it would not be worth while to provide for the administration of the estates of involuntary bankrupts who do not owe at least that amount, because of the expense incident to the administration. Mr. Perkins. Is there anything in the bill that has the effect of quashing any proceedings that may have been begun in State courts in anticipation of the effect of the bill upon creditors or debtors in the United States?

Mr. TORREY. Do you refer to proceedings in assignment or in attachment Mr. Perkins. For instance, I will say in attachment. A creditor may commence proceedings in attachment and so prevent the collection of the claims of other creditors in other States. My question is whether, under this bill, any one can go into a United States court and set aside proceedings which might have been begun in a State court.

Mr. TORREY. Yes, sir. An adjudication in bankruptcy will result in a transfer of the assets to the jurisdiction of the Federal court in cases where assignments have been made under a State law.

It will result in a setting aside of attachments which have been levied within four months prior to the filing of the petition.

All suits will be stayed until the administration of the estate, unless the court shall direct that they shall be prosecuted for a determination of matters in controversy.

One of the chief purposes of the bill is to prevent and set aside preferences and provide a pro rata distribution of theestate to the creditors of the same class.

It is thought by our friends that the giving and receiving of preferences is

class.

It is thought by our friends that the giving and receiving of preferences is permicious. Let me illustrate the flatter in this way: If it were to be rumored here to-day that a debtor of a number of y u was being pressed financially you would hurriedly telegraph to have him attached, with the thought that if you succeeded in attaching first you would collect dollar for

dollar of your indebtedness, while creditors who were not so prompt would not be likely to succeed in collecting any part of the amount due. The necessity for this kind of precipitate action, in order to preserve your rights, frequently results in the financial ruin of men who are honest, and who, under ordinary circumstances, would be able to pay the entire amount

rights, frequently results in the financial ruin of men who are honest, and who, under ordinary circumstances, would be able to pay the entire amount due from them.

Does it not occur to you, as business men, that it is exceedingly unfortunate that under the laws of most of the States you can not have a creditor's meeting, because if the creditors are invited to come to a meeting they know that there is trouble on hand, and, as a result, endeavor to secure preferences by attachments prior to the date of the meeting. If they are successful, they of course do not attend the meeting and will not accept any terms of compromise. As a result commercial death is very much more prevalent than it ought to be, and the aggregate dividends received by creditors are very much smaller than they would be under a wise and just law. If this law was in force it would not be necessary to issue attachments in the event of rumored financial distress. There would be plenty of time to deliberately look into the circumstances of the debtor, and if he was nonest there could be a meeting of the creditors for the consideration of his and their best interests. If he was dishonest his property could be taken possesion of, upon the giving of a bond by the creditors until the adjudication.

We think that one of the greatest benefits which will accrue to the people under this law will be the strengthening of credit.

Each of you probably owe material men and laborers large amounts, and in turn there are large amounts are very much larger than the stock of

seld goods.

It is probable that these amounts are very much larger than the stock of

It is probable that these amounts are very much larger than the stock of goods that you carry on hand.
You are, therefore, greatly interested in any law which will strengthen your credit and enable you to buy larger quantities of goods upon more favorable terms, and which will prevent a panic among your creditors, which would, perhaps, result in your destruction.
On the other hand, you are equally interested in a law which will enable you to collect the amount due, or as large a per cent thereof as possible, from the various people to whom you have sold merchandise.
The enactment of the law will, therefore, promote your best interests by strengthening the credit of those who are your debtors.
Mr. Choff. What does the bill provide in regard to preferences?
Mr. TORREY. I was asked yesterday by one of your members what would become of "confidential" creditors in the event the bill became a law, and lanswered that we hoped that the remnant of that class would be collected as specimens for dime museums. [Laughter and applause.] Preferences will be prevented; such as are received must be returned to the trustee of the bankrupt.

will be prevented; such as are received must be returned to the trustee of the bankrupt.

We do not expect that every insolvent debtor will pay 100 cents on the dollar or that every person guilty of dishonest acts will be put in the pentientiary, but we do expect that under this law estates will pay as large dividends as possible and that the great bulk of actual offenses will be punished.

Mr. Sibley. Mr. President, I believe that the Torrey bill knocks out the uncles and the aunts and the cousins forever. [Laughter.] I move that a committee be appointed to prepare suitable resolutions in indorsement of the bill.

Mr. BARNETT. I move that a vote of thanks be tendered Mr. Torrey for his able explanation of the bankrupt bill.

The motion of Mr. Barnett was agreed to.—Confectioners' Journal, Philadelphia.

THE PHILADELPHIA DRUG EXCHANGE.

Speaking of the Torrey bankrupt bill, we find the following language used by one of the oldest and most influential business organizations in the country, the Philadelphia Drug Exchange:
"Of great importance to many thousands of business men who, from various reasons, are prostrate under the burden of debt, is the subject of legalized relief through Congressional enactment. This question has, for several years, been exercising debtor and creditor in an almost equal degree.

THE LAND STREWN WITH WRECKS.

The land is strewn with financial wreckage. It is scarcely saying too much to assert that, judging from the proportion of business failures in this country, there are probably in every business street of every city therein men hopelessly involved in an indebtedness the discharge of which, without national legislation, is impossible.

Many of these unfortunates have been waiting long years for release from this bondage of the beggary of debt, hoping for relief that they may again start afresh and remove if possible a portion at least, if not all, of the weight under which they must otherwise for life remain.

Names once honored in business circles might again be known as those of energetic and enterprising men, foremost in everything just and honorable, if opportunity was afforded for them to rise again.

They ask the opportunity, and protection under that opportunity, to recover and breathe more freely once more.

THAT UNWORTHY MEN MAY BE BENEFITED IS NO ARGUMENT.

It does not weaken the argument in favor of the passage of a national bankrupt bill that, through its mereiful provisions, many unworthy debtors might reap undeserved advantages. That is doubtless unavoidable; but that it is so is no reason why the thousands who are honest in principle and honest in purpose should be sacrificed to hopeless and lifelong thraidom because the hundreds of unworthy might escape deserved punishment through the operation of the same law.

The few will, perhaps, be made no better either by relief or delay, as in any case they will not pay their debts, or any portion of them, if it is possible to avoid doing so. If they intend to defraud their creditor, they will find means to do so, as no human legislation can make them honest.

The honest debtor will pay his debts when he can, and accepts legal relief only as a means to that end, knowing full well that while law can aid him, no law can absolve him from the discharge of a moral obligation, and that under any circumstances his indebtedness remains imperative until his creditors are paid in full.

THE SUBJECT RECEIVING GRAVE ATTENTION.

THE SUBJECT RECEIVING GRAVE ATTENTION.

This subject is now receiving the attention its gravity demands, and the time seems ripe for positive action.

Creditors in the main are disposed to consider their debtors' misfortunes with kindly eyes, and are heartily cooperating with them and all interested parties in urging the speedy passage of a national bankrupt act.

This bill is strongly indorsed by the principal trade organizations of the country; and it is conceded by those who have made themselves familiar with it to possess in a superior degree the advantages of an equitable and economical distribution among creditors of a bankrupt estate; the honorable discharge of an honest bankrupt; the prompt punishment of fraudulent debtors; and a joyful escape from the legalized robbery which heretofore has in so many cases absorbed, in a large degree, the assets of a bankrupt in

official fees and extortionate charges. * * *-Drug, Oil, and Paint Reporter.

THE SIMPLEST AND MOST ECONOMICAL.

THE SIMPLEST AND MOST ECONOMICAL.

The Torrey bankrupt bill is the simplest, most economical, and equitable measure that has been framed on this subject.

That it is already universally demanded by the commercial classes of the United States is evidenced by the large number of resolutions of boards of trade and other commercial bodies and petitions of individuals that have been filed in both Houses of Congress requesting its passage.—Inquirer, Philicalphia.

PREFERRED CREDITORS.

PREFERRED CREDITORS.

While there has been no widespread commercial depression in the country at large, yet the number of failures and assignments of supposed sound business firms in this and other large cities throughout the country has attracted general attention; this has been on account of the large sums due to what are denominated "preferred creditors," who are no more or less than relatives or close friends of the defaulting firm, to whom judgment is confessed in large sums for real or supposed borrowed money.

In the absence of any general bankrupt law the different States are left to adjust those amounts between bankrupt firms and their creditors, in accordance with the prevailing statutes in operation in the several States, all of which give the widest latitude for dishonest and defaulting firms to escape their just claims.

In the absence of any Federal bankrupt law among the forty-four Statesin the Union there are not two that agree in the manner in which the assets of defaulting business firms shall be adjusted and settled.

It is of the utmost importance for the general good, especially as this is entirely outside of partisan politics, for the present Congress to enact a bankrupt law in accordance with the provisions of the Constitution, so as to secure to creditors an honest an equitable distribution of the effects of defaulting business houses.

to secure to creditors an honest an equitable distribution of the effects of defaulting business houses.

The Torrey bankruptlaw is a good model for the present Congress to consider. Under this law justice is done alike to an honest bankrupt and his creditors. By its processes an honest failure means an honest and equitable distribution of the unfortunate debtor's effects among his creditorspro rata in accordance with the claims of each creditor.

As it is under the present State laws, in the absence of a general Federal law, any business man who finds himself in a financial stratecan very easily find some relative or friend whom he can make a preferred creditor on the plea that money had been loaned.

What makes many of these cases the more suspicious that premeditated fraud was intended lies in the fact that after these preferred creditors have had their alleged claims settled there is little or nothing left in the way of assets to divide among the real creditors, leaving the inference that the goods have been disposed of in a surreptitious manner with a premeditated design to defraud.

In view of the above facts, which are indorsed by the almost unanimous voice of the leading journals throughout the country, the only relief is in the passage of a uniform bankrupt law by Congress in accordance with the provisions of the Constitution that will secure a fair and equitable distribution of an honest debtor's effects and provide for the punishment of dishonest defaulters, who seek to evade the just payment of their debts by means of preferred creditors.

While the Item indorses the legal acquittance of an honest but unfortunate debtor from all claims after surrendering his effects for a private distribution among his creditors, fit by no means desires to be understood as advocating the total moral acquittance of a debtor, though not legally inble, if he at some future time acquires the means to discharge his old debts. Although not legally liable, he is still morally responsible.

A CASE IN POINT.

The editor well remembers a case in point. During the great financial panic just before the war, under a somewhat crude and vague bankrupt at, a well-known business man, carrying on a large in-lustry in this city, received a legal acquittance from the court. Several years afterward the unfortunate bankrupt became successful in business, and, sending invitations to all his old creditors to a dinner, placed on the plate of each guest an envelope containing a check for the full amount of his claim, including interest on same up to date.

In view of the general prosperity of the country at the present time, too many business failures and assignments are occurring in which preferred creditors gobble up all the assets, leaving the honest and legitimate creditors out in the cold.

While the Item does not undertake to make any special accusations, yes on many of them savor of dishonesty and fraud as to call loudly for a general bankrupt law to protect alike honest, unfortunate business men or firms and their creditors.—*Item*, Philadelphia.

FOR COMMERCIAL HONESTY.

Not so much in the interest of what the Board of Trade calls "commercial morality" as in the interests of that much narrower commodity, commercial honesty, should a national bankrupt law be passed by the Congress which assembles in December.

The growing commercial relations between the States with the increase in population and the development of new industries demand that the manufacturers and merchants who part with their goods to be sold in other States should be equally secure with the manufacturer and merchant creditors resident in their State.

The insecurity now felt on account of the difference in the bankrupt laws.

ident in their state.

The insecurity now feit on account of the difference in the bankrupt laws of each of the several States has a tendency to confine trade into much narer limits

of each of the several States has a tendency to comine trate into little arower limits.

The preferred-creditor fraud, with its long train of rascality, will be entirely overcome by the adoption of such a law, and trade will be stimulated to an unprecedented degree.

The careful business man who hesitates now unless the standing of the purchaser is A No. 1, will be willing to run a fair business risk the moment he understands that he runs even chances with the nearby creditors of getting a pro-rate share of the assets of a bankrupt.

There are a number of vultures hanging on to the outskirts of trade who are bound to defraud the less vigilant, but this number will be reduced to a minimum as soon as the quibbles which pettifogging lawyers now make use of on account of their knowledge of the defects of the law of the State in which they practice are overcome by the passage of a law which applies equally to all the States.

The sympathy of the community can always be commanded for the honest bankrupt who is overwhelmed by misfortune, or who even makes a mistake of judgment, thus bringing ruin upon himself.

No manufacturer or merchant has a disposition to push such a one to the wall and condemn bim to a life of inactivity, and perhaps poverty, on account of that misfortume. They much rather prefer to take a pro rata of the amount due them, with the hope that future sales will make up the loss. The average American or foreigner who becomes imbued with American ideas has a perfect horror of being beaten. It wounds his pride to think that he is not a better judge of human nature. He will trust to his innate sense and take chances every time on his judgment, if he feels he has aneven show for his money with others who have credited the bankrupt.

A national bankrupt law will not only place him in that position, but it will render his chances of being "beaten," less for the simple reason that it will make the business of those who now follow up bankruptcy for a living too odious to be classed as a respectable method of making a livelihood.

Give us Judge Torrey's national bankruptcy bill by all means. It will make trade hum throughout the length and breadth of the land by inspiring confidence, which, after all, is the foundation upon which commercial prosperity is built.—Hem, Philadelphia.

DRAFTED WITH GREAT CARE.

DRAFTED WITH GREAT CARE.

* * The prejudice which has been manifested against a national bankrupty law, in so far as it is honest and not inspired by the desire to encourage dishonest debtors to cheat their creditors, has arisen in nearly every case from the experience of the country with the ill-advised, clumsy, and expensive law of 1867.

But evidently the failure of a weak law, carelessly framed, is no argument against that uniformity in the bankruptcy code which can only be gained through a national enactment. * e*

The Torrey bill was drawn with great care, and it is strong and simple enough in its provisions to meet with the general indorsement of commercial bodies in all parts of the country. It will, if passed, prevent many frauds and much of the plundering that is now possible under the forms of law.

As a measure in the interest of common honesty it is worthy of the warmest commendation and ought to become a law without difficulty.

Business men of all sections who are familiar with it indorse its provisions; and under it, if enacted, commercial transactions would have a higher tone.—News, Philadelphia.

OPINIONS OF PHILADELPHIA BUSINESS MEN.

Mr. Frederick Fraley, president of the National Board of Trade,

* 6 * Mr. Frederick Fraley, president of the National Board of Alaston Said:

"The national board has for some years favored the exercise by Congress of the sole power conferred upon it to enact a bankrupt law.

"Last year a memorial was passed favoring the Torrey bankrupt bill, and this year it was indorsed.

"The presence upon the statute books of an absolutely fair bankrupt law, such as that proposed, would go far toward preventing, in my judgment, panies and periods of financial depression. The trouble usually is not a want of money, but a want of confidence. A law, therefore, that guarantees the rights of all parties to commercial transactions would necessarily stimulate commerce and redound to the best interests of the people at large."

ALL INTERESTS WOULD BH ADVANCED.

Mr. E. S. Scranton, manager of R. G. Dun & Co. in this city, said:
"The number and character of commercial failures during the past year
has emphasized the necessity for a uniform, equitable bankrupt law.
"The Torrey bill is universally conceded to be a fair measure, and it would
seem that the interests of all parties to commercial transactions would be
advanced by its enactment."

A BANKER COMMENDS IT.

Mr. Samuel S. Sharp, president of the Penn National Bank, said that the bank is "In favor of legislation calculated to prevent the perpetration of fraud and insure fair dealing, and hence favors the enactment of the Torrey bankrupt bill.

bankrupt bill.
"I regret to think," he said, "that the banks have not taken a very active interest in the promotion of the proposed legislation, as they are interested above and beyond other institutions in the enforcement of absolute integrity in all transactions.
"The debtors and creditors of the country need such a law, and I earnestly hope that the bill will be passed, and shall do all in my power to bring about that result."

BUSINESS SENTIMENT FAVORS IT.

Mr. Benjamin S. Janney, jr., of Janney & Andrews, remarked that the sentiment of the great masses of the business men of the country seemed to favor such a bill; that he had observed at the recent meeting of the National Board of Trade, by which the bill has been indorsed, that what little opposition there was to the bill was not from any particular section nor from any class, but was in its nature spasmodic.

PREFERENCES EVENTUALLY BENEFIT NONE.

Mr. Henry M. Steel, of E. T. Steel & Co., said:

"Our house is in favor of fair dealing between the creditors of a common debtor in the event of insolvency or wfongdoing.
"We do not think that the giving or receiving of preferences is best calculated to advance either the interests of the givers or the receivers in the long run, and, therefore, are in favor of the passage of the Torrey bankrupt bill at the present session of Congress."

PLEASED WITH THE REPRESENTATION.

PLEASED WITH THE REPRESENTATION.

Mr. Edward H. Hance, of Hance Brothers & White, expressed his views as follows: "I was one of the delegates to the Torrey bankruptcy convention at St. Louis, and was very much impressed with the honesty of the representatives of the commercial bodies composing that assembly "Judge Torrey, the author of the bill, has proven, by the work done in behalf of the commerce of the country, not only to be an able, laborious, and painstaking lawyer, but to be a man of good business judgment and fine executive ability."

READILY AND CHEAPLY ADMINISTERED.

Mr. Samuel Wagner said of the Torrey bill:

"It is a meritorious measure, has been very carefully drafted, protects alike the interests of all parties to bankruptcy cases, and, if enacted, will be, I think, readily and cheaply administered."

PROMOTED WITH RARE BUSINESS JUDGMENT.

Mr. Henry A. Fry, of Henry A. Fry & Co., wholesale grocers, who attended the conventions at St. Louis and at Minneapolis of the representatives of the commercial bodies of the country, said of them:
"They were thoroughly representative, and the delegates were anxious to secure honest legislation which should fully protect the rights of debtors and creditors in all parts of the country.
"The executive committee is composed of thoroughly representative men in all parts of the country."

INSURES EQUITABLE PROCEEDINGS.

INSURES EQUITABLE PROCEEDINGS.

Mr. William R. Tucker, speaking of the attitude of the board of trade, of which he is secretary, said:

"This body is thoroughly committed to the bankruptcy bill.
"Our members feel that in the event of financial trouble the proceedings should be conducted according to rules of equity, as provided in that bill."—
Public Ledger, Philadelphia.

NATIONAL NEED OF A BANKRUPTCY LAW

The recent heavy failures which have occurred call to mind the fact that there is not yet upon the national statute books a law upon the subject of bankruptcy as contemplated by the terms of the Constitution, which provides that Congress shall have the power to establish a uniform law on this

vides that Congress shall have the power to establish a uniform law on this subject.

Under the present system each State has its own insolventlaws, and there must necessarily be a feeling of insecurity on the part of the merchant or manufacturer who gives credit to a distant customer. Such legislation, being confined to the limits of the State in which it is enacted, is naturally favorable to the local creditor, and in nearly every case of failure preferences are given to the home creditor, or to a relative, while the distant creditor is left to shift for himself.

What the nation needs, and what is now in the minds of many of the leading thinking besiness men of the country, is a uniform law which would afford equal protection to the local as well as to the distant creditor. This feeling has been responded to in the popular branch of Congress, which in July last passed the Torrey bankruptcy bill.—Record, Philadelphia.

AN IMPORTANT MEASURE.

A measure of prime import to business men everywhere is the Torrey bank-rupt bill. The bill has met with approval from all the commercial bodies of the country, and Judge Ezra B. Taylor, of Ohio, and other eminent jurists think it is a perfect law, and will give all the requisite relief to failing busi-ness men, with security to all at interest.—Taggert's Times, Philadelphia.

IN THE INTEREST OF MORALITY.

If anything is more necessary than another for the welfare of the country's business, it is a general bankruptcy law which shall give common security to those who represent the financial and commercial interests of the coun-

try.

At present each and every State has its bankruptcy act, no two of which are similar, and nearly all of which are especially defective in allowing the debtor to prefer his creditors. This provision is particularly pernicious, in that it directly encourages fraudulent bankruptcy and places the creditor at the mercy of his debtor.

CREDITORS AND DEBTORS NEED IT.

A national uniform act of bankruptcy is needed to protect not only the creditor class, but the honest debtor class.

The very object of such a lawis that, while it offers a measure of security to the creditor, it shall afford protection to the debtor from the oppression of the grasping, unscrupulous creditor.

It is not desirable that the business man who falls shall never have another chance to recover his position; that his old obligations shall forever bear upon him, keeping him down, and subjecting him to lifelong inactivity and overty. The spirit of the bankruptcy policy is to give him a chance to rise by taking the load of debt from his shoulders.

But it is not intended that the dishonest business man shall be tempted to fail through the facilities offered him to decide who shall or who shall not share in the division of his assets.

Under existing State laws, or those which permit preferences to be made, a premium is offered to the unscrupulous trader, and he is often enabled to get rich, not by success in legitimate business, but in dishonest failure again and grain repeated.

rich, not by success in legitimate dushiess, out in this interest and it is as fully pro-again repeated.

Judge Torrey's excellent bill allows no preferences, and it is as fully pro-tective of the debtor as of the creditor class.

As it is not in any sense a partisan bill, or one into which it is possible to inject partisanship, there is no good reason to suppose that it will not fare as well in the present House as in the former one.

It should fare better in the Senate of the new Congress than it did in the old one, for the reason that it is more greatly needed now than it was pre-

The list of bankruptcles unfortunately grows apace, and the financial and mercantile classes require that their interests shall be not only protected but encouraged. To do that is not only the province but the duty of Govern-

ment.

Judge Torrey's bill is confessedly one of the very best that has been presented to Congress; it has received the indorsement of every respectable trade organization in the country, and it has met with virtually no opposition outside of Congress.

side of Congress.

In the House it has been once approved, and by both House and Senate it should be made law at the coming session.—Telegraph, Philadelphia.

PERFECTLY FAIR IN ITS TERMS.

* * * By unanimous consent the Torrey bill is conceded to be comprehensive of the subject, simple and plain in its terms, perfectly fair in its provisions, and, if enacted, promises to promote and foster credit, diminish fraud, secure the quick and inexpensive administration of bankrupts' estates, and emancipate honest insolvents.

The latest review of the various provisions of this admirable bill was undertaken by the Chamber of Commerce of Denver, and their report is emphatic in the declaration that such a law as the Torrey bill will strengthen and extend credit; will benefit wholesale and retail merchants, and be of advantage to the consumers. Their report argues as follows:

"Right-thinking creditors and debtors are alike interested, irrespective of the places of their residence or their views upon political or religious subjects, in having the giving and receiving of preferences stopped.

"Ordinarily the takers of preferences pounce down upon their unfortunate debtors, and, through threats and promises of prospective favors, or by compulsory processes, secure their assets without regard to their solvency or the rights of other creditors."—Chronicle-Telegraph, Pittsburg

INTERSTATE COMMERCE REQUIRES IT.

There is a widespread demand for the final passage of the Torrey bank-rupt bill, and it will be a shame if it does not become a law before the final adjournment of the present Congress. But then it is not a party measure, and in the unseemly struggle that is always going on among the partisans of both sides to pass and to defeat the passage of party bills, there is often no time for the consideration of meas-ures intended for general public good.

Bankrupt laws have heretofore, as a rule, been unpopular with persons in moderate circumstances financially, such laws being considered by them as intended for the benefit of the rich men who involve themselves by specula-

tion. The Torrey bill, however, from what a leading representative says of it, is not a measure of this kind, but a good, honest bankrupt law that can be speedily and economically administered, and is destined, if passed, to prove a beneit to the poorer class of traders and business men of the country by giving them improved credit at home and abroad, since the guaranty of a fair distribution of the estate of an embarrassed dealer and the destruction of dishonest preferences against nonresident creditors will help most of those who most need to trade on credit.

Some national law on bankruptcy is certainly sadly needed, owing to the intercommerce of the States and a good law would undoubtedly improve the commercial morals of the country.—World, Reading, Pa.

WILL REDUCE COST OF SETTLEMENTS

WILL REDUCE COST OF SETTLEMENTS.

The national bankrupt law, in reducing the costs of settlements in cases of insolvency to the lowest figure consistent with ordinary business care in such cases, removes one of the gravest objections that was brought against the previous national law on this subject.

Recognizing and fortifying the right of an insolvent debtor to begin business anew and untrammeled by legal conditions after he has given his entire estate in settlement of his Hability—subject, of course, to such exemptions as his own State's laws allow him—Col. Torrey's measure commends itself to the humane spirit of the age.

The law will make fraudulent bankruptcies more difficult, preserve the rights of unfortunate debtors, cheapen adjustments, and by removing them into the stricter domain of national jurisdiction, bring about an equality in business relations not obtainable at present.

It is to be hoped that the failures of previous measures will not deter Congress from giving this carefully drawn and highly indorsed measure the favorable treatment it deserves.—Times, Scranton, Pa.

The gentleman from Texas [Mr. CULBERSON] read the other day a part of the proceedings of the Associated Wholesale Gro cers of St. Louis with reference to the bill; I offer it entire and submit that it is in all respects commendable and a forcible and proper demand for the enactment of this bill. It is as follows:

THE ASSOCIATED WHOLESALE GROCERS OF ST. LOUIS

THE ASSOCIATED WHOLESALE GROCERS OF ST. LOUIS.

The Associated Wholesale Grocers of St. Louis hereby give formal exprestion to the gratification they feel that their representative at the first and second sessions of the national convention of the representatives of the commercial bodies was made the permanent president of the organization.

They express the pride they experience by reason of the fact that the bankrupt bill as prepared by their representative and counselor was amended, adopted, and recommended to Congress for enactment, and assert their behief that the measure, when enacted, will enable honest bankrupts to be discharged, honest creditors to realize the benefits of having estates quickly and economically administered, and that it will prevent trands and furnish an adequate remedy for the punishment of dishonesty.

The association calls attention to the fact that the merchants of the country, who, while they are creditors on the one hand, are debtors on the other, and by reason of their dual position are interested in a perfectly fair law to both the debtor and creditor classes.

"Resolved, That this body hereby reasserts its belief that the enactment of an equitable, uniform, bankrupt law would give confidence to the men engaged in trade, and benefit (1) every retail merchant in the United States, because it would enlarge his credit and thereby in effect increase the capital invested in his business, and (2) every jobber in like manner, and enable him to collect at least a part of the price of goods sold.

"Resolved, That this association hereby pledges its influence and financial aid to secure the enautment by Congress of the Torrey bankrupt bill, as amended and unanimously adopted by the national convention of the representatives of the commercial bodies of the United States, at Minneapolis, on September 3 and 4, 1882.

"Resolved, That the Senators and Representatives in Congress from this State are hereby carnestly petitioned to support that measure when introduced in Congress for enactment."

THE NATIONAL BANKRUPTCY ORGANIZATION.

Commercial, industrial, and professional bodies which have been reported as being in favor of bankruptcy legislation, citi-zens who have petitioned therefor (not room for all of the peti-tions), and individuals who are officers and committeemen of the organization which has been perfected to promote the pass of the Torrey bankrupt bill, are summarized as follows:

BODIES OTHER THAN LOCAL OR STATE.

American Association of Flint and Lime Glass Manufacturers, Pittsburg; American Boiler Manufacturers' Association of the United States and Canada. St. Louis; American Paper Manufacturers' Association, Boston; Cigar Manufacturers of the United States, New York City; First Western States Commercial Congress, Kansas City; Merchant Tailors' National Exchange of the United States of America, St. Louis; National Association of Builders, Cleveland; National Association of Stove Manufacturers, Chicago; National Board of Trade, Boston; National Brick Manufacturers, Chicago; National Board of Trade, Boston; National Brick Manufacturers' Association, Indianapolis: National Brinal Case Association, Chicago; National Confectioners' Association, St. Louis; National Furniture Manufacturers' Association, Chicago; National Paint, Oil, and Varnish Association. St. Constonal Wholesale Druggists' Association, Secretary's office, Minneapolis; New England Commercial Travelers' Association, Boston; New England Furniture Exchange, Boston: Pacific Coast Board of Commerce, and Francisco; Paint and Oil Club of New England, Boston; Photographers' Association of America, New York City: Transmississippi Commercial Congress, Denver: Travelers' Protective Association of America, St. Louis; Western Commercial Travelers' Association, St. Louis.

ALABAMA

Commercial and Industrial Association of Montgomery; Mobile Chamber of Commerce: Mobile Cotton Exchange; Hiram G. Bond, Ensley City; Samuel Brown, Mobile; John C. Bush, Mobile; Robert C. Brickell, Huntsville; Orville F. Cawthon, Mobile; Gaylord D. Clark, Mobile; Nathantel H. R. Dawson, Selma; John W. Durr, Montgomery; Charles S. Halsey, Huntsville; Samuel D. Holt, Selma; Charles L. Huger, Mobile; Mitton Hume, Huntsville; Mitton P. Le Grand, Montgomery; Robert F. Ligon, Montgomery; Edward L. Russell, Mobile; Gregory L. Smith, Mobile; George W. Stone, Montgomery; Hehry C. Tompkins, Montgomery.

Arkansas Lumbermen's Association. Little Rock; citizens of Fort Smith, (petition); citizens of Hartmann (petition); citizens of Helena (petition); citizens of Hartmann (petition); citizens of Helena (petition); citizens of Little Rock; petition); Fort Smith Chamber of Commerce; Helena Chamber of Commerce; Little Rock Board of Trade; George W. Caruth. Little Rock; James H. Clendening, Fort Smith; John G. Fletcher, Little Rock; James H. Clendening, Fort Smith; John G. Fletcher, Little Rock; James A. Fones, Little Rock; Albert S. Honnet, Pine Bluff; John J. Hornor, Helena; George G. Latta, Hot Springs; Julius Lesser, Marianna; Ellas W. Rector, Hot Springs; George Sengel, Fort Smith; William G. Whipple, Little Rock; John E. Williams, Little Rock.

CALIFORNIA.

Board of Trade of San Francisco; Chamber of Commerce, Eureka; Chamber of Commerce, Los Angeles; citizens of Hayward (petition); citizens of Los Angeles (petition); citizens of Oakland (petition); citizens of San Francisco (4 petitions); Los Angeles Board of Trade; Cakland Board of Trade; San Fransisco, Oakland, and Haywards business and professional men (petition); Vallejo Board of Trade; Abner Doble, San Francisco; Michael J. Keller, Oakland; J. Ludwig Koethen, Riverside; Joseph P. Le Count, San Francisco; Samuel B. Lewis, Los Angeles; Wilson C. Patterson, Los Angeles; William R. Tolles, San Bernardino; John Vance, Eureka; Charles M. Wells, Los Angeles.

COLOBADO.

Chamber of Commerce and Board of Trade, Denver; Chamber of Commerce, Trinidad; citizens of Colorado Springs (petition); citizens of Denver (5 petitions); Denver Real Estate and Stock Exchange; Pueblo Board of Trade Association; Silas M. Allen, Denver; Lyman E. Anderson, Louisville; J. Sam Brown, Leadville; J. Sidney Brown, Denver; Joseph T. Cornforth, Denver; James W. Denioc, Longmont: William G. Fisher, Denver; Walter P. Kellog, Denver; Fred. Lockwood, Boulder; Andrew McClelland, Pueblo; John J. McGinnity, Denver; Edward Monash, Denver; John K. Mullen, Denver; John W. Nesmith, Denver; Isham B. Porter, Denver; Fred E. Smith, Greely; Horace A. W. Tabor, Denver; George Tritch, Denver.

CONNECTICUT.

Chamber of Commerce, New Haven; citizens of Bridgeport (petition); citizens of Hartford (petition); citizens of Norwich (2 petitions); citizens of Wallingford (petition); Connecticut State Board of Trade, New Haven; Hartford Board of Trade, Norwich Board of Trade; James D. Dewell, New

DELAWARE.

Wilmington Board of Trade; Daniel W. Taylor, Wilmington.

FLORIDA.

Chamber of Commerce, Pensacola; citizens of Key West (petition); Jacksonville Board of Trade; Solomon N. Van Praag, Pensacola; James A. Waddell, Key West; William A. S. Wheeler, Pensacola; William S. Wightman, Jacksonville; Robert W. Williams, Tallahassee.

GEORGIA.

Brunswick Board of Trade; citizens of Columbus (petition); citizens of Cuthbert (petition); Columbus Board of Trade; Macon Board of Trade; Retail Grocers' Association. Augusta; Benjamin F. Abbott, Atlanta; Columbia Downing, fr., Brunswick; Frederick B. Gordon, Columbus; Walter B. Hill, Macon; McKinne Law, Augusta; Alexander R. Lawton, jr., Savannah; Stewart F. Woodson, Atlanta; John R. Young, Savannah.

IDAHO.

Citizens of Chesterfield (petition); citizens of Parma (petition); Montie B. Gwinn, Caldwell; John P. Vollmer, Lewiston.

ILLINOIS.

Gwinn, Caldwell; John P. Vollmer, Lewiston.

Bankers of Chicago (petition, including a number who heretofore protested, but now petition in favor of bill); Board of Trade of the City of Chicago; Business Men's Association, East St. Louis; Business Men's Association, East St. Louis; Business Men's Association, Dixon; Business Men's Association, Lincoln; Chicago Drapers and Tailors' Exchange; Chicago Furniture Manufacturers' Association (2 reasolutions, 1889, 1890); Chicago Jewelers' Association; Chicago Paper Trade Club; Citizen's Improvement Association, Rock Island; citizens of Chicago (withdrawal from protest against and petition in favor of bill); citizens of Chicago (withdrawal from protest against and petition in favor of bill); citizens of Chicago (49 petitions, containing 955 names); citizens of Edwardsville (petition); citizens of Earscher (petition); citizens of Hinckley (petition); citizens of Berscher (petition); citizens of Hinckley (petition); citizens of Mount Vernon (petition); citizens of New Windsor (petition); citizens of Nokomis (petition); citizens of New Windsor (petition); citizens of Nokomis (petition); citizens of Pitusiold (petition); citizens of Scotwille (petition); citizens of Sparta (petition); citizens of Unity (petition); citizens of Sparta (petition); citizens of Unity (petition); citizens of Vinty (petition); Commercial Club, Mattoon; Eligin Board of Trade; Lincoln Improvement Association, Lincoln, Chicago; Hong Ordinary, Chicago; Mortimer N. Burchard, Chicago; J. Harley Bradley

INDIANA.

Citizens of Crawford (petition); citizens of Fort Wayne (petition); citizens of Indianapolis (petition); citizens of Jamestown (petition); citizens of Madison (petition); citizens of New Albany (petition); citizens of Richmond (petition); citizens of Terre Haute (petition); Merchants and Manufacturers Club, Madison; Richmond Board of Trade; Joseph C. Abbott, Madison; Charles S. Bash, Fort Wayne; John C. Dalton, Indianapolis; Frederick A. W. Davis, Indianapolis; Washington I. Dulin, Richmond; Roscoo C. Hawkius, Indianapolis; Jacquelin S. Holliday, Indianapolis; Merrill Moores, Indianapolis; Jacquelin S. Holliday, Indianapolis; Merrill Moores, Indianapolis; Mathan Morris, Indianapolis; Samuel P. Porter, Indianapolis; John P. Primley, Elkhart; James W. Wartmann, Evansyilie; William J. Wood, Evansyilie. INDIAN TERRITORY.

Citizens of McAlester, Lehigh, and Savannah (petition); Robert L. Owen, Muskogee.

IOWA

Blue Grass League of Southwestern Iowa, Creston; Board of Trade of Burlington; Business Men's Association, Davenport; Business Men's Association, Keokuk; citizens of Algona (petition); citizens of Council Bluris (petition); citizens of Dubuque (2 petitions); citizens of February (petition); citizens of Dubuque (2 petitions); citizens of Sioux City (petition); citizens of Monticello (petition); citizens of Sioux City (petition); lowa Bankers' Association, Des Moines; State Business Men's Association, Des Moines; State Business Men's Association, Marshalltown; William L. Allen, Davenport; John Blaul, Burlington; John H. Branch, Marengo; Arthur S. Burnell, Marshalltown; Jonas M. Clelend, Sioux City; Philip M. Crapo, Burlington; William H. Dent, Le Mars; James B. Harsh, Creston; Frank Le Bron, Keckuk; Daniel B. Nash, Davenport; Lucius Wells, Council Bluffs.

KANSAR

EANSAS.

EANSAS.

EBoard of Trade of the city of Topeka; citizens of Abilene (petition); citizens of Arkansas City (petition); citizens of Burlington (petition); citizens of Caldwell (petition); citizens of Kingman (2 petitions); citizens of Leavenwerth (2 petitions); citizens of Sylvia (petition); citizens of Tribune (petition); citizens of Wichita (petition); citizens of Tribune (petition); citizens of Wichita (petition); Leavenworth Board of Trade; Merchants' Protective Association, Salina; Wichita Board of Trade; James S. Collins, Topeka; Winfield S. Corbett, Wichita; Silas S. Galloway, Kingman; James M. Graybill, Leavenworth; Robley E. Heller, Topeka; Ezra M. Ober, Salina; Uri B. Pearsall, Fort Scott: George R. Peck, Topeka; Alfred B. Quinton, Topeka; Sam Radges, Topeka

KENTUCKY.

KENTUCKY.

Citizens of Sharon Grove (petition); Hopkinsville Commercial Club; Louisville Board of Trade; Louisville Merchant Tailors' Exchange; Owensboro Board of Trade; Paducah Commercial Club; John M. Atherton, Louisville; Charles T. Ballard, Louisville; E. Birch Bassett, Hopkinsville; Temple Bodley, Louisville; William Cornwall, ir., Louisville; James E. Gaither, Louisville; Frank T. Gunther, Owensboro; John Morris, Louisville; Ed. P. Noble, Paducah; William T. Rolph, Louisville; Sterling B. Toney, Louisville; Harry Weissinger, Louisville; Rozel Weissinger, Louisville

LOUISIANA

Chamber of Commerce and Industry of Louisiana, New Orleans; citizens of New Orleans (2 petitions); Credit Association, Limited, New Orleans: Louisiana Sugar and Rice Exchange, New Orleans; Mechanics, Dealers, and Lumbernen's Exchange, New Orleans: merchants of New Orleans, Dealers, and Lumbernen's Exchange, New Orleans: merchants of New Orleans, Dealers, and Lumbernen's Exchange; New Orleans Board of Trade, Limited; Shraveport Board of Trade: Wholesale Grocers' Association, New Orleans; Albert Baldwin, New Orleans; William J. Behan, New Orleans; Thomas G. Brigham, Bastrop; Walter C. Flower, New Orleans; Frank M. Hicks, Shreveport; Chauncey S. Kellogg, New Orleans; Ernest B. Kruttschnitt, New Orleans; John B. Levert, New Orleans; Albion K. Miller, New Orleans; Fred F. Myles, New Orleans; Frederick J. Odendahl, New Orleans; Walter L. Saxon, New Orleans; William B. Schmidt, New Orleans; Raymond B. Schudder, New Orleans; Thomas J. Semmes, New Orleans; Breedlove Smith, New Orleans; James F. Utz, Shreveport.

MAINE.

Bangor Board of Trade; Biddeford Board of Trade; Calais Board of Trade; ctitzens of Farmington (petition); ctitzens of Portland (3 petitions); Portland Fruit and Produce Exchange, Portland Mechanics Exchange and Board of Trade; Saco Board of Trade; State Board of Trade, Biddeford; Albert R. Savage, Auburn.

MARYLAND

Business Men's Association, Annapolis; citizens of Baltimore (3 petitions); Shoe and Leather Board of Trade, Baltimore; Alfred J. Carr, Baltimore; Thomas Deford, Baltimore; J. Ross Diggs, Baltimore; Solomon Frank, Baltimore; J. Walter Hodges, Annapolis.

MASSACHUSETTS.

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Arkwright Club, Boston; Board of Trade, Amesbury; Board of Trade, Beverly; Board of Trade, Lowell; Board of Trade, Pittsfield; Board of Trade, Springfield; Board of Trade, Stoneham: Boston Board of Fire Underwriters; Boston Executive Business Association; Boston Fish Bureau; Boston Fruit and Produce Exchange; Boston Merchants' Association; Cresolutions, 1889, 1800); Boston Merchants' Club; Boston Paper Trade Association; citizens of Boston (13 petitions); citizens of Bridgewater (petition); citizens of Chickopee Falis (petition); citizens of Fitchburg (petition); citizens of Greenfield (petition); citizens of Holyoke (petition); citizens of Greenfield (petition); citizens of Holyoke (petition); citizens of Lawrence (petition); citizens of North Dighton (petition); citizens of Northampton (petition); citizens of North Dighton (petition); citizens of Salem (petition); citizens of Springfield (2 petitions); citizens of Woburn (petition); citizens of Springfield (2 petitions); citizens of Woburn (petition); citizens of Worcester (2 petitions); Commercial Club, Boston; Drysalters Club of New England, Boston; Gardner Board of Trade; Grocers' Association, Boston; Massachusetts State Board of Trade; Grocers' Association, Boston; Massachusetts State Board of Trade; Grocers' Association, Boston; Tailors' Exchange of the city of Boston; Shoe and Leather Association, Lynn; Wholester, Boston; Henry D. Dupee, Boston; Robert R. Endicott, Beverly K. Noab W. Farley, Boston; James B. Forsythe, Boston; Beverly K. Moore, Boston; Alexander H. Rice, Boston; Charles R. Grinnell, Boston; George A. Miner, Boston; James I. Wingate, Boston.

MICHIGAN.

Business Men's Association, Ann Arbor; Business Men's Association, East Saginaw: Business Men's Association, Grand Haven; Business Men's Association, Kalamazoo; Business Men's Association, Sault Ste. Marie; Chamber of Commerce, Sault Ste. Marie; citizens of Battle Creek (petition); citizens of Detroit (3 petitions); citizens of Tand Haven (2 petitions); citizens of Grand Rapids (3 petitions); citizens of Lansing (petition); citizens of Muskegon (2 petitions); citizens of Owosso (petition); citizens of Sault Ste. Marie (2 petitions); citizens of Stanton (petition); citizens of Traverse City (petition); betroit paint. Oil and Varnish Club; Furniture Manufacturers Association of Northwestern Michigan, Muskegon; Grand Rapids Board of Trade; Grand Rapids Furniture Manufacturers' Association, Grand Rapids; George H. Barbour, Detroit; George G. Briggs, Grand Rapids; Wellington R. Burt, East Saginaw; John A. Covode, Grand Rapids; Bernhard Desemberg, Sault Ste. Marie; Albert K. Edwards, Kalamazoo; Richard C. Flannigan, Norway; Theodore H. Hinchman, Detroit: George E. Howes, Battle Creek; Adam S. Kedoze, Grand Haven; Edward A. Moseley, Grand Rapids; Samuel E. Pitiman, Detroit; Charles R. Sligh, Grand Rapids.

MINNESOTA.

Board of Trade of Minneapolis; Chamber of Communerce of St. Paul; citi-mens of Duluth (petition); citizens of Mankato (petition); citizens of Marhall

(petition); citizens of Minneapolis (two petitions); citizens of Rochester (two petitions); citizens of St. Paul (five potitions); contractors and Builders' Board of Trade, St. Paul; Duluth Board of Trade; Duluth Chamber of Commerce; Fergus Falls Chamber of Commerce; Jobbers' Association, Minneapolis; Minneapolis Business Union; Minneapolis Produce Exchange; Rochester Board of Trade; St. Paul Board of Trade; St. Paul Jobbers' Association, Minneapolis; Minona Board of Trade; Wholesale Grocers' Association, Minneapolis; Minneapolis; Melvin R. Baldwin, Duluth; John M. Bartlett, Minneapolis; William B. Dean, St. Paul; Paul D. Ferguson, St. Paul; Frank L. Greenleaf, Minneapolis; George W. Gregory, Winona, Christopher B. Heffellinger, Minneapolis; Thomas B. Janney, Minneapolis; Anthony Kelly, Minneapolis; Elliott A. Knowiton, Rochester; Daniel R. Noves, St. Paul; Frank L. Randall, Winona; Charles E. Sawyer, Crookston; Chaning Seabury, St. Paul; William E. Steele, Minneapolis; Judson L. Wicks, Minneapolis; James T. Wyman, Minneapolis; William H. Yale, Winona.

MISSISSIPPI.

Board of Trade, Jackson; citizens of Bay St. Louis (petition); citizens of Durant (petition); citizens of Meridian (petition); citizens of Scooba (petition); citizens of White Apple (petition); citizens of Yazoo City (petition); Mississippi Bar Association, Jackson; Roswell V. Booth, Vicksburg; Eaton J. Bowers, Bay St. Louis; Edward C. Carroll, Vicksburg; William C. Crair, Yazoo City; James H. Duke, Scooba; John F. Halpin, Vicksburg; Auz, Keller, Bay St. Louis; John McC. Martin, Port Gibson; T. Marshall Miller, Jackson.

MISSOURI.

MISSOURI.

Associated Wholesale Grocers of St. Louis; Business Men's Club, Joplin; Cape Girardean Board of Trade; citizens of Barkersville (petition); citizens of Barnetts (petition); citizens of Boone County (petition); citizens of Charleston (petition); citizens of Gharleston (petition); citizens of Charleston (petition); citizens of Gharleston (petition); citizens of Gharleston); citizens of Gharleston; citizens of Gharleston; citizens of Gharleston); citizens of Gharleston; citizens of Gharleston; citizens of Harrisonville (petition); citizens of Kirkwood (petition); citizens of Kansas City (2 petitions); citizens of Kirkwood (petition); citizens of Roasles (petition); citizens of Moselle (petition); citizens of Whitting (petition); cutizens of Whitting (petition); cutizens of Warrenton (petition); citizens of Whitting (petition); cutizens of Whitting (petition); citizens of Warrenton (petition); citizens of Whitting (petition); citizens of Whitting

MONTANA

Charles K. Cole, Helena; Timothy E. Collins, Great Falls.

NEBRASKA.

NEBRASKA.

Citizens of Beatrice (petition); citizens of Lincoln (petition); citizens of Omaha (17 petitions); citizens of St. Paul (petition); citizens'of South Omaha (petition); Rastings Board of Trade; Lincoln Board of Trade; Lincoln Retail Grocers' Association; Nebraska Paint, Oil, and Glass Club, Omaha; Nebraska State Business Men's Association, Lincoln Branch; Nebraska State Business Men's Association, Lincoln Branch; Nebraska State Business Men's Association (115 local branches; membership, 2,200), Omaha; Omaha; Augustus C. Barler, Fremont; William J. Broatch, Omaha; Charles A. Coe, Omaha; Andrew J. Conlee, Beatrice; William S. Curtis, Omaha; George M. Darrow, Omaha; Luther Drake, Omaha; Manford L. Elsmore, Hastings: James G. Gilmore, Omaha; Frank B. Kennard, Omaha; Thomas Kilpatrick, Omaha; Freeman P. Kirkendall, Omaha; William V. Morse, Omaha; Rolland H. Oakley, Lincoln; Allen T. Rector, Omaha; Dudley Smith, Omaha; David F. Trunkey, Red Cloud; Robert B. Windham, Plattsmouth.

NEVADA.

Citizens of Mineral Hill (petition). NEW HAMPSHIRE.

Concord Commercial Club; Manchester Board of Trade; Nashua Board of Trade: George B. Chandler, Manchester; Edward R. Kent, Lancaster; James H. Toiles, Nashua.

NEW JERSEY.

Asbury Park Board of Trade: Board of Trade of Jersey City; Brewers' Association of New Jersey, Newark; citizens of Jersey City (petition); Retail Merchants' Association, Atlantic City; James H. Bird, Asbury Park; Anthony W. Dimock, Elizabeth; J. Frank Fort, Newark; Leonard J. Gordon, Jersey City. NEW MEXICO.

Santa Fe Board of Trade; Charles M. Creamer, Santa Fe.

NEW YORK.

Albany Chamber of Commerce; Amsterdam Board of Trade; Black Rock Eusiness Men's Association; Brewers' Association, Buffalo; Buffalo Fire Underwriters' Association; Buffalo Merchants' Exchange; Camara de Comercio Española en Nueva York; Chamber of Commerce of the State of New York, New York City; citizens of Albany (petition); Citizens of Binghamton (petition); citizens of Brooklyn (petition); citizens of Buffalo (3 pe-

Mitions); citizens of Clyde (petition); citizens of Newburg (petition); citizens of New York City (ib petitions); citizens of Rochester, (3 petitions); citizens of Syracuse (3 petitions); citizens of Troy (petition); citizens of Utica (3 petitions); Citothers' Association of New York City; Consolidated Stock and Petroleum Exchange, New York City; Controleum Exchange, New York City; Consolidated Stock and Petroleum Exchange, New York City; Consolidated Stock and Petroleum Exchange, New York City; Sandard of Trade; Italian Chamber of Commerce, New York City; Lumber Exchange, Buffalo; Mercantile Exchange, New York City; Lumber Exchange, Buffalo; Mercantile Exchange, New York City; Merchant Tailors' Society of the City of New York; New York Work State Wholsale Grocers' Association, New York City; New York York Wholesale Ceo Dealers' Association, New York City; New Holesale Ceo Dealers' Association, New York City; Conconta Board of Trade; Stationers' Board of Trade, New York City; Heatall Grocers' Association, Brooklyn; Warsaw Board of Trade; Wholesale Grocers' Association Brooklyn; Warsaw Board of Trade; Wholesale Grocers' Association of New York and vicinity; Herbert P. Bissell, Buffalo; Henry W. Carpenter, Oneida; Charles T. Clark, New York City; James M. Constate, New York City; Henry L. Dreyer, New York City; John Esser, Black Rock; Joseph Fahys, New York City; Patrick Farrelly, New York City; John H. Imman, New York City; Henry A. Meyer, Brooklyn; Alexander E. Orr, New York City; George L. Pease, New York City; Edward W. Peck, Rochester; George Sandrock, Buffalo; Charles S. Smith, New York City; G. Waldo Smith, New York City; William Stelnway, New York City; Walter P. Warren, Troy; Alfred R. Whitney, New York City; Ersstus Wiman, New York City; Morris S. Wise, New York City; Ersstus Wiman, New York City; Morris S. Wise, New York City; Cartitage, New York City; Morris S. Wise, New York City; Cartitage, New York City; Morris S. Wise, New York City; Cartitage, New York City; Morris S. Wise, New York City.

NORTH CAROLINA.

Citizens of Mount Airy (petition); citizens of Raleigh (2 petitions); New Berne Cotton and Grain Exchange; Thomas B. Keogh, Greensboro; Samnel W. Smallwood, New Berne.

NORTH DAKOTA.

Citizens of Grand Forks (petition); Fargo Board of Trade; Anson S. Brooks, Grand Forks; Addison W. Clark, Grand Forks; Martin Hector, Fargo; John W. Von Nieda, Fargo. OHIO.

W. Von Nieda, Fargo.

OHIO.

Akron Hoard of Trade; Ashtabula Board of Trade; Board of Trade, Chillicothe; Board of Trade, Gallipolis; Board of Trade, Nelsonville; Builders' Exchange, Cincinnati; Cincinnati Board of Trade and Transportation; Cincinnati Chamber of Commerce and Merchants' Exchange; Cincinnati Clothiers' Association; Cincinnati Retail Grocers' Association; citizens of Cincinnati (2 petitions); citizens of Cleveland (2 petitions); citizens of Cincinnati (2 petitions); citizens of Cleveland (2 petitions); citizens of Cincinnati (2 petitions); citizens of Columbus (2 petitions); citizens of Dayton (petition); citizens of Findlay (2 petitions); citizens of Fostoria (petition); citizens of Gallipolis (petition); citizens of Hamilton (petition); citizens of Ironton (petition); citizens of Kent (petition); citizens of Nelsonville (petition); citizens of Massillon (2 petitions); citizens of Nelsonville (petition); citizens of Orbiston (petition); citizens of Zanesville (petition); citizens of Trade; Fundiure Exchange, Cincinnati; Furniture Manufacturer' Association, Columbus, Massillon Board of Trade; Piqua Board of Trade and Improvement Association; Produce Exchange, Toledo; Retail Merchauts' Protective Association, New Philadelphia; Sandusky Business Meu's Association; Springfield Board of Trade; Tifin Board of Trade; Albert Beebe, Dayton; Burr W. Blair, Cincinnati; Lee H. Brooks, Chicinnati; Cornelius A. Brouse, Akron; John H. Dovie, Toledo; Richard Dymond, Cincinnati; Robert J. Harrison, Cincinnati; Cintedo; Richard Dymond, Cincinnati; Robert J. Harrison, Cincinnati; Anthony Howells, Massillon; Anson Hurd, Findlay; John S. Kountz, Toledo; Thomas W. Lewis, Zanesville; Arthur McAllister, Cleveland; William J. McManigal, Orbiston; Oscar T. Martin, Springfield; Joshu Nickerson, New Burlington; Frank A. Rothier, Cincinnati; Michael Ryan, Cincinnati; Alfred Seasongood, Cincinnati; Joseph G. Sextro, Cincinnati; John N. Stewart, Ashabula; Earl W. Stimson, Cincinnati; Jacob W. Stoody, New Philadelphia; Ezra B. OREGON.

Astoria Chamber of Commerce; Board of Trade of Portland; Chamber of Commerce, Portland; citizens of Astoria (2 petitions); citizens of Fostoria (petition); Merchants' Protective Union, Portland; Oregon Immigration Board, Portland; John Q. A. Bowiby, Astoria; Charles H. Dodd, Portland; Charles M. Donaldson, Baker City; James E. Haseitine, Portland; Donald Macleay, Portland; Richard H. Thornton, Portland.

PENNSYLVANIA.

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Board of Trade, Plymouth; Board of Trade of Wilkesbarre; business firms, Philadelphia (petition); Central Furniture Manufacturers' Association, Williamsport; Chamber of Commerce, Pittsburg; citizens of Hazleton (petition); citizens of Philadelphia (il petitions); citizens of Newcastle (petition); citizens of Philadelphia (il petitions); citizens of Reading (2 petitions); citizens of Scranton (petition); citizens of Sharpsburg (petition); citizens of Tarentum (petition); citizens of Sharpsburg (petition); citizens of Tarentum (petition); Commercial Exchange, Philadelphia; Grocers and Importers' Exchange, Philadelphia; Board of Trade; Paint Club of Philadelphia; Philadelphia Drug Exchange; Philadelphia; Philadelphia; Philadelphia; Titusville Board of Trade; Theodore H. Bechtel, Philadelphia; Frederick Fraiev, Philadelphia; Samuel L. French, Plymouth; Henry A. Fry, Philadelphia; George A. Kelly, Pittsburg; G. Murray Reynolds, Wilkesbarre; Daniel C. Ripley, Pittsburg; William T. Smith, Scranton; Henry M. Steele, Philadelphia; Samuel Wagner, Philadelphia; Elias Z. Wallower, Harrisburg.

RHODE ISLAND.

Board of Trade, Providence; citizens of Providence (petition); Manufacturing Jewelers' Board of Trade, Providence; Mechanics' Exchange, Providence; James Murray, Woonsocket; Joseph U. Starkweather, Providence.

SOUTH CAROLINA. Charleston Chamber of Commerce; citizens of Cheraw (petition): D'Arcy Duncan, Columbia; Thomas C. Gower, Greenville: Henry T. Thompson, SOUTH DAKOTA

Citizens of Rapid City (petition); Commercial Club, Sioux Falls; Robert F. Bacon. Rapid City; Albert W. Coe, Deadwood; James Halley, Rapid City, Iosmer H. Keith, Sloux Falls; Henry L. Loucks, Huron.

TENNESSEE.

Chattanooga Board of Trade; citizens of Chattanooga (petition); citizens of Cleveland (petition); citizens of Jackson (petition); citizens of Knoxville (petition); citizens of Memphis (petition); citizens of Memphis (petition); citizens of Milan (petition); citizens of Memphis; cens of Nashville (petition); Jackson Board of Trade; Knoxville Board of Trade; Knoxville Chamber of Commerce; Memphis; Lumber Exchange; Alexander A. Arthur, Knoxville; Louis Erb, Memphis; Henry O. Ewing, Chattanooga; Doc. W. Fly, Memphis; Edward E. Hooker, Knoxville; Robert E. Hunter, Memphis; Henry H. Ingersoll, Knoxville; James P. Jordan, Memphis; Ben Lindauer, Nashville; William B. Lockett, Knoxville; Jacob S. Menken, Memphis; Thomas O. Morris, Nashville; Frederick W. Orgill, Memphis; Zeboim C. Patten, Chattanooga; Robert F. Patterson, Memphis; Ike F. Peters, Memphis; William K. Phillips, Nashville; Joseph F. Shipp, Chattanooga; Thomas B. Turley, Memphis; Peter P. Van Vlet, Memphis.

TEXAS.

Austin Board of Trade; bankrupts, bankers, contractors, farmers, judges, lawyers, politicians, retailers, and wholesalers, Dallas (petition); citizens of Dallas (2 petitions); citizens of Del Rio (petition); citizens of Denson (petition); citizens of Ellis County (petition); citizens of Galveston (4 petitions); citizens of Jacksonville (petition); citizens of Navasota(2 petitions); citizens of Rockdale (petition); citizens of San Angelo (petition); citizens of San Annolo (2 petitions); citizens of Terrell (petition); citizens of Texarkana (petition); citizens of Waco (petition); citizens of Waxahachie (petition); citizens of Zapp (petition); citizens of Waxahachie (petition); citizens of Zapp (petition); Citizens of Waxahachie (petition); citizens of Zapp (petition); Citizens of Waxahachie (petition); citizens of Waxahachie (petiton); citizens

UTAE.

Chamber of Commerce, Salt Lake City; Edward P. Ferry, Henry W. Lawrence, Salt Lake City; Fred Simon, Salt Lake City

VERMONT.

Citizens of St. Albans (petition); George F. Edmunds, Burlington; Andrew J. Sibley, Montpelier; Urban A. Woodbury, Burlington.

VIRGINIA.

Board of Trade of the City of Lynchburg; citizens of Lynchburg (petition); citizens of Rounoke (petition); Real Estate Exchange, Norfolk; Richmond Chamber of Commerce; Staunton Chamber of Commerce; A. Berkeley Carrington, Danville; John M. Higgins, Richmond; Benjamin F. Johnson, Richmond; Egbert G. Leigh, jr., Richmond; Abraham Myers, Norfolk: Mann Page, Brandon; Robert R. Prentis, Suffolk.

WASHINGTON.

WASHINGTON.

State Bankers' Association, Olympia: Seattle Chamber of Commerce: Tacoma Chamber of Commerce; Tacoma Commercial Club; Wallawalla Board of Trade; Charles M. Atkins, Whatcom; Nelson G. Bhalocch, Wallawalla Herman L. Chase, Spokane: Norah B. Coffman, Chehalis; Samuel Collyer, Tacoma; Simon B. Conover, Port Townsend; Marion D. Egbert, South Bend; John W. Feighan, Spokane; Emory C. Ferguson, Snohomish; Jacob Furth, Seattle; George H. Heilbron, Seattle; John H. McGraw, Seattle; Ezra Meeker, Puyallup; Miles C. Moore, Wallawalla; Thomas M. Reed, Olympia; Clinton A. Snowden, Tacoma; Hugh C. Wallace, Tacoma.

WEST VIRGINIA.

Board of trade, Martinsburg; citizens of Wellsburg (petition); citizens of Wheeling (petition); Huntington and Cabell County Industrial and Development Association; Wheeling Chamber of Commerce; E. Boyd Faulkner, Martinsburg; J. Ellwood Hughes, Wheeling; Jesse M. Layne, Huntington; Hullihen Quarrier, Wheeling; Thomas S. Riley, Wheeling.

WISCONSIN.

Association for the Advancement of Milwaukee; Business Men's Association, Green Bay; Chamber of Commerce of the City of Milwaukee; citizens of Arcadia (petition); citizens of Milwaukee (withdrawal from protest, and petition in favor of bill); citizens of Milwaukee (6 petitions); citizens of Neenah (petition); Lacrosse Board of Trade (2 resolutions, 1889, 1800); Milwaukee; Joseph B. Doe, jr., Janesville; John M. Holley, Lacrosse; Frederick W. Indusch, Milwaukee; Thomas L. Kelly, Milwaukee; Wibur P. Massuere, Arcadia; Frank McDonough, Eau Claire; Henry M. Mendel, Milwaukee; Simon J. Murphy, jr., Green Bay; John R. Reiss, Sheboygan; John M. Smith, Green Bay; David W. Starkey, Appleton; John E. Thomas, Sheboygan Falls; Richard Valentine, Janesville; Edward C. Wall, Milwaukee.

WYOMING.

WYOMING.

WYOMING.

WYOMING.

WYOMING.

Grover's Association, Cheyenne: Business Men's Club, Lander: Wyoming Stock Growers' Association, Cheyenne: John C. Baird, Cheyenne: Bryant B. Brooks, Casper: Charles H. Burritt, Buffalo; Edmund J. Churchill, Cheyenne; Gibson Clark, Cheyenne; Andrew Gilchrist, Cheyenne; Truman B. Hicks, Cheyenne; William C. Irvine, Ross; John K. Jefrey, Cheyenne; George W. Munkres, Buffalo; Charles N. Potter, Cheyenne: De Forest Richards, Douglas; Charles W. Riner, Cheyenne; William A. Robins, Cheyenne; Edward A. Slack, Cheyenne; Jay L. Torrey, Embar; Willis Van Devanter, Cheyenne; Willis Van Devanter, Cheyenne; Chey

It has been incorrectly stated that this is a bill of the rich houses. It is opposed by a few big houses. The reasons therefor are tersely given in an interview, as follows:

A REPLY BY MR. J. K. BURNHAM TO ARGUMENTS AGAINST BANK-RUPTCY LEGISLATION.

Mr. J. K. Burnham, of Burnham, Hanna, Munger & Co., of Kansas City, Mo., and Burnham, Stoepel & Co., of Detroit, Mich., was called on at his place of business in Kansas City and requested to express his views as to the desirability of nationallegislation relating to bankrupts. He said:

"My attention has been called to newspaper interviews which have recently appeared upon this subject. It seems that the credit manager of house in our line was asked, 'Would, in your opinion, the passage of the act be as injurious to the debtor as to the creditor? His reply was:

"More so; for it would prevent the creditor from helping the debtor. With its reflex action the Torrey bill would render illegal and nullify any arrangement and securities made and given within a certain period prior to bankruptcy, and so prevent an embarrassed or insolvent debtor from obtaining the aid necessary to tide him over temporary difficulties and enable him to succeed."

WILL ENABLE CREDITORS TO HELP DEBTORS.

WILL ENABLE CREDITORS TO HELP DEBTORS.

"He evidently has not read the bill, as I am sure he is able to comprehend it if he had, and I know that he would be unwilling, for the furtherance of what he conceives to be his financial interest, to misstate its provisions. The facts are that in the event of the passage of the bill a creditor would not be permitted to 'help' a debtor with the secret understanding that in the event that the help was not a success and the debtor failed, the creditor should have all of his property. It provides that liens given in good faith, and for a present consideration, shall be upheld; it does not in any sense or for any purpose propose to interfere with the ordinary course of legitimate transactions. It does forbid the giving of preferences. Its language upon that subject is as follows:

"'A person shall be deemed to have given a preference if, being insolvent or in contemplation of insolvency or bankruptcy, he has procured or suffered a judgment to be entered against himself in favor of any person or tion of this act, or (2) enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. If a bankrupt shall have given a preference within four months before the fling of a petition, and the person receiving it or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference. It shall be voldable by the trustee and he may recover the property or its value from such person. "The facts are that the passage of this bill will put a stop to the kind of help' that this house is in the habit of extending to its debtors. That is to say, it will prevent this house, and all other houses and the home banker entertaining the same views, from waiting until their debtor has purchased a general stock of merchandise from other people and then stepping in and selzing the whole of it to pay their debt. If a debtor should get into a sinancial difficulty, it

CREDITS WILL BE EXTENDED, NOT RESTRICTED.

CREDITS WILL BE EXTENDED, NOT RESTRICTED.

"The same gentleman says that the passage of the Torrey bill would restrict credit. I notice that a competitor of his in business, in referring to that same subject, said:

"If application is made to me for credit now * * * I realize that the applicant may have given a secret mortgage, held by a competitor or a creditor in some other line. He may have given a secret promise that in the event of difficulties he will prefer a competitor or a creditor in some other line by giving him everything he has, including the goods which I am asked to sell him; or he may have foreseen financial difficulties and conceted in his own mind a scheme to hide away all of his property, with the assistance of friends, relatives, or parties to the scheme. Under existing laws I am compelled to take all of these chances.

"If the Torrey bill should be passed I will be assured that although he might have made a mortgage, promised a preference, or conceived a fraudulent scheme, he would not be able to carry it out. It follows, therefore, that so far as I am concerned, commercial credit would be very greatly extended by the passage of this measure; the confidence which would be given to me in that event would of course be imparted to others similarly situated, and just in proportion as we were willing to extend credit our business would be enlarged and our debtors would be benefited, as they would be enabled to buy goods in larger quantities, and of course upon more favorable terms.

"It seems to me that his reasoning is correct beyond question, and that credits would be extended and not restricted by the passage of the bill.

Fraud and insolvency as Acts of Bankeruptoy.

FRAUD AND INSOLVENCY AS ACTS OF BANKRUPTCY.

"The gentleman whose views I am controverting was asked:
"'What do you think of the clause in the Torrey bill making the simple ct of neglect or inability for thirty days to pay negotiable paper an act of

fact of neglect or hashes, bankruptcy?"

"His reply was:
"It think it monstrous! What! make an act of bankruptcy which is not anywhere in the world even a ground for attachment? It is an extreme departure from every principle of bankruptcy law, which has always made those transactions acts of bankruptcy which show a disposition and intent on the part of the debtor to defraud his creditor, and, in my opinion, would prove in practice fruitful in losses caused by jealousy and spite. There is no other clause in the act so objectionable—so utterly indefensible as this. You might as well pass an act to compel all transactions to be on a "cashom-delivery" basis."

"Let me first deal with the gentieman's statements of facts and then I

on-delivery' basis."

"Let me first deal with the gentleman's statements of facts and then I will tell you what the provisions of the bill are. In Colorado it is a ground of attachment 'that the action is brought upon an overdue promissory note, bill of exchange, or other written instrument for the direct and unconditional payment of money only, or upon an overdue book account.' In Massachusetts an attachment can be obtained by the plaintiff in a suit without even giving a bond. I do not seek to justify these laws, but I simply state the facts to show the want of information on the part of the credit manager.

even giving a bond. I do not seek to justify these laws, but I simply state the facts to show the want of information on the part of the credit manager.

"The gentleman has evidently been too busy dealing out credits to examine any bankruptcy law, including the proposed one. His statement, 'acts of bankruptcy which show a disposition and intention on the part of the debtor to defraud his creditors,' is only a partial statement of what constitute acts of bankruptcy under the English bankruptcy act, what did constitute acts of bankruptcy under the eld bankruptcy law, or what it is proposed shall constitute acts of bankruptcy under the Torray bill. That is to say, acts of bankruptcy in general terms constitute acts the doing of which, or the failure to do which, amounts to a fraud upon creditors with reference to the property of the debtor, or acts in relation thereto which indicate that he has become insolvent and has neglected to meet his financial obligations. Under the English bankruptcy law, if a debtor gives notice that he is going tosuspend payments it is an act of bankruptcy. Under present laws a debtor who does not pay his note within three days after maturity may be sued by the holder of it, although it may be for a trifling amount, and the result of such suit may be to precipitate litigation which will result in a struggle between his creditors and bring about his financial failure.

"Under the proposed bill adebtor can not be sued because of suspending payments of his commercial paper unless it is for or aggregates over \$500, and has remained unpaid or unrenewed for at least thirty days, and he is insolvent, and even then it is a matter of choice by the creditors as to whether they will or will not institute proceedings as in any other case. The holder of the paper can not of himself institute proceedings, but must be secure the cooperation of at least two other creditors and the agregate of his and their unsecured claims must be \$500 or over: if the creditors of the debtor are less than twelve in numb

and if honest will be entitled to a discharge, not as 'subjects for charity and humane consideration,' or as the result of 'generous, Christian impulses,' but because the Constitution of the country in which we live provided for, and our statesmen passed, a humane law providing for such a discharge to those who are honest.

"The old law contained this provision, except that the time was fourteen instead of thirty days. It did not prove to be 'an act to compel all transactions to be on a 'cash on delivery' basis.' The results feared by the gentleman are therefore unwarranted, either by the experience of the past or the provisions of the Torrey bill.

A LARGE PART OF FAILURES ARE NOT FRAUDULENT.

"The newspapers give the views of the credit man of the same house, and among other things he says:

"It is an established fact, known at least among credit men, that a large part of all the failures are fraudulent, and with the aid of a law discharging the bankrupt the temptation to fraud, already great, would be so increased as to be irresistible to many.

"The statement that a large part of all the failures are fraudulent is not justified by our experience. Reported statistics show that only one-fourteenth of the failures last year were fraudulent. If it is true that a large part of all the failures are fraudulent, there is evidently great necessity for a law designed, as the Torrey bill is, to punish fraud and prevent its perpetration. Something over 95 per cent of all the people who engage in business sooner or later fail. It certainly cannot be truthfully said that 'a large part' of all of them are fraudulent in their nature. He continues:

"These men ought, in the interest of honesty and safety in business, to be kept out of trade, as the community is better off without them."

"This, we suppose, is the kind of 'charity and humane consideration' that would presumably arise out of the 'Christian impulses' of the men who conduct that house.

HONEST INSOLVENTS OUGHT TO BE DISCHARGED.

"The men conducting the house in question have a few imitators. The credit man of one of them in speaking upon the subject said:

"A bankruptcy law will precipitate upon the country more or less defunct merchants who have from incapacity, dishonesty, or some other good and sufficient cause, been laid on the shelf and will there remain unless resuscitated by a law which will free them from existing debts. Such a class are a detriment to the country and the business community. They should not

be brought to life.'
"The above is the statement of the 'Christian impulses' of one of the class

"The above is the statement of the 'Christian impulses' of one of the class of men who, under the present imperfect State laws, sit in judgment first and last upon over 8 per cent of the men who have promoted the enterprises and conducted the commerce of the country. The proposed law will deprive this class of gentry of their ability to say whether men who have falled ought to be 'laid on the shelf' or 'resuscitated.'

"The Torrey bill, under very careful restrictions to prevent its provisions being taken advantage of by dishonest debtors, grants to honest debtors the right of discharge, to the end that they may the better provide for their families, educate their children, and follow the occupations for which they are best suited. We think that the best interests of the whole people would be better served by the findings of an honest judiciary as to the rights of the individual applicant rather than by the dictatorial rule established by these credit men, who have thus shown to the world the narrowness of their views and the fact that they are actuated not by the rule of humanity, but by the rule of the 'almighty dollar.'

THE POSITION OF A FEW BIG HOUSES UNMASKED.

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THE POSITION OF A FEW BIG HOUSES UNMASKED.

"The position of these people is very effectively unmasked, not by a credit manager, or a credit man, or a collector, but by the head of an opposing house. He is reported to have said:

"The impression I have is that the passage of the Torrey bill will not from a selfish standpoint promote the financial interests of all the big houses, but that it will benefit the people at large. The reason for thinking that it will not redound to the financial interests of big houses is that they now have equipped themselves with all the facilities for enforcing collections, if need be, and are therefore better enabled to secure preferences than their less fortunate competitors or associate creditors.

"In speaking further he said:

"Equipped as we are, I think it probable that we are able to collect a larger percentage of our old debts than we would be in the event of the passage of the proposed bankruptcy law. If that measure were passed all of our honest insolvent debtors would be at liberty to take the benefits of it and secure their discharge, after making a full surrender of their property over and above their exemptions.

"His answer to the inquiry as to whether he thought the passage of the bill would prove a calamity to the country or be in militation of the best interests of the people was:

"No, sir; I do not think so. My judgment is that the only valid objection to the passage of such an act as the one proposed is a selfish one; that the present laws from a financial standpoint better suit a few houses than a bankrupt law would. "Do not understand from my statement that I am opposed to the passage of this bill. On the contrary I am in favor of its enactment by Congress, because I believe, all in all, that whatever is for the best interests of the great mass of the people must, in the end, be for our very best interests."

SHOULD HONEST INSOLVENTS WHO CAN NOT PAY CONTINUE TO OWE?

should honest insolvents who can not pay continue to owe?

"The credit man of another house, which imitates the one in question, began a recent newspaper review as follows:

"Though I have not had sufficient time to give to the bill a careful and thorough reading, from such an investigation as I could make it occurs to me that the intricacles involved, the large amount of machinery to be set in motion, the great number of officers to be created, the vast amount of litigation and delay incident to such a law, must be disastrous to the creditor. " " Without being able, therefore, to discuss the bill before Congress for a national bankruptcy system, I must say that I am decidedly opposed to any bankrupt law whatever."

"Please note how well this gentleman was equipped to discuss a great public question and to give information to the public concerning it. He continued:

continued:

"'No person should be relieved from his legitimate contracts in any way other than by their fulfillment; in other words, those who contract to pay and fail should continue to owe. All of the exceptions to this just and honorable rule can, I think, be included in the list of those who are rendered unable to keep their obligations by the act of God or the public enemy, and of the greater number of those who fail in business this exception is certainly too small for consideration, and they may be counted as legitimate subjects for charity and humane consideration instead of bankruptcy laws: and, by the way, I know of no instances where the people have not most generously responded in such cases, and I think it may be said that all such can with safety be left to the generous Christian impulses of the people."
"I suggest that this man, presumably of 'Christian impulses,' ought to have lived in the dark ages, when it is said that debtors having several cred-

iters were cut to pieces and divided among their creditors, or sold into slavery, or, later on, when there was a debtors' prison with all of its untold horrors.

wy, or, later on, when there was a debtors' prison with all of its untold horrors.

"The man who is thus without knowledge of the bill in question, and who
can thus give impromptu opinions to the public, continues:

"A large majority of the class of debtors who are to be benefited by a
bankrupt act are the very people who have demonstrated the fact that they
are no longer entitled to the confidence of the business world, and there is
an good reason why they should be legislated back into a possible position
for which they have shown themselves wholly incompetent.

"Statistics show, as before stated, that something over 95 per cent of all
the men who go into business sooner or later fail. This wise clerk of this
house would therefore have over 95 per cent of the men who go into business
kept out if they could not run the gauntlet of 'generous Christian impulses'
exercised by their creditors.

HONEST PEOPLE SHOULD COOPERATE.

HONEST PROPLE SHOULD COOPERATE.

"For my own part (said Mr. BURNHAM continuing) I consider it right for honest people to cooperate; not only right, but in the long run profitable on a dollar and cent basis. It is too often the case under present laws that the honest men fight about who shall have all that has been found, while the dishonest make away with the bulk of the estate.

"There ought to be a law under which the honest debtors and the honest creditors could help each other and bring the rogues to punishment. I believe the Torrey bill will bring about these results, and hence hope Congress will pass it."—Kansae City Star.

CONFIDENCE, NOT MONEY, IS NEEDED.

It has been said that this bill would destroy credit; it is not true; it would promote credit. I submit a memorial which states the case admirably, as follows:

A memorial calling attention to the present of the country. ent depressed financial condition

To The United States Senate:

A memorial calling attention to the present depressed financial condition of the country.

To The United States Senate:

Your memorialist, the National Convention of the Representives of the Commercial Bodies of the United States, respectfully calls the attention of your honorable body to facis as follows:

The financial affairs of the country are in a perilous condition. Business men in all of the States of the Union are apprehensive that there will be a panic. Citizens in general are alarmed at the outlook. Values of property are de-reasing. Persons, firms, and corporations are daily failing, whose assets are largely in excess of their liabilities.

There is but a single cause for all of the above conditions, and that is a want of confidence. As a result of that single cause money is being with drawn from circulation and the evils which are following and are likely to continue to follow are innumerable. There is but a single cause money may or may not avert the danger as there is no limit to the amount of money that can and will be hoarded so long as the single cause, want of confidence, continues. Such single remedy is the enactment of a law by Congress as provided by the resides, will be preserved and may be enforced.

Your memorialist further respectfully represents that confidence can not be readily restored under existing laws because shey do not contain adequate provisions pursuant to which the creditors of a common debtor may meet, counsel together, and render to him the assistance he needs, and extend him such ravors as may be in his and their best interests. State laws encourage the selfish hashinct of self preservation, and as a result creditors seek preference, and, falling therein, endeavor to secure them by compulsory process withour regard to whether the debtor's property is always levied upon under compulsory process to pay the amount claimed and exist, and is sold at sacrifice sales, so that no man can safely say that he is solvent if he but becomes the subject of attack from his creditors who

debtors, and men with property do not hoard it, and thereby stop the wheels of commerce.

Your memorialist further represents that the Torrey bankrupt bill makes ample and explicit provisions for the meeting of creditors of a common debtor to make a fair compromise, arrange an honorable extension of the time within which he may pay his debts, or appoint a trustee to make an equitable division of the assets; the discharge of honest insolvents who have made a full disclosure of their affairs and a complete surrender of their property; the adjustment by arbitration of matters in controversy; the dissolving of enforced liens in the event an adjudication in bankruptcy is had within four months thereafter; the allowance to bankruptcy officers of moderate fees for their services and the payment of them in such manner as to expedite the administration of bankrupt estates; the restoration of confidence at present and the prevention of the loss of confidence in the future by the proper administration of justice and the perpetuation of integrity in the transactions between debtors and creditors, the grand aggregate of which constitutes the commerce of the world.

Your memorialist, in view of the foregoing, respectfully petitions for the immediate consideration and passage of that measure on behalf of commercial, industrial, and other bodies of all parts of the country; hundreds of thousands of men whose capital consists in part of credit justly founded upon confidence, and whose prospects are likely to be blighted, and property

swept away as a result of a continuance of the present conditions, and a million or more of United States citizens who have been beggared and are now compelled to labor in menial places because there is not a bankrupt law in force providing for their relief, as contemplated by the Constitution of

mapeies to incorrect the contemplated by the Constitution of country.

The National Convention of the Representatives of the Commercial Bodies of the United States, by its executive committee, as follows: Wm. E. Schweppe, chairman. St. Louis; Isaac Atwater, Minneapolis; Herbert P. Bissell, Buffalo; Mortimer N. Burchard, Chicago: Richard D. Coughanour, Dalias; J. Frank Fort, Newark, N. J.; Joseph Fahys, New York City; Henry A. Fry, Philadelphia; Frank Galennie, St. Louis; Justus Goebel, Cincinnati; David Hirsch, New York City; John J. Horner, Helena, Ark: Anthony Ittner, St. Louis; John J. Lee, St. Louis; Henry M. Mendel, Milwaukee; Hevery K. Moore, Boston; Fred. F. Myles, New Orleans; James M. Nava, Kansas City; Peter Nicholson, St. Louis; Ferdinand W. Risque, St. Louis; Channing Seabury, St. Paul; Daniel M. Thomas, Columbia, Pa.; Francis B. Thurber, New York City; Rozel Weissinger, Louisville.

CLIPPINGS FROM TEXAS NEWSPAPERS

The Texas papers have considered the subjectfully. I quote a few extracts from them, as follows:

A UNIFORM AND PERMANENT LAW.

Among the bills pressing for final passage before the close of the present session of Congress is that commonly known as the Torrey bankruptcy bill. The wide support which the bill has received from commercial bodies and leading business men throughout the country has been from time to time noted. Nevertheless it has encountered some strong opposition in and out

of Congress.

Its opposers, as a rule, however, do not dispute the general wisdom of some equitable and economical system of bankruptcy, uniformly and expeditiously applicable in all the States of the Union. Most of them agree, indeed, that such a law is greatly neened.

Them, as their objections to the pending bill relate only to certain of its details, they might well be asked to assist in amending such objectionable features or desist from their opposition.

PHILOSOPHY OF BANKRUPT LAWS.

PHILOSOPHY OF BANKRUPT LAWS.

Largely viewed, the subject of bandruptcy is a deeply interesting study for the merchant, the financier, the lawyer, and the statesman.

The modern theory of the law of bankruptcy in civilized countries contemplates the insolvent debtor as for the time a commercially dead person whose estate vests in his creditors for the purpose of a reliable division of its among them. Then, cleared of his remains as to both assets and labilities, he may rise again and begin life a new man, free to pursue any honest avocation and accumulate property.

The primitive theory of bankruptcy was very different. This regarded insolvent indebtedness as a personal crime involving forfeiture of liberty and even of life. Thus the ancient law of Rome gave the creditors of a declared bankruptcy the option of making diividends out of his carcass or of selling him and his family into slavery.

and his family into slavery.

But for the credit of humanity this horrible savagery was for the most part only theoretical, and gradually the theory itself gave way to provisions under which an insolvent debtor by a surrender of property could preserve his

PRIMITIVE BARBARITY.

Still somehow the primitive notion of default in the debtor as a personal crime for which some terrible explation may be exacted has not become ut terly obsolete in modern times.

The popular novelist recognizes it in the frequent practice of depicting a wealthy, avaricious, but detestable creditor winding up a hopelessly embarrassed creditor in his meshes and finally proposing to accept the sacrific of the victim's pretty daughter by way of compensation.

The same notion seems to crop out in arguments against any provision for voluntary recourse to bankruptcy. These arguments consciously or unconsciously presume that the insolvent debtor is a fraudulent debtor who deserves to be dealt with as an actual or intending thief.

Of course such cases are possible, and as exceptional instances are sured occur, for the present chaos of bankruptcy law under a bewildering multitude of statutes confined to State boundaries is only too well calculated to furnish facilities for that kind of insolvency.

But in the complex relations of the commercial world creditor and debtor, seller and buyer, are coming to stand to each other more and more as recipions.

rocal and cooperating factors.

The bulk of current commercial transactions is not on a cash but a credit

RECIPROCALLY DEPENDENT.

If in one aspect the retail dealer is debtor to the wholesale dealer, in another angect the former represents the latter as a sort of broker selling on commission—at a profit; that is, to compensate him for his intermediary service. And likewise with the wholesale dealer and the manufacturer. They are all in one or another direction debtors and creditors. They are all in one or another direction debtors and creditors. They are all of another direction debtors and creditors. They are all of a service of some easy, speedy, and cheap method of settlement and rehabilitation through bankruptcy.

It is sound public policy to provide such a method and to maintain it as a uniform, universal, and permanent system.

The virtue of the system would be seen in reducing hazards of business, in toning up commercial confidence, in encouraging sincerity and straightforwardness between dealers, in lessening the prices of commodities to consumers, and last, but not least, in demolishing or circumventing the pitfalls and snares which the present choatic situation affords for fraudulent preference, collusion, and evasion.—News, Dallas.

A PETITION FROM DALLAS.

Judge R. D. Coughanour, of Dalias, is having signed a petition addressed to Congress for the passage of the Torrey bankrupt bill.

The signatures here include representatives of every branch of commerce, judges of the supreme and district courts, attorneys, and all the county officials.

The memorial to Congress accompanying the petition sets forth the following reasons for the passage of the measure:

I. The Constitution confers on honest insolvents a right to have a bankrupt law enacted.

rupt law enacted.

2. Honest insolvents will be discharged; dishonest insolvents will be pun-

- 3. A conservative tone will be given to transactions between debtors and
- creditors.
 4. Commercial credit will be extended, and the prices of commodities re-
- 4. Commercial credit will be extended, and the prices of commodities reduced.
 5. The giving and receiving of preferences will be prevented.
 6. Fraud will be prohibited, and such persons as commit wrongs will be punished.
 7. Dishonest and insolvent debtors will be required to make a complete showing and a full surrender of their property.
 8. Creditors having claims of equal merits against bankrupt estates will receive pro rata dividends.
 9. The coercion of debtors by their large creditors and of large by little creditors will be prevented.
 10. Voluntary and involuntary bankruptcy are necessary in the best interests of debtors and creditors.
 11. The estates of insolvents and dishonest persons will be quickly, economically, and equitably divided, without "fear, favor, or affection."
 12. The New Testament was revised. The present bill is an improvement on all former bankrupt laws.

- on all former bankrupt laws.

 13. The rights of creditors and debtors as provided by the bill are in addition to those now enjoyed.

 14. The bill is a wise measure, both because of what it does and does not
- 13. The per centum of failures to those engaged in business was greater in 1889 than in 1879.
- 1889 than in 1879.

 16. A continuation of the prosperous condition of the country will be guaranteed.

 The bill makes ample provision for the discharge of honest insolvents from their debts over and above the amount paid in dividends from their estates, except such as are contracted in a fiduciary capacity.

 * * *

 It is submitted that the bill ought to be enacted to secure to honest insolvents their rights and do away with the incentives for wrongdoing, and to deter present from so doing.
- then their rights and do away with the incentives for wrongdoing, and to deter persons from so doing.

 It is not an infrequent practice among houses, and particularly among those situated in different states which sell goods in a common territory to mload their weak customers on other houses, and when they have secured a stock of goods secure a preference and thereby collect dollar for dollar of their indebtedness.

 For example, a house in A has a customer in X who has fallen behind, and
- a stock of goods secure a preference and thereby confect doffar for doffar of their indebtedness.

 For example, a house in A has a customer in X who has fallen behind, and could not upon forced liquidation pay 50 cents on the dollar. The customer goes to the house in B to purchase goods, and gives as reference the house with whom he formerly dealt. In reply to the letter of inquiry the house in A says that the customer formerly dealt with it and is considered honest and industrious. The new customer is thereupon given a line of credit. When the stock has been replenished the creditor takes a bill of sale at an estimated valuation of the property and cancels its indebtedness. If the customer is able to secure a compromise at a small figure the A house considerately furnishes the cash, and then appoints the customer, the manager of the business, sells the goods at their real value, and as a result has realized enough to reimburse it for the original amount and for the advance made to compromise with the B creditor, who, in fact, furnished the merchandise to make good the losses of the A house in previous years.

 It is an unfortunate fact that this effect is reached in various forms all over the country from day to day.

VOLUNTARY AND INVOLUNTARY BANKRUPTCY.

A number of national bankruptcy bills have been introduced in Congress. The measure to which the country at large has given the most attention and which seems to be the only one which is comprehensive of the subject is known as the Torrey bill.

The friends of that measure advocate both the voluntary and involuntary system of bankruptcy. The enemies for the most part do not array themselves as entirely opposed to the bill, but favor, as they say, simply a voluntary law.

- selves as entirely opposed to the bill, but favor, as they say, simply a voluntary law.

 The difference as defined by that measure between a voluntary and an involuntary law, so far as the bankrupt is concerned, is simply determined by whether he files his own petition or whether it is filed by his creditors; after the petition is filed the rights and responsibilities of both classes of bankrupts are identical.

 When an adjudication is made all preferences which have been given by the bankrupt within four months, and all attachments which have been filed against him within that time, are by virtue of the adjudication annulled. Under the involuntary system the creditors can commence proceedings under very careful restrictions, and thus prevent many fraudulent dispositions of their debtor's property.

 If there was only a voluntary system the would-be bankrupt would deliberately prepare for bankruptcy and his creditors would be helpless.

- The purpose of those who advocated only the voluntary law seems to be to curry favor with the so-called debtor classes and to cover up their opposition to the whole system of legislation as provided by the Federal Constitution in a seeming struggle to secure special favors for the debtor class.

 We believe that the passage of a law purely in the interest of the debtor classes would be in a great measure destructive of their financial interests. As an illustration, suppose that in the fancied interests of the debtors all laws for the collection of debts were repealed; the result would be the curaliling of credits and that great numbers of persons would be financially ruined; if in turn the same laws were rendered less effective the same result would be felt in a modified degree and goods would command a higher price because of the increase of the hazard of business.

 It therefore follows that the passage of a law solely in the interest of the debtors, or thought even to be so, would curtail their credits, force many of them to the wall and others out of business, and raise the price of goods to the consumers.
- the consumers.

 In the popular acceptation of the term, the debtor class means the deserving poor, while the creditor class refers to the rich and opulent. For the purposes of the discussion concerning bankruptcy legislation these terms are most deceptive. 6, the railroads of the country owe to the bondholders, merchants, manufacturers, and laborers an aggregate indebtedness of \$5,758,541,542, or about six times the amount of the national debt; the banks and trust companies owe an aggregate amount of \$2,529,256,699, a considerable part of which is the savings of the poor classes.

 It therefore seems apparent that the opposition to bankruptcy legislation, disguised under the plea for the debtor class, is in behalf of the great railroad corporations and the banks and trust companies of the country and not in the interests of the deserving poor.

 In general terms, those who are debtors are in turn creditors and for the most part have their entire financial well-being pending between the desire of their creditors to be paid and the willingness of their debtors to settle their accounts.

- Every man so situated is of necessity an advocate, not of a partial and in-complete system of bankruptcy, but of one which is comprehensive of the

- sibilities both as a debtor and as a creditor.

 Bankruptcy laws are a part of the laws of the more important and of some of the insignificant governments of the world, and now that it seems probable that we are to have one it is extremely desirable that it should be fair alike to creditors and debtors, in order to become a part of the permanent laws of the country.

J. W. CROWDUS. S. J. HOWELL. M. D. GARLINGTON.

-News, Dallas.

SIGNIFICANT CONCERT OF ACTION.

- Commercial bodies in all parts of the country are acting with significant concert on the subject of a national bankruptcy law, and have unanimously indorsed what is known as the Torrey bill, now pending in Congress under circumstances that seem eminently favorable to its passage.

 The last bankrupt law of Congress was so victous in its structure and in some of the practices which it instituted or sanctioned that it was swept bodily from the statutes in deference to public opinion.

 Nevertheless there are many reasons why a fairly constructed and properly guarded national bankruptcy law should be enacted by Congress and remain in permanent force for the benefit alike of debtor interests and creditor interests through all the vicissitudes, the fluctuations, and the extended of commerce.

- remain in permanent tores for the benefit white of decore interests and creditor interests through all the vicissitudes, the fluctuations, and the exigencies of commerce.

 Under the Constitution of the United States only Congress is competent to enact uniform laws on the subject of bankrupticles throughout the United States, and the several States are not allowed to release debtors from the obligation of contracts.

 The several States, however, have their insolvent laws, by no means uniform, and in too many instances permitting and facilitating precipitate and ruinous attachments, unfair preferences, or fraudulent assignments.

 Public policy justifies the discharge of honest insolvents from indebtedness beyond the amount of their assets surrendered for equitable distribution among creditors. It equally justifies the restraint of dishonest solvents from devices for evading such a distribution.

 It is claimed for the Torrey bill that it is well adjusted to both of these purposes, and from the report of the Judiciary Committee of the House the claim seems to be entirely tenable. The involuntary features of the bill do not apply to agricultural pursuits, and it is believed that the mercantile interests of Texas, as well as of the other States, would be in various ways advanced and protected by the adoption of such a measure.—News, Dallas.

A NATIONAL BANKRUPT LAW.

- A NATIONAL BANKKUPT LAW.

 The Federal Constitution provides that Congress may enact uniform laws upon the subject of bankruptcies. This power has been exercised but three times since the adoption of that instrument.

 The first law was enacted in 1800, the second in 1841, and the third in 1867; the first two were not long-lived, but the last was in force eleven years. All of them were emergency laws, and were, respectively, repeated when the emergency had passed.

 The Torrey bankruptcy bill wasdrafted by the St. Louis attorney, Judge Jay L. Torrey, and was named after him and promulgated by a national bankruptcy convention, which met in Minneapolis in the fall of 1889. It was passed by the last House of Representatives as a business, and not a political or sectional measure, and was reported for enactment by the Committee on the Judiciary of the Senate; it, however, failed of consideration, because of its position upon the Calendar.

 Our information is that it will be submitted to the next Congress, and again urged for passage.
- our information is that it will be submitted to the next congress, and again urged for passage.

 At the beginning of the last Congress there were a large number of bill is introduced upon this subject, but the one in question seems by universal accord to be the best bill which has ever been presented to Congress or the country, and has therefore become the successor of all other measures upon the subject.

- Introduced upon this subject, but the one in question seems by universal accord to be the best fall which has ever been presented to Congress or the country, and has therefore become the successor of all other measures upon the subject.

 Bankruptcy laws have been, in one form or another, parts of the codes of all civilized nations from almost time immemorial, and we in the United States have, since the repeal of the old law in 1878, presented the singular spectacle of being agreat commercial nation without a law of uniform application for the whole country for the administration of the estates of those who have suffered misfortune, and for the discharge of honest insolvents.

 The imperfect provisions and the maladministration of the old law have left unpleasant recollections of that measure, and, as a result, there is here and there opposition to the enactment of the new law.

 There seems no room to doubt that the proposed law has cured the defects of the old one; at any rate, it is an honest movement with that end in view, and the indications all point to the fact that the proposed law is in every respect a meritorious measure.

 In connection with the thought as to whether it is possible to improve upon the old law and to have a bankruptcy code which will really promote the best interests of the whole country, we recall the fact that the national Constitution has been amended; that the constitutions of all of the older States have from time to time been overhanied, and that the stational Constitution which has been from time to time amended and revised.

 In addition, we recall the fact that even the translation of the New Testament has not escaped a revision at the hands of the Christian world.

 We of the West are interested in almost endless ways in the enactment of a just and equitable law upon this subject. Many of our best citizens have in the development of legitimate enterprises become bankrupted, but under the inadequate provisions of our laws, which are quite as good as those of other States, have not

therefore feels more keenly the harhship of not being able to secure a discharge from his indebtedness and an opportunity to continue the exercise of his energy and ability in the direction of promoting his own best interests and incidentally those of the State.

There is in some quarters a feeling that it is right, in event of a failure, for a debtor to apply his entire estate to the payment of home creditors, but we think that the better rule is that honesty is the best policy in the long run, and that the giving and receiving of preferences is pernicious and not for the best interests of the credit of our mercantile people, either at home or in other States. other State

or in other States. A very careful examination of the bill in question and the debates in Congress when it was before the House of Representatives at the time of its pasage by that body, and a consideration of the principles involved, leads instibilly to the conclusion that the passage of the bill will greatly advance the best interests of the West, and we therefore express the earnest hope that the measure will become a law during the next Congress.—Sun, Cheyenne, Wyo. (copied by the Record, Del Rio, Tex.).

BANKRUPTCY LEGISLATION.

The subject of bankruptcy legislation is one of the important measures which will engage the attention of the present Congress. We noted the struggie in the last Congress over a bill upon this subject, which was named the Torrey bankruptcy bill. It was passed in the House of Representatives by a large majority, but did not become a law because it was not reached for consideration upon the Sanata Calendar.

It was passed in the House or Representatives by a large majority, but did not become a law because it was not reached for consideration upon the Senate Calendar.

The bill as above was the product of an agitation in behalf of legislation to secure the discharge of honest people who are overburdened with debt, and to bring about the prompt and cheap administration of the estates of those who are unfortunate enough to fail.

It has been indorsed by the leading industrial and business bodies all over the country as a measure which is not in any sense selfish or sectional and as designed to promote the best interests of the whole people.

The press has very generally credited the movement with being in the right direction, having an honest purpose and as likely to succeed.

The bill provides among other things that the exemptions to a bankrupt shall be the same as those provided by the laws of the State in which he lives, which, under the Texas law, exempts his homestead.

It further provides that the debtor, if honest, shall be discharged from the amount of his indebtedness which is not paid by dividends from his estate.

This provision alone is worth the trial of the bill, for how many honest debtors, after giving up their all, have been prevented by their past bankruptcy from honestly engaging in business under their name, being compelled to resort to subterfuge, which reacts morally against his better nature.

It also contains provisions which seem designed to secure fair dealing, not only to persons having transactions together, but on the part of bankruptcy

The hope is expressed that the bill will be speedily enacted and that it will rove a success.—Industrial Educator, Forth Worth, Tex.

BANKRUPTCY LEGISLATION DEMANDED.

It is self-evident that the study of party policy in the principal political uestions need not so occupy the attention of Congress as to prevent the incoduction and forwarding of measures for judicial and administrative re-

troduction and forwarding of measures for judicial and administrative reform in various respects.

There are many committees besides the two or three which usually attract most attention, and there are many members who, as far as legitimate public duties are concerned, have plenty of time to study other questions than those which are on the surface.

There are future reputations to be made by men who can not expect to be prominent in the most prominent questions, but who may secure the passage of legislation suiting the demands of business and otherwise sure to be gratefully received.

Among other subjects often talked of and not extend the manufacture of the production of the subjects of the production of the subjects.

prominent in the most prominent questions, but who may secure the passage of legislation suiting the demands of business and otherwise sure to be gratefully received.

Among other subjects often talked of and not settled there is the bankruptcy law. The authority of Congress is express on this subject. There were a couple of plans before the last Congress, the Torrey bill being most discussed, in and out of Washington.

It is not enough to indge any bill by the obvious need of the country coupled with the profession that it supplies relief. Does it make the transaction of business as prompt, cheap, and equitable to all parties as diligent study can make it, and is the bill as plain to ordinary understanding as ought to be a law which business men must have some understanding of in order to go safely? This last is even a necessary point.

No man is required to commit naturally criminal acts; hence it matters little how complex the criminal law may be so that it be just and sure, for the simple rule is that a man may avoid wrongdoing; but when one goes into business, involuntary bankruptcy being a contingency without a wrong intention, it is plain that the law required is one which ordinary understanding should master and remember without trouble.

There has been an ocean of talk on the need of a general bankruptcy law. Many bills could be drawn which would provide in some way for equity; but the people do not want any process that will eat up the estate in determining how to divide it.

They want a simple law that will protect every creditor in a fair share of the assets, and protect fair dealers from being forced into bankruptcy when it is unnecessary in order to secure a rightful claim.

They want the best and simplest law which good sense and honest purpose and legal acumen, advised by business experience, can make, and they want it from this Congress at this session.

PROGRESSIVE VIEWS ON THE SUBJECT.

PROGRESSIVE VIEWS ON THE SUBJECT.

There is one transcendental beauty about the San Antonio Express, and that is its grit. When it makes a stand itstands there, and there is no power on earth that can make it either move on or sit down.

When the Torrey bankrupt bill was first formulated the Express said it was a good thing and would fill a long-felt want. Several of the Texas delegation in Congress said nay, but the Express don't care a tannale for that; it just digs its fingers into the adobe veneering and refuses to budge. The Post is inclined to agree with the Express. The bill has been studied carefully, line by the best lawyers regardless of party, and they say that it is just what is needed. The business men of the country have analyed it and placed the stamp of their approval upon it. Doubtless it is not perfect; few things created by man are, but the laws of this great country, unlike those of the Medes and Persians, are subject to amendment.

Almost any kind of a national bankrupt law would be an improvement on the present condition of affairs, and with due deference to the Texas mem-bers of Congress, the Post opines that the business men of the country are apt to know more about their own business and its needs than do the politi-

The objections raised to it were either frivolous or not sustained by $\log \log n$

argument.

No State in the Union is more in need of a bankrupt law than Texas, and it is to be hoped that Congress will find time to give the bill careful attention.—Post, Houston.

AN UNADULTERATED BUSINESS BILL.

The passage of the Torrey bankruptcy bill by the House was, with the exception of the tariff bill, the first important business measure affecting the whole country to which it has given attention.

If the Senate will only hold up on its partisan legislation long enough to pass this bill as adopted by the House, the nation will have derived the benefit of one good bill during this long session of political stump speaking.

The Express regrets that the opposition to the bill was led by a Texas Congressman.

ressman. No State stands more in need of a bankrupt law than Texas, which has the

No State stands more in need of a bankrupt law than Texas, which has the crudest and most unfair form of assignment law that could have been conceived. It might properly be entitled a law to enable a bankrupt to protect his friends and swindle obnoxious creditors.

The Torrey bill is carefully drawn. It has been approved, in its main features, by the ablest lawyers North and South.

It was carefully considered by the Judiciary Committee of the House and a strong report was made in its favor.

As a business necessity it has been indorsed by all of the great commercial exchanges and chambers of commerce North and South.

There was no politics in it. The bill was unadulerated business.

The lawyer who has read that bill through section by section and line by line, as it was submitted to the House with the committee amendments, can not deny that for its purpose it is as nearly perfect as any bill that could have been formed.—Express, San Antonio.

ADMIRABLY FRAMED MEASURE.

This paper favors a national bankrupt act which will place all creditors in all parts of the Union on a footing of equality with those in a State where the bankruptcy occurs, if it will not eat up the insolvent estate with court costs and lawyers fees.

costs and lawyers fees.

The hostily to the national bankrupt act, which expired in 1878, arose from the fact that settlements were too long delayed, and court officials gobbled most of the assets converted into cash.

The bill is admirably framed to avoid these objections, to give the honest of the assets of the second of

unfortunate debtor a chance to start over again, by surrendering his perty or compromising, and to compel the dishonest debtor to account to

property or compromising, and to compete the property or compromising, and to compete the state of the creditors.

The creditors elect the assignees, who are called trustees under this blin, and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as soon and they are required to reduce the estate to cash and distribute it as a sound to the reduce the reduce the reduce the reduced to the reduce the reduced to redu

The creditors elect the assignees, who are caned trustees under this said and they are required to reduce the estate to cash and distribute it as soon as possible.

After reading the whole bill as it passed the House, the Times agrees with Judge Taylor that "it is remarkable for the terseness of its style, the fairness to both debtor and creditor of its provisions, and the expedition and economy it will necessitate in the settlement of estates."

The Times hopes that the Texas Congressmen who have been opposing this bill will withdraw their opposition.

The country needs it. The commercial bodies of every section ask for it. It has the approval of the ablest lawyers regardless of party.— Times, San Antonio.

I find an article in the Galveston Daily News which gives a very short but explicit statement of the bill and the report of the Judiciary Committee of the last House; it is as follows:

BANKRUPTCY LEGISLATION—OATES' SUBSTITUTE FOR THE TORREY BILL, OF LAST SESSION—CHANGES THAT HAVE BEEN MADE TO DISARM ADVERSE CRITI-CISM DIRECTED AGAINST THE ACT.

WASHINGTON, July 18.

WASHINGTON, July 18.

There are constant inquiries from all over the country in regard to the status of the bankrupt bill introduced in the last Congress, and falling to pass both Houses then was introduced in this Congress. The matter is specially interesting to lawyers and men in embarrassed circumstances. In compliance with the conclusion reached by the Judiciary Committee to report a substitute in the pending bankruptcy bills to the House, Col. Oates has filed the substitute and the report of the committee.

The substitute is the Torrey bankruptcy bill minus the section contained in it upon the subject of loaning money. The chapter on bankrupts has been transposed so as to be the first chapter of the bill instead of the third, as formerly. A number of the sections of the bill have been transposed so as to be topically instead of alphabetically arranged. Quite a number of friendly amendments were made to the original bill so that it is now in better form than ever before. The committee held a large number of meetings to consider the subject, and Judge Torrey, by invitation, sat with it during those meetings. It seems that those opposed to bankruptcy legislation, as well as those favorable to it, gave to the bill the benefit of their wisdom upon the theory that if there was to be a bill passed it ought to be as perfect as possible.

well as those favorable to it, gave to take the standard to be as perfect as possible.

Judge CUlberson criticised the bill severely at the time it was passed by the House in the last Congress on account of the provision it made for the payment of salaries to referees from the Federal Treasury. At that time the bill provided that a number of referees, not to exceed the number of the members of Congress, might be appointed if the business of the bankruptey courts required, each to be paid a one-thousand-dollar salary per annum; the Government to be reimbursed for this expenditure by the payment of 1 per cent on the net assets of each estate distributed.

The foregoing pian has been modified in the substitute so that the percent age, instead of being paid into the Federal Treasury, will be paid upon the conclusion of each case directly to the referee. By this means it will be noted that each referee will be interested in the prompt and economical administration of the estate, as the time of the payment is identical with the date of the final settlement and the amount of the compensation is to be computed upon the net results. As a companion piece to the above amendment there is one striking out the limitation as to the number of referees, so that now any number may be appointed without creating any charge on the Federal Treasury.

The section relating to the title to property was amended by providing that appraisers should be appointed for the estate, and that the personal property should not be sold for less than 75 per cent of its appraise value, unless the sale was first reported to and approved by the court. The sale of all real

and mixed property shall be reported to and approved by the court, after notice to creditors, before title shall pass.

The referees under the old laws were appointed by the President; under the Torrey bill, as introduced by Col. OATES, they were to be appointed by the circuit court. An amendment was made by which they will be appointed by the didges of the district court under whose direction they will perform

the Torrey bill, as introduced by Col. OATES, they were to be appointed by the judges of the district court under whose direction they will be appointed by the judges of the district court under whose direction they will be appointed by the judges of the district court under whose direction they will perform their duties.

The section defining acts of bankruptcy has been amended by the insertion of a proviso that the provision relating to the failure to secure the release of property which has been levied upon for \$600 or over until three days before the time of sale may be continued until a petition is filed. The suffering, while insolvent, of an execution for \$500 or over to be returned no property found shall not be an act of bankruptcy, provided the amount is paid before the petition is filed. The act relating to the nonpayment or renewal of a note for \$500 or over within thirty days after maturity has been modified so that proof must be made of insolvency in order to secure an adjudication, and in addition the default must continue until the petition is filed. It is said by the friends of the bill that these modifications disarm the criticisms which have been heretofore directed at this section. The section relating to who may become voluntary bankrupts has been amended so that corporations can not voluntarily take the benefits of the act. Their creditors, however, may of course file a petition against them.

The bill as thus modified provides that bankruptcy proceedings may be had in United States district courts; that suits about the property rights of estates shall be had in the courts which would have had jurisdiction if bankruptcy proceedings had not been instituted; that evidence may be taken as under present laws; that meetings of creditors shall be had at the county seat of the county where the bankrupt resided unless it would be manifestly inconvenient for them, and in that event the court shall designate the place; that claimant; that referees may be appointed and their territorial districts fixe

other provisions necessary to make it a clear and comprehensive actupon the subject.

The Torrey bill, as introduced by Col. Oates of Alabama, a bill introduced by Mr. Hopkins of Illinois, and a bill introduced by Mr. Hopkins of Illinois, and a bill introduced by Mr. Hopkins of Illinois, and a bill introduced by Mr. Bailey of Texas were before the committee at the time it considered the subject.

The bill of Mr. Bailey was disposed of by the committee in its report as follows: "This bill by its terms proposes that a part of the proceeding shall take place in the State courts and part in the Federal courts. We do not think that this result can be accomplished without danger of bringing about unfortunate complications between such courts. At best we believe that the administration of the law in two separate tribunals would prove unduly expensive, leave undiminished the opportunities for the commission of fraud, and not be satisfactory to the parties affected by it.

"There seems to be reason to fear that under its provisions all debtors, the dishonest as well as the honest, would be discharged from their debts.

"The fact that it provides only for voluntary bankruptcy leaves to the dishonest debtor, we think, an opportunity to deliberately prepare for bankruptcy to the detriment of his creditors without giving them any right or opportunity to interfere and protect their interests. This possibility would impair the credit of all honest debtors and be of untold injury to them. As the latter, and not the former, are those who are entitled to the consideration of the law, we think its provisions are not sufficiently comprehensive of the subject."

The bill of Mr. Hopkins was disposed of by a mere reference to it, and the

on of the law, we think its provisions are not sumciently comprehensive of ne subject. "r.

The bill of Mr. Hopkins was disposed of by a mere reference to it, and the orrey bill was, as stated, reported as a substitute.

The report calls attention to the provision of the Federal Constitution, nder which the exclusive power to pass a bankruptcy law is reserved to ongress, and therefore can not be exercised in a comprehensive way by the tates.

Congress, and therefore can not be exercised in a comprehensive way by the States.

Preceding legislation by Congress upon this subject is referred to and the conclusion reached that because former attempts were not successful is no reason why Congress may not now act wisely upon the subject.

The fact that the States have enacted legislation upon the subject of insolvency is pointed to as constituting conclusive evidence that legislation is necessary making provision for the orderly distribution of those estates which are liquidated because of dishonesty or insolvency of their owners. The inevitable failure of many who engage in transactions on credit is called to mind, and the opinion expressed that it is absolutely necessary to provide legal means for the rehabilitation of honest insolvent debors and the prompt and economical administration of their estates among those to whom they equitably belong.

It is stated that the law in question will apply to the affairs of less than 2 per cent per annum of those conducting transactions on credit, since by statistics it is shown that only that number have their estates administered.

Under the heading "Rights of debtors and creditors" under the present State insolvency law, and under the proposed bankruptcy law, seventeen instances are given in which it is claimed that the interests of both parties will be promoted by the enactment of the law recommended

It is contended in a very carefully written argument that the passage of the bill reported will reduce the price of goods and the interest on money. The necessity for the bill, comprehending as it does both voluntary and involuntary bankruptcy, is argued at length, the contention being that a voluntary bankruptcy, is argued at length, the contention being that a voluntary bankruptcy, is argued at length, the contention being that a voluntary bankruptcy, is argued at length, the contention being that a voluntary bankruptcy, is argued at length, the contention being that a voluntary bankruptcy, is argued at length, t

class of debtors being the banks; that the effect of a voluntary law would seemingly, therefore, be to favor these gigantic corporations and not the poor people; that fair laws beget confidence, give stability to transactions on credit and redound to the general good, while imperfect laws result in the prevalence of rascality and the high price of goods consumed and large interest on money borrowed; that the people do not demand a partial one-sided law, but one which is in every sense comprehensive of the rights of both debtors and creditors.

It is contended that honest debtors and honest creditors in every station of life are in favor of the bill, and that the opposition is confined to those who have selftsh financial interests in opposing it, to dishonest debtors and avaricious creditors who favor the State laws because under them no debtor can obtain the right to a complete discharge.

The report concludes with the statement that the people are entitled to enjoy all the rights secured to them by the Federal Constitution; that one of those rights is to have enacted a bankruptcy law; that it can not be enjoyed except pursuant to enactment by Congress; that bodies of all sorts, and are now demanding the passage of this bill with an impressive unanimity; that the right exists, the demand has been made, and Congress ought to act.

Mr. BAILEY. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States, and had come to no resolution thereon.

WORLD'S FAIR PRIZE WINNERS' EXPOSITION AT NEW YORK.

Mr. COCKRAN, from the Committee on Ways and Means, reported back favorably the bill (H. R. 4015) in aid of the World's Fair Prize Winners' Exposition, to be held at New York City; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

EXTENSION OF TIME TO MINING CLAIMANTS.

Mr. WEADOCK. Mr. Speaker, I desire to submit a conference report on the bill (H. R. 3545) to amend section 2324 of the Revised Statutes of the United States relating to mining claims, and move the adoption of the report.

The SPEAKER. The Clerk will read the report.

The report of the committee of conference was read, as follows:

The report of the committee of conference was read, as follows:
The committee of conference on the disagreeing votes of the two Houses
on the amendment of the Senate to the bill (H. R. 545) to amend section numbered 2524 of the Revised Statutes of the United States, relating to mining
leaims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:
Strike out all after the word "aball," at the end of the first line, and insert in lieu thereof the words "not apply to the State of South Dakota."
And the Senate agree to the same.

THOMAS A. E. WEADOCK.

THOMAS A. E. WEADOCK, J. V. COCKRELL. Conferees on the part of the House. WM. M. STEWART, R. F. PETTIGREW, WM. B. BATE, Conferees on the part of the Senate.

The statement was read, as follows:

The Senate amended the bill by providing that it should apply only to natural persons who are bona fide residents of the State or Territory, or adjoining States or Territories, in which the mining claim is located. The Senate conferees receded from this amendment, and all the conferees then agreed to an amendment that the act should not apply to the State of

South Dakota

The SPEAKER. The question is on agreeing to the conference report

Mr. REED. What is the meaning of this?

Mr. REED. What is the meaning of this?

Mr. WEADOCK. I will state to the gentleman that the original bill provided that the statute requiring a certain amount of work annually by the claimants should be suspended as to 1893. That bill passed the House. The Senate amended the bill so that it should be limited to natural persons residing in the States and Territories, or adjoining States or Territories, in which the mines were located. That was the amendment which the House conferees disagreed to. Then an amendment was offered, which the conferees all agreed to that the laws. which the House conferees disagreed to. Then an amendment was offered, which the conferees all agreed to, that the law should be passed in the form in which it passed the House, but that it should not apply to South Dakota, following precedents in legislation which have excluded certain States from the operations of general law.

Mr. RAY. Now, if the gentleman will permit me. Mr. Speaker, I can not see any justice whatever in passing a bill of this kind excepting from the provisions of this bill the State of South Dakota. If it is a just and wise provision for one State in the

Dakota. If it is a just and wise provision for one State in the Union why not for all?

Mr. WEADOCK. I will state in reply to the gentlemen from

Mr. RAY. I want to state right here that I shall impede this all I can, and shall call for a division. I do not think the gentleman can get it through to-night.

Mr. WEADOCK. I would say, in answer to the statement of

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the gentleman from New York, that the Senator from South Dakota and both the Representatives from that State presented petitions of some 700 miners of that State objecting to the law applying to that State; and, so far as I am informed, no applica-tion was made for the passage of the bill from South Dakots, and it was the judgment of the conferees that it would be entirely satisfactory to the people of that State, and so the amendment was agreed to.

Mr. REED. After what has been said by the gentleman from New York it is evident that there is nothing for the House to do but to adjourn

Mr. WEADOCK. I have no objection to withdrawing the re-

Mr. PENCE. Ido not think the gentleman from New York will insist on the course he has suggested if he fairly understands the case, and if I may be permitted to say a word as to the effect of the law I can explain it in a few minutes. The only people interested in this enactment are the people who are claimants for unpatented mining claims. Understand the statute provides

Mr. WEADOCK. Mr. Speaker, I did not expect that the pre

Mr. WEADOUK. Mr. Speaker, I did not expect that the presentation of the conference report would provoke discussion at this time of the evening, and I will withdraw the report.

Mr. PENCE. I hope the gentleman will not do that, if there is any chance of prevailing upon the gentleman from New York to withdraw his opposition to the consideration of the conference report upon a full understanding of the matter.

Mr. RAY. I desire to say, Mr. Speaker, just one word in reply. I have several people in my district who are situated just as the other people are and who desire to be relieved of the effect of the law as it stands. They have claims in South Dakota, and everybody in the United States will be relieved except these men having claims there if this bill should pass as amended by the conferees. Now, I can see no justice in it; and if the House shall insist on a quorum on the adoption of this report and the passage of this bill they have the power to do it, but I shall op-

pose it so far as I am able.

The SPEAKER. The gentleman from Michigan withdraws the report; and he can present it at any time, as it is a question

of the highest privilege.

Mr. BAILEY. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as

By Mr. HOUK of Tennessee: A bill (H. R. 4307) for the relief of certain soldiers of the late war—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 4308) to further define the duties of the Federal courts concerning contempts and punishments therefor—to the Committee on the Judiciary.

By Mr. STORER (by request): A bill (H. R. 4309) for the purpose of experimenting with the projectile invented by Eli

Norris—to the Committee on Military Affairs.

By Mr HERMANN (by request): A bill (H. R. 4310) to provide a national circulating medium—to the Committee on Banking and Currenc

By Mr. McKEIGHAN; A bill (H. R. 4311) to provide for the construction of a public building at Hastings, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. CULBERSON: A bill (H. R. 4312) to provide for the

revival of suits by mandamus, against officers of the United States—to the Committee on the Judiciary.

By Mr. COOPER of Texas: A joint resolution (H. Res. 82) to enable William Umbdenstock and the heirs of William T. Scott, deceased, all of Harrison County, Tex., to sue the United States

to the Committee on Claims.

By Mr. RICHARDSON of Tennessee: A resolution to allow the Committee on Printing an annual clerk—to the Committee on Accounts.

Also, a resolution to change the time when bills and joint resolutions shall be engrossed and to change Rule XXI of the House-to the Committee on Rules.

By Mr. HARTMAN: A resolution directing the Committee on the District of Columbia to inquire into the existence of certain obstructions in Canal street, between P and L streets, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. WASHINGTON (by request): A resolution instructing the Committee on the District of Columbia to inquire into the condition of Canal street, Washington, D. C.—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following

titles were presented and referred as follows:

By Mr. CURTIS of Kansas: A bill (H. R. 4313) granting a pension to Ezekiel Marple, of North Topeka, Kans.—to the Committee on Invalid Pensions.

By Mr. COMPTON (by request): A bill (H. R. 4314) for the of of the heirs of Margaret J. McMurry—to the Committee on War Claims.

on War Claims.

By Mr. DE FOREST: A bill (H. R. 4315) for the relief of George Thompson—to the Committee on Pensions.

By Mr. HOUK of Tennessee: A bill (H. R. 4316) authorizing the Secretary of War to donate four condemned cannon to the Department of Tennessee, Grand Army of the Republic—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 4317) for the relief of Jacob Kernto the Committee on Claims.

Also, a bill (H. R. 4318) for the relief of Robert M. Gardnerto the Committee on Claims.

By Mr. McKEIGHAN: A bill (H. R. 4319) for the relief of Rev. M. M. Travis—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 4320) for the relief of Dollie E. Vedder—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. HERMANN: Memorial of the Chamber of Commerce

of Portland, Oregon, for pilot chart of the North Pacific-to the

Committee on Appropriations.

By Mr. HITT: Memorial of the commissioners of the Illinois and Michigan Canal, favoring a removal of the dams and deepening of the Illinois River—to the Committee on Rivers and

By Mr. RUSSELL of Connecticut: Petition of citizens of Put-am, Conn., in favor of the repeal of the Sherman silver law and the appointment of a commission to consider and recommend a plan of currency-to the Committee on Banking and

Currency.

By Mr. SPRINGER: Petition of the commissioners of the Illinois and Michigan Canal, in regard to improvements of the Illinois River—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS of Illinois: Affidavitof Albert G. Thomas in the case of Thomas D. Wagoner—to the Committee on Mili-

tary Affairs.

SENATE.

WEDNESDAY, November 1, 1893.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Journal of yesterday's proceedings was read and approved.

ASSISTANT CUSTODIANS AND JANITORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of October 17, 1893, a list of persons employed in public buildings as assistant custodians, etc.: which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a memorial of Rev. Gilbert Reid, a gentleman long a missionary in China, representing, I believe, the opinion and desire of the highly respectable persons who have prosecuted the work of the American Board of Missions in that Empire. I desire that the memorial, which is very brief, and states the view I have heretofore suggested, and which is accompanied by the draft of such a bill as would carry out the view, be printed as a document. I ask unanimous consent for that purpose. The VICE-PRESIDENT. Is there objection? The Chair hears none. The memorial will lie on the table and be printed

as a document.

Mr. PLATT. I present resolutions in the nature of a petition from the Central Labor Union, of Hartford, Conn., praying that the new Printing Office to be built by the Government shall be constructed by day's labor. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CULLOM presented the petition of A. Y. Trogdon, of Champaign, Ill., praying for the publication of all pension decisions made by the Board of Pension Appeals, etc.; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 420) granting the right of way for the construction of a railroad and other improvements through and on the Hot Springs Reservation, State of Arkansas, reported it with an amendment.

Mr. DOLPH. By direction of a majority of the Committee on Public Lands I report back favorably with an amendment the bill (S. 945) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," and submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Cal-

endar.

Mr. TELLER, from the Committee on the Judiciary, to whom
was referred the bill (H. R. 2002) to amend an act entitled "An act to provide the times and places for holding terms of United States courts in the States of Idaho and Wyoming," approved July 5, 1892, reported it without amendment.

FORT LARAMIE MILITARY RESERVATION BRIDGES.

Mr. CAREY. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 591) "to donate to the county of Laramie, Wyo., certain bridges on the abandoned Fort Laramie military reservation, and for other purposes," to report it with an amendment. I ask unanimous consent for the present consideration of the bill. I think there can be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read as follows:

Beit enacted, etc., That the bridges erected on the Fort Laramie military reservation by the United States in the county of Laramie, Wyo., are hereby donated to the said county of Laramie, on the condition that the said county shall keep the said bridges in repair and open, free of charge, for the use of the traveling public and the military authorities of the United States, and the Secretary of the Interior shall reserve from sale and entry of the public lands the grounds upon which the said bridges are located and sufficient land for their protection and for approaches thereto.

SEC. 2. That this act shall be of no effect one year after the date of its passage unless the said county of Laramie shall file in writing, within the said period, with the Secretary of the Interior, its acceptance of the terms of this act.

The amendment of the Committee on Public Lands was to add at the end of the bill the following proviso:

Provided, That if the said county shall at any time fail to conform to the conditions of this act, the said bridges and the lands that may be reserved shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

The bild was ordered to be engineered for a unit reading, read the third time, and passed.

Mr. CAREY. I ask that the letters of the Secretary of the Interior and the Commissioner of the General Land Office approving the donation provided by the bill be published in the RECORD for the information of the other House.

The VICE-PRESIDENT. Is there objection? The Chair

hears none, and it is so ordered.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 14, 1893.

Size: I transmit herewith report from the Commissioner of the General
Land Office on Senate bill No. 591, entitled "A bill to donate to the county of
Laramie, Wyo., certain bridges on the abandoned Fort Laramie military
reservation, and for other purposes."
I know of no objection to urge against the passage of said bill, and I submit, for your information, the report of the Commissioner without further
comment thereon.

Very respectfully,

HOKE SMITH,

Hon. JAMES H. BERRY, Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., September 4, 1893.

Siz: I have had the honor to receive, by reference from the Department, under date of August 21, 1893, for report in duplicate and return of paper, Senate bill No. 591. "To donate to the county of Laramie, Wyo., certain bridges on the abandoned Fort Laramie military reservation, and for other purposes," transmitted to the Department August 21, 1893, by Hon. James H. Berry, chairman of the Senate Committee on Public Lands, with a request for the views of your Department thereon.

The bill provides—

"That the bridgeq erected on the Fort Laramie military reservation by the United States in the county of Laramie, Wyo., are hereby donated to the

said county of Laramie, on the condition that the said county shall keep the said bridges in repair and open, free of charge, for the use of the traveling public and the military authorities of the United States, and the Secretary of the Interior shall reserve from sale and entry of the public lands the grounds upon which the said bridges are located and sufficient land for their waterities and for approaches thereto.

protection and for approaches thereto.

"Sec. 2. That this act shall be of no effect one year after the date of its passage unless the said county of Laranie shall file in writing, within the said period, with the Secretary of the Interior, its acceptance of the terms of this

"SEC. 2. That this act shall be of no effect one year after the date of 18 pasage unless the said county of Laramie shall file in writing, within the said period, with the Secretary of the Interior, its acceptance of the terms of this act."

In reply, I have the honor to report that the Fort Laramie reservation was established by Executive order of June 28, 1889, and relinquished by the War Department May 28, 1890, and transferred to the Interior Department for disposal under the act of July 5, 1884 (23 Stats., 183). When transferred, the improvements thereon consisted of one set of quarters, two wagon bridges, one footbridge, and a flagstaff.

On May 3, 1890, the Secretary of War requested your Department to inform him whether any objections existed to his issuing a revocable Heense granting to the county of Laramie authority to use and maintain the said bridges for the use of the public. This office made a favorable report thereon to the Department May 13, 1890, but is not advised whether or not said Heense was Issued.

The lands within this reservation. 33,415,24 acres, were disposed of under the homestead laws only by the act of July 10, 1890 (23 Stats., 227), which act provides, among other things. "That this act shall not apply to any subdivision of land, which subdivision may include adjoining lands to the amount of 160 acres, on which any buildings or improvements of the United States are situated until the Secretary of the Interior shall so direct."

After the survey of the reservation was completed, the local officers at Cheyenne, Wyo., on October 13, 1891, were instructed to allow entries for said lands in accordance with the said act of July 10, 1890, their attention being called to the fac, that provision was made for the disposal of lands occupied for town-site purposes, and of lands valuable for minerals, under the town site and mineral laws, respectively, and excepting any of the lands occupied for lower-interest of the special prof the local officers according to instructions, but they erroneou

rom entry by the local omeers according to instructions, but they erroneously allowed entries for subdivisions upon which two of the bridges are
situated.

The description of the bridges, their locations, and estimated values are
as follows: A wooden bridge across the Laramie River, on SE. 1 NW. 1 and
NE. 1 SW. 1, sec. 29. T. 25 N., R. 64 W., worth \$600: a footbridge across the
same river, on NW. 1 NW. 1, sec. 28, same township and range, worth \$150,
and an iron bridge across the North Platte River, on lots 2 and 3, sec. 25,
same township and range, worth \$20,000.

On November 5, 1891, the local officers allowed the following homestead
entries to be made for lands upon which two of these bridges rost, viz:
H. E. No. 2724, Benjamin A. Hart, for N. 1 NW. 1 and SW. 1 NW. 1, sec. 28, T.
25 N., R. 64 W.
H. E. No. 2730, Annie O'Brien, lots 5 and 6, sec. 21, lots 3 and 4, sec. 22, and
lot 2, sec. 27, T. 26 N., R. 64 W.
The subdivision upon which the footbridge is situated, NW. 1 NW. 1, sec.
28, is included in Hart's entry, and one of the subdivisions upon which the
fron bridge rests, lot 3, sec. 22, is included in Mrs. O Brien's entry.
When this office became aware that these entries had been allowed to go
to record for lands upon which improvements are situated, they were suspended, and the matter was about to be submitted to your Department for
consideration, and the local officers were again instructed on July 26, 1893,
not to allow entries for lot 2, sec. 22, the other subdivision upon which the
tron bridge rests, and the subdivision upon which the wooden bridge is situated, viz, SE. 1 NW. 2 and NE. 2 SW. 2, sec. 29, T. 25 N., R. 64 W.

These homestead entries were improperly allowed for lands reserved by
act of Congress, and ino rights to the tracts upon which the improvements
are situated have been acquired thereunder, which would interfere with
the passage of this bill. I, therefore, see no objections to its becoming a law.
On line 8, page 1, of the bill a typographical error occurs, "Unied" being
used fo

S. W. LAMOREUX,

The Hon. SECRETARY OF THE INTERIOR.

HISTORY OF INTERNATIONAL ARBITRATIONS.

Mr. GRAY. I am directed by the Committee on Foreign Relations to report a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. 37) to provide for the printing of a history and digest of the international arbitrations to which the United States was a party, and for other purposes, was read the first time by its title, and the second time at length, as fol-

Resolved, etc., That there be printed the usual number of copies of a history of the international arbitrations to which the United States was a party, together with a digest of the decisions rendered in such arbitrations, and that, in addition to said usual number, there be printed and bound in sheep 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Department of Statesaid history and digest to be printed under the editorial supervision of John Bassett Moore, and the editing to be paid for out of any moneys in the Treasury not otherwise appropriated, on the direction of the Secretary of State, at a price not to exceed \$2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HILL. I should like to hear some explanation of the joint resolution.

Mr. GRAY. This matter is familiar to a great many Senators as one that came before us some years ago, prior to the time when the Senator from New York was a member of this body. Perhaps I can best state the scope of the joint resolution and give the information the Senator from New York and other Senators may require by reading a letter from Mr. J. B. Moore, dated September 13, 1893, addressed to the chairman of the Committee on Foreign Relations:

WASHINGTON, September 13, 1893.

The Hon. John T. Morgan, United States Senate.

My DEAR SIR: By a joint resolution, approved July 28, 1886. Congress authorized the publication, under the editorial supervision of Francis Wharton, of a Digest of the International Law of the United States, taken from the Opinions of Presidents and Sepretaries of State, and of Attorneys-General, and from the Decisions of Federal Courts, and of Joint International Commissions in which the United States was a Party.

It was provided by the resolution that the editing should be paid for at a price to be fixed by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives, acting with the Joint Committee on Printing, not to exceed \$10,000.

of Representatives, according that are very extended to profit or the Federal courts was completed, the labor of digesting the decisions of the Federal courts was completed, the labor of digesting the decisions of the international commissions had not progressed far enough to promise an early conclusion. This fact was due to the great amount of labor involved in dealing with the very extensive records and masses of unarranged manuscripts of the commissions.

missions.

Under these circumstances Dr. Wharton proceeded to print the International Law Digest, in three volumes, as it now stands, without including the decisions of the International Commissions.

I presume all Senators are familiar with the three volumes edited by Dr. Francis Wharton, than which I think no more important publication has been undertaken by the Government.

edited by Dr. Francis Wharton, than which I think no more important publication has been undertaken by the Government.

But, in his preface to that work (page viii), he stated "the digest of the rulings of the international commissions, " " undertaken by the Hon. John B. Moore, will occupy a separate volume. Of the importance of such a digest I can not speak too highly."

On these facts Dr. Wharton was allowed, from the \$10,000 available under the resolution, the sum of \$7,500, the sum of \$2,500 being reserved for the editing of the commissions.

It was not till 1891, two years after Dr. Wharton's death, that Mr. Moore completed his digest of the decisions of the commissions. In the meantime he had enlarged the scope of the work so as to include, not only international commissions, but also all the international arbitrations to which the Government of the United States has been a party. Besides this, he has added to the digest of the decisions a complete history of our arbitrations, thus presenting a comprehensive view of the subject both in its legal and in its historical aspects.

In February, 1891, Mr. Evarts reported to the Senate, from the Library Committee, a joint resolution to authorize the printing of the history and digest of the arbitrations under the editorial supervision of Mr. Moore. This resolution, being referred to the Printing Committee, was favorably reported by that committee to the Senate on March 2, 1891, and passed unanimously. Its adoption was strongly recommended at the time by the Secretary of State, Mr. Blaine, as appears by his letter to Mr. MANDERSON, of February 20, 1891, a copy of which is herewith inclosed.

In December, 1892, the resolution was introduced in the House by Mr. W. C. P. Bleeckinsteds, and was referred to the Committee on Foreign Affairs. Mr. Breckinsteds, and was referred to the Committee on Foreign Affairs. Mr. Breckinsteds, and was referred to the Committee on Foreign Affairs. Mr. Breckinsteds, and was referred to the Committee on Foreign Affairs. Mr. Breckinsted

The amount authorized by that resolution was \$10,000. Seven thousand five hundred dollars was paid to Dr. Wharton and \$2,500 were reserved, as was supposed, for the completion of the work by Mr. Moore. I need not state the high character of Mr. Moore as a student and lawyer.

Mr. HILL. Is he the author of Moore on Extradition?

Mr. GRAY. Yes.
Mr. HULL. That is a very valuable work. I have no objection, Mr. President, to the joint resolution.
Mr. GRAY. This volume will be a very valuable addition to

Mr. GRAY. This volume will be a very variable addition to the literature of this great and comprehensive subject.

Mr. HAWLEY. It was difficult to hear all the Senator from Delaware said. How much additional matter will this make?

Mr. GRAY. It will not make more than one volume.

Mr. HAWLEY. And it will be uniform with the preceding

three volumes? Mr. GRAY.

It will be uniform with them.

Mr. HAWLEY. A continuation, a completion? Mr. GRAY. Yes; and it will add very much to the value of the preceding work

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 1144) for the relief of

the estate of Maria E. Warfield; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAFFERY introduced a bill (S. 1145) for the relief of the estate of Marcus Walker, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1146) referring the joint claim of T. Alonzo Walker, and Augusta C. Todd for proceeds of cotton

to the Court of Claims for adjudication; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1147) for the relief of the heirs of Hilary B. Cenas; which was read twice by its title, and referred to the Committee on Claims.

Mr. HUNTON introduced a bill (S. 1148) to provide a build. Mr. HUNTON introduced a bin (S. 1145) to provide a building site for the National Conservatory of Music of America; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAFFERY introduced a joint resolution (S. R. 38) relative of contain land titles in Lordon.

tive to the confirmation of certain land titles in Louisiana; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT OF THE RULES.

Mr. HILL. I submit two resolutions proposing amendments to the Rules, which I ask to have read and referred to the Committee on Rules.

The resolutions were read and referred to the Committee on Rules, as follows:

Rules, as follows:

Resolved, That Rule V of the standing rules of the Senate be, and the same is hereby, amended by adding at the end thereof the following:

"Whenever upon any roll call any Senator who is present within the Senate Chamber refuses to make response when his name shall be called, it shall be the duty of the Presiding Officer, either upon his own motion or upon the suggestion of any Senator, to request the Senator so remaining silent to respond to his name, and if such Senator fails so to do, the fact of such request and refusal shall be entered in the Journal, and such Senator shall be counted as present for the purpose of constituting a quorum.

Resolved, That subdivision 2 of Rule V of the Standing Rules of the Senate be, and the same is hereby, amended so as to read as follows:

"If at any time during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate; but no Senator while speaking shall be interrupted by any other Senator raising the question of the lack of a quorum, and the question as to the presence of a quorum shall not be raised oftener than once in every hour, but this provision shall not apply where the absence of a quorum is disclosed upon any roll call of the yeas and nays."

Mr. MANDERSON. I think that under the practice these

Mr. MANDERSON. I think that under the practice these

Mr. MANDERSON. I think that there the practice these proposed amendments would not be printed, but would be considered in the nature of notices. I ask that they be printed. The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is

ALLOWANCES TO STATES FOR MILITARY SUPPLIES.

Mr. HILL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the allowances made to the State of New York by the Third Auditor under the provisions of the act of July 27, 1861, and any further allowances to which other States may be entitled under said act, as the same has been construed by the order of the Secretary of the Treasury dated February 8, 1893.

BULLION PURCHASES.

Mr. TELLER submitted the following resolution; which was

Resolved. That the Secretary of the Treasury be, and he hereby is, directed to furnish the Senate with a statement giving the aggregate amount of silver builion purchased under the act of July 14, 1890, during the month of October, 1893, together with the cost thereof, the amount, date, and price of each purchase, and the name of the vendor. Also the aggregate amount of silver builion offered for sale during the said month, the amount, date, and price of each offer, and the name of the person making such offer, and how paid for.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes. It further insisted upon its disagreement to the amendment of the Senate numbered 6, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. LIVINGSTON, and Mr. CANNON of

Illinois, managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H.R. 1917) authorizing the Texarkana and Fort Smith

A bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River in the State of Arkansas, or in the State of Texas;

A bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Mooringsport, La., and Cross Bayou, near Shreveport, La.; and

A joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the national encampment of the Grand Army of the Republic at Pittsburg, Pa., in 1894.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask that the action of the House of Representatives on the urgent deficiency appropriation bill be laid before the Senate in order that the Senate may agree to the further conference asked.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, further insisting on its disagreement to the amendment of the Senate numbered six to the bill, and requesting a further conference with the Senate on the

disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate accede to the request of the House of Representatives for a further conference. The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. Cock-Rell, Mr. GORMAN, and Mr. Cullom were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

bill (H. R. 1917) authorizing the Texarkana and Fort Smith Railway Company to bridge the Sulphur River in the State of Arkansas or in the State of Texas; and

A bill (H. R. 1919) authorizing the Texarkana and Fort Smith Railway Company to bridge Caddo Lake at or near Moorings-

port, La., and Cross Bayou, near Shreveport, La.

The joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the national encampment of the Grand Army of the Republic at Pittsburg, Pa., in 1894, was read twice by its title, and referred to the Committee on Military Affairs.

RELIEF OF SETTLERS ON INDIAN LANDS.

Mr. GRAY. Mr. President-

Mr. PETTIGREW. I ask unanimous consent that the Senate at this time consider Senate bill 131.

The VICE-PRESIDENT. Is there objection to the request

of the Senator from South Dakota?

Mr. GRAY. I do not wish to object if the matter is not to

consume too much time.

Mr. PETTIGREW. I think it will not. A similar bill has passed the Senate before. It is recommended by the Depart-

ment and I think it can give rise to no controversy.

The VICE-PRESIDENT. The bill will be stated.

The SECRETARY. A bill (S. 131) making an appropriation to pay the damages resulting to the persons who went upon the Crow Creek and Winnebago Indian Reservation, in the State of

South Dakota, between the 17th day of February and the 27th day of April, 1885.
Mr. GRAY. May I rise to a question of order? I thought

that I was recognized and that the Senator from South Dakota rose to present morning business. I gave way supposing that it was a matter of morning business.

The VICE-PRESIDENT. The Chair was not advised for what

The Chair was not advised for what purpose the Sanator from South Dakota rose.

Mr. PETTIGREW. I was on the floor for some time before

the Senator from Delaware addressed the Chair, and I supposed I was recognized on that account.

Mr. COCKRELL. I hope the Senator from South Dakota will not call up that bill until the Senator from Arkansas [Mr. JONES], who is the chairman of the Committee on Indian Affairs,

Mr. PETTIGREW. Very well; I will withdraw my request.

RELIEF OF SUFFERERS FROM RECENT CYCLONE.

Mr. HOAR. I introduce the following bill, which I ask unani-

mous consent may be now considered—
Mr. TURPIE. 1 object.
Mr. HOAR. I desire that the bill may be read in full for in-

formation.

Mr. TURPIE. Mr. President, I object.

The VICE-PRESIDENT. There is objection.

Mr. HOAR. I beg the Senator from Indiana to listen for information and see what the bill is.

Mr. TURPIE. I ask the Senator from Massachusetts to hear a statement. I have sat here now a good many years in my term of service. I have never objected to the introduction of any bill. Service. I have never objected to the introduction of any ont, to the calling of any question, I have never interrupted another Senator, or made the slightest obstruction to business. Yesterday I had occasion to ask for the consideration of a certain measure. I regret very much to resort to the lex talionis. I would

rather act from what I conceive at least to be a higher motive, but I obje

Mr. HOAR. If my honorable friend will permit me, I am absolutely certain that if I should disclose to him the reasons for the objection of mine to which he refers he would concur in it.

This is not a matter in which I have the slightest personal interest. It is a matter affecting 30,000 persons who are stirving to death at this moment in a part of the country remote from where I live; and it has become my duty to present this memorial and bill because the memorialist happens to be a near neighbor and bill because the memorialist happens to be a near neighbor of mine when she is at home. Every hour lost will result probably in some human being perishing of starvation. I know the kind heart to which I appeal so well, that I feel quite confident the Senator will at least allow the bill and memorial to be read for information.

Mr. PLATT. The Senator can have the bill read anyway.
Mr. TURPIE. I made a similar uppeal yesterday concern Mr. FIATI. The Senator can have the off read anyway.
Mr. TURPIE. I made a similar appeal yesterday concerning a measure affecting a much larger number of persons. It was unavailing. I never have objected to any Senator's bill, to any Senator's motion, to any Senator's appeal for the consideration of any measure. I therefore claim the courtesy when I ask, as I occasionally do, for consideration, that there should be no objec-I object to this measure.

Mr. BUTLER. May I add—
Mr. HOAR. I will do anything short of going down on my knees to the Senator from Indiana to beg his pardon; that is, within the limits of a decent manhood. I hope he will not carry his feeling into this measure.

Mr. TURPIE. Mr. President, I am not asking the Senator to beg my pardon. He had a perfect right to object yesterday. My

right is as perfect to-day.

Mr. COCKRELL. The right to have the bill read the first time is unquestioned. I object to a second reading; but let it be

read the first time, and that will end it.

The bill (S. 1149) to relieve the sufferers from the recent cyclone on and near the sea islands by the coast of South Carolina and Georgia was read the first time by its title.

and Georgia was read the first time by its title.

Mr. HOAR. I now desire to have read the memorial of Miss Clara Barton, the president of the Red Cross, which I also present. I ask that it may be read by the Secretary.

The VICE-PRESIDENT. The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

Memorial to the Senate and House of Representatives of the United States sembled-

Mr. TURPIE. Mr. President, is unanimous consent necessary or the reading? If so, I object.

for the reading? If so, I object.

Mr. PLATT. I suppose that a bill can be read the first time as a matter of course under our rules.

The VICE-PRESIDENT. The bill has been read by title the

first time. Mr. COCKRELL. This is the memorial.

Mr. TURPIE. I have no other motive except to maintain the parity of courtesy.

The VICE-PRESIDENT. Is there objection to the reading

of the memorial?

Mr. TURPIE. I object. Mr. HOAR. If the Secretary will send the memorial to me I

will state its contents.

Mr. President, this is a memorial of Miss Clara Barton, the president of the American Red Cross, who is well known to the country as one of its most distinguished citizens, who had a large share in organizing the relief commission during the war known as the Sanitary Commission, and in executing its work; who as the Sanitary Commission, and in executing its work; who since then, whenever there has been a suffering community from yellow fever or postilence or flood, where the local resources were insufficient to cope with the evil, has repaired with her force to the spot with organized charity and humanity and healing, and has afforded a relief which no unorganized and un-skilled private resource would be sufficient to accomplish.

She is a person known not only throughout our land, but through the whole civilized world. She has inaugurated and obtained the assent of all civilized nations to giving certain privileges and opportunities to the Red Cross, which have been and will be large instrumentalities in alleviating the horrors of war itself. Countless millions and uncounted generations will profit by the humanity of which she has been so largely the embodiment. She has visited, this memorial states, in the service of the Red Cross, the sea islands on the coast of South Carolina and Georgia and the neighboring mainland being summoned by and Georgia and the neighboring mainland, being summoned by a distress and destitution occasioned by the terrible cyclone which passed over that country, a cyclone which not only de-stroyed crops, but prostrated dwellings and was accompanied by floods, which destroyed natural and artificial systems of drain-age throughout that region, so that it is a water-soaked and water-logged tract of country, where not only the absence of food menaces starvation to these 30,000 people, but pestilence, miasma, and malaria are to follow. There has been no such tale miasma, and malaria are to follow. There has bee of human suffering in this country for a long time.

It happens to me to present the memorial in which these facts are recited, not because of any personal relation of mine to the subject, but solely because this lady happens to have her dwelling within 10 miles of the spot where I live.

A large sum of money—a considerable sum of money, I will not speak of it as a large sum of money—has been raised by private resources; other sums of money will be raised; and this lady thinks she can take care of these people through the winter de-cently if there can be an appropriation of \$50,000, to be employed in setting them at work to restore the ravages occasioned by the

We spend our money to protect our rivers and harbors against the ravages of such storms, and there are plenty of instances in our history sanctioning expenditures for the relief of such dis-

I present this memorial, and ask the unanimous consent of the Senate for the consideration of the bill. My honorable friend from Indiana, I think, would ordinarily rather prefer, before he makes an objection merely because he remembers that I once made an objection to something of his, to know something of my reasons, but we will let all that pass.

Mr. BUTLER. I think perhaps I ought to make a statement in connection with the memorial and bill presented by the Sen-

ator from Massachusetts [Mr. HOAR].

Miss Clara Barton, to whom the Senator from Massachusetts has referred as the president of the Red Cross Association, went to South Carolina at my request and that of the governor of the State soon after the recent terrible disaster along the coast, which has not been exaggerated, and can not be exaggerated.

May I interrupt the honorable Senator from South Carolina?

Mr. BUTLER. Yes, sir. Mr. TURPIE. I should like to ask the honorable Senator from South Carolina whether he desires that the memorial be

Mr. BUTLER. I should be very glad to have it read; but I want to first make a statement in connection with it.
Mr. TURPIE. If the honorable Senator from South Carolina

desires the memorial read I shall withdraw my objection,

Mr. BUTLER. I am very much obliged to the Senator from

Miss Barton, as I said, went to South Carolina at my request and at the request of the governor of the State. I accompanied her when she made her first visit. We had seen reports in the newspapers of the effects of the storm which swept along that coast, but they did not begin to do justice to the extent of the destruction which resulted. The Senator from Massachusetts has said that that storm swept over those islands, and from the best information we could gather, about a thousand of those people were drowned. After going there in person, the surprise to me was that any of them escaped. That cyclone occurred at a season of the year when the crops were maturing from which the people there expected to get through the winter. The fall is very much more terrible than perhaps any other season of the year. Among other things, according to the reports of persons who have made a critical examination, there were 6,000 houses of those people destroyed by that flood and wind, almost their entire crop was swept away, nearly all of their work animals and their farming implements were also destroyed, and they were left in that condition.

Miss Barton went down, and, as I said, I accompanied her to Beaufort, meeting the governor of the State on the railroad as we were going down. There had been a committee organized in the city of Charleston and one in the city of Beaufort. They had, as the Senator from Massachusetts has stated, collected quite a quantity of supplies, clothing, and some money, not a very large amount.

I requested the Secretary of Agriculture to send them all the turnip and cabbage seed he had to spare, and such seed as could be made available at this season of the year in that climate. He did very kindly send down, I think, 5,000 packages of turnip seed and quite a quantity of cabbage seed, which have been planted and from which the hope is that valuable results will

be realized. Miss Barton hesitated for sometime about taking charge of this work. After consultation with the committees, I advised that the whole matter be turned over to the Red Cross, which was done. She finds, upon a more critical inquiry and examina-tion, as the Senator from Massachusetts has said, that there are 30,000 people, almost entirely colored people, who are now suf-fering for something to eat. As I said, their habitations have been swept away and many of them are now living on the ground without shelter. Miss Barton told me yesterday or the day be-

fore that the allowance she was enabled to give to a family of five or six people was 1 pound of bacon and 1 peck of homing. that they had to live on that for a week.

I felt some delicacy in asking Congress to make this appro-I felt some deleacy in asking congress to make this appropriation, because my views upon that subject are thoroughly well understood, and my opinion now is that the State I in part represent ought to go to the rescue and relief of those people; but if the State does not do it and private contributions do not relieve the distress, there is bound to be very great suffering among those people in the next five or six months. The Senstor from Massachusetts very kindly, after conferring with me, agreed to offer the memorial and bill.

Miss Barton's idea was, first, when she discussed the matter with me, not to ask Congress for an appropriation to buy rations with me, not to ask Congress for an appropriation to buy rations and clothing and things of that kind, but to ask Congress for an appropriation of \$50,000, which might be used in putting those people to work, rebuilding their houses, draining their land, and doing whatever work they could get to do.

Unfortunately, the Marine Phosphate Company and other companies which heretofore have given employment to a great many of these people were absolutely stranded by the story and

many of these people were absolutely stranded by the storm, not only losing in actual money, as I am informed, about \$150,000, but their dredges were turned upside down and sunk, their wharves were washed away, and it has been impossible for them to resume. So that source of employment has been paralyzed and destroyed. When those companies shall be able to resume none of us can say, possibly not this winter. calamity

In addition to that, the resources of all the white people in that country have been in a large measure seriously impaired, so that they scarcely have more than enough for their own pur-

I do not know what course Congress will take in regard to the subject, and I am generally the last person to ask for this kind of appropriation from the Government. I repeat that I have heretofore held, and now hold, it is only where there is some overpowering, uncontrollable condition with which the local au-thorities can not deal that I can conceive that Congress may

properly interfere and loan its aid, at least.

I thought it was due to the Senator from Massachusetts and to myself that I should make this statement. He has very kindly and generously offered the memorial and the bill. The Senator from Indiana having consented to the reading of the memorial, I should be glad to have it read, and also the bill.

The VICE-PRESIDENT. The Secretary will read as re-

quested.
Mr. COCKRELL. Mr. President, I have objected to the second reading of the bill, and that objection holds, and will not the second reading of the bill, and that objection holds, and will not worth while to waste time about it.

be withdrawn. It is not worth while to waste time about 10.

Mr. BUTLER. I am not wasting any time. I should be very glad to have the memorial read. If there is objection to its being read by the Secretary, I shall take the memorial and make it a part of my remarks, which would only subject me to inconvenience. I understand, however, that there is no objection to the reading of the memorial as I ask that it may be read.

the reading of the memorial, so I ask that it may be read.

The VICE-PRESIDENT. Without objection the Secretary will read the memorial.

The Secretary read as follows:

A memorial.

The Secretary read as follows:

A memorial.

To the Senate and House of Representatives of the United States in Congress assembled:

The American National Red Cross, an organization, national and international, official in other countries and semioficial in this, taking charge of relief work unprovided for by law, other than the Marine Hospital and Life Saving Departments of the Government take cognizance of, respectfully and prayerfully presents this memorial to you in behalf and in the name of the \$0.000 destitute and suffering people on the sea islands of our coast.

On the petition and at the earnest solicitation not only of South Carolina's governor, her senior Senator, and most prominent citizens, but also some of the leading humanitarians of the country, the Red Cross went to the field of calamity, and after a careful, thorough, painstaking investigation that only veterans in that kind of work can make, we, the president of the Red Cross and her field officers, find this condition of affairs to exist:

In a district 135 miles long, from the islands on the boundary line of South Carolina and Georgia, to those about Charleston on the north and from Hilton Heal, Folly, and Morris Islands, to a point inland 20 miles, or where the tidal wave had spent its fury, there are \$0.000 people suffering for the bare necessities of life, starvation their immediate heritage. Hungry, naked, sick, and homeless, these men, women, and children stand utterly helpless, stricken dumb before this awful work of the midnight storm.

Where but a few short weeks ago were happy homes, cotton, potato, and corn fields, representing months of patient toil and industry, almost ready for the harvest, now naught remains but the bleak and desolate land, a board or two in the drift; that is all; no house, no crop; all gone.

Thirty thousand people to feed, clothe, nurse, and shelter for seven months, to until next year? scrops can be harvested; todo this we have on hand scant \$30.000, a dollar to keep one person alive for seven months, to s

Just to feed this vast multitude and keep anything for the future needs, we are obliged to make this standard ration: For a family of seven persons for one full week, I peck of hominy or grits, and I pound of pork.

Six thousand houses will have to be built entire or repaired as necessity demands. We have already purchased 500,000 feet of lumber, the generous lumber merchants and railroad officials making it possible to get this large amount at 55 a thousand feet delivered, with the privilege of duplicating the amount if necessary. The people can rate this lumber to their islands; but saws, hatchets, and rails must be had to build the houses.

The soil on these islands is wet and sour, the drains and ditches choked up and useless, and vegetation will thrive in but comparatively few places. The people are living on this damp ground in tents, under sheds, and tree limbs, and the storm of the 12th of October that swept over this district found them defenseless, and left them in a more pitiful condition than ever. Malaria in acute form is there, typhoid, typhus, and pneumonia will, in the near future, be epidemic.

Malaria in acute form is there, typhoid, typhus, and pneumonia will, in the near future, be epidemic.

The condition of the district is as stated; the remedy we suggest is this: The sum of 80,000 be intrusted to the Red Cross upon good and sufficient bonds in double the amount named, to be used wholly and solely in the employment of labor, in putting the islands in proper sanitary conditions, draining the lands so that crops can be produced and houses built for the people who are now helpiess through no fault of theirs. Strict account to be kept, and voucners made for every expenditure, and if a balance remain it shall be returned to the Treasury of the United States.

The Red Cross will undertake to feed and clothe these people from the funds and provisions given by our generous citizens, if it can be relieved in the manner prayed for; free rations must not be given, as that demoralizes and pauperizes.

If the lands are not drained and ditched, no crops can be grown, which will keep the people in an impoverished condition.

and pauperizes.

If the lands are not drained and ditched, no crops can be grown, which will keep the people in an impoverished condition.

We pray your favorable consideration of this memoral, and immediate action by joint resolution, for if relief is delayed the world will soon ring with the humiliating cry that a famine exists in the United States of America.

CLARA BARTON.

President of the American National Red Cross.

Mr. GORMAN. I suggest to the Senators from South Carolina and Massachusetts that the memorial be printed as a document, and that it be not printed in the RECORD.

Mr. HOAR. It is very brief.

Mr. GORMAN. The memorial has been read to the Senate, it is true, for information, and that was proper; but I suggest that the Senator will accomplish all he wishes by having it printed

and published as a document.

Mr. HOAR. I think Senators would like to have the memorial appear as part of the proceedings of the Senate. It is very brief, and its printing may save a good deal more in the way of debate than the memorial will occupy in the RECORD. Mr. GORMAN. Very well; if the Senator insists upon it, I

press the request.

Mr. HOAR. I give notice that to-morrow morning, after the routine morning business, I shall move to take up the bill.

Mr. PEFFER. Before any action is taken I ask the consent of the Senate to be heard a minute or two. I know the remarks which have been made have been out of order, and because of

that I ask that I may be heard very briefly.

The VICE-PRESIDENT. The Chair recognizes the Senator

from Kansas Mr. PEFFER. This matter, Mr. President, is a very serious as from every point of view. Not only is it serious, but it is one from every point of view. Not only is it serious, but it is one that in a much enlarged form will very soon be brought to the attention of Congress from other portions of the country, as well as the particular locality mentioned in the memorial. There are a great many other people who are in circumstances as destitute as these. The miners in the mining regions, many of the farmers in different portions of the country, and especially in the newer portions, are in the same condition. I have in my hand now a printed dispatch in the New York Press, referring to some of the people in the southwestern counties of my own State, where a similar condition prevails. The same is true in many other portions of the country, in the manufacturing regions in the Eastern States, in New York City, in Boston, and all over the country, from which appeals are coming to us of the same

What I wish to say in connection with this subject is, that if it is pressed upon the attention of the Senate, while I believe that we have no constitutional authority whatever for using the that we have no constitutional authority whatever for using the people's money for such a purpose, yet, if this is pressed, I shall ask that the area be enlarged to take in the whole country, and that an appropriation sufficiently large be made to set all the idle men in the United States at work. That is all I wish to say.

PERMITS FOR OPENING STREETS AND ALLEYS.

Mr. DOLPH. I offer a resolution, which I ask may be considered at this time

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

The Secretary read as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to communicate to the Senate the following information, to wit:

1. How many permits have been granted by them for the opening of streets and alleys, or portions of the same, for the laying or the repairing of water pipes, sewers, or for other purposes, since the lat day of December, 1862;

2. How much money was required by them to be deposited upon the granting of each permit?

3. How much of the amount deposited with each permit granted was required to restore the paving over each cut made under each permit granted?

4. What portion of the amount, if any, of the deposit made with each permit granted was in excess of the amount actually required to restore the

mit granted was in excess of the amount actually required to restore the cut made under such permits?

5. What was the deficit, if any, in the deposit made for each or any of the permits granted for the purposes heretofore mentioned?

6. What disposition was made of the amounts deposited in excess, if any, of the cost of the work under each permit granted?

7. If there was a deficit in any of the deposits made for permits referred to above, how was said deficit provided for?

8. What price is paid for the repairing of the cuts made for the purposes above mentioned, and how is the amount of work done under each permit ascertained; is the measurement made by the contractor or an officer of the District of Columbia?

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MANDERSON. It seems to me that that resolution calls

Mr. MANDERSON. It seems to me that that resolution calls for an enormous amount of detailed information, the publication of which would be exceedingly expensive. It may be that the resolution is so guarded as not to run into too much detail; but I ask that it may go over until to-morrow.

Mr. DOLPH. I suggest to the Senator that I do not think that is the case. I understand the practice in the District is, and parhang the law is that when proceedings.

that is the case. I understand the practice in the District is, and perhaps the law is, that when a party desires to cut up the streets for the purpose of laying water pipes he must make a deposit. I understand that there has been no report made of the amount deposited or the amount required for the repair of streets; that there has never been any deposit returned or any account made, if there should be a deposit. This comes to me from a very responsible party in the District, who wants information on the subject; and the resolution only covers a year. It is information which is not published and is not given to the published and is not given to the published and is not given to the published and the resolution of the subject is not published and the publishe public in any shape. It need not be printed, but when the information is sent in it may go to the Committee on Printing if it becomes necessary. Certainly, however, it is information which should be given to the public in some way. I hope the Senator will withdraw his objection.
Mr. MANDERSON. All right.

Mr. MANDERSON. All right.
The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MANDERSON. I do not object.
The resolution was considered by unanimous consent, and agreed to.

ENGROSSMENT AND ENROLLMENT OF BILLS.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the concurrent resolution proposing a change in the method of enrolling and engrossing bills. I think it will take but a moment.

By unanimous consent, the Senate proceeded to consider the following House concurrent resolution:

following House concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That, beginning with the first day of the regular session of the Fifty-third Congress, to wit, the first day of the regular session of the Fifty-third Congress, to wit, the first Monday in December, 1893, in fleu of being engrossed, every bill and joint resolution in each House of Congress at the stage of the consideration at which a bill or joint resolution is at present engrossed, shall be printed, and such printed copy shall take the place of what is now known as, and shall be called, the engrossed bill, or resolution, as the case may be; and it shall be dealt with in the same manner as engrossed bills and joint resolutions are easit with at present, and shall be sent in printed form, after passing, to the other House, and in that form shall be dealt with by that House, and its officers in the same manner in which engrossed bills and joint resolution are now dealt with.

Resolved, That when such bill or joint resolution shall have passed both Houses, it shall be printed on parchment, which printshall be in lieu of what is now known as, and shall be dealt with in the same manner in which enrolled bills and joint resolutions are now dealt with.

Resolved, That the Joint Committee on Printing is hereby charged with the duty of having the foregoing resolutions properly executed, and is empowered to take such steps as may be necessary to carry them into effect, and provide for the speedy execution of the printing herein contemplated.

Mr. MANDERSON. This concurrent resolution received the

Mr. MANDERSON. This concurrent resolution received the approval of the joint committee of the two Houses charged with the duty of investigating matters of this character, and it was referred on my motion to the Committee on Printing of the Sen-That committee reported it back without recommendation. believing that there was hardly time for that exploration which

might be needed to make a report which would be of value.

I think that this is a step in the right direction. The only thing I fear is that in the closing days of a session, particularly when appropriation bills are pressing for consideration and receive that constant change which comes from conference between the two Houses, we may be embarrassed and may find our selves in a strait-jacket which would prevent that freedom of

action which is desired.

The resolution is in the form, it is true, of a concurrent resolution, as it should be, and can at any time very easily be changed, and therefore I make no objection to it; but I think we shall find when we come to the closing hours of a session, and particularly the short session, that the delay incident to sending the great appropriation bills to the Printer and their return will be greatly to our embarrassment.

I do not, however, object to the resolution. I have talked with some of the experts and with the foreman of the Printing Office. and he thinks the thing can be cared for, unless probably at the exceptional time I have mentioned.
Mr. DOLPH. I was about to inc

Mr. DOLPH. I was about to inquire of the committee if they had considered this very matter, that is, how this resolution would affect the transaction of business during the last hours of a session which is terminated by limitation of law?

Mr. MANDERSON. I will say, and I think the Senator from Missouri [Mr. Cockrell] will say, that this is in the nature of an experiment as much as anything else, to see if we can not get

into a better way of doing business.

Mr. DOLPH. Of course if Congress will govern itself accordingly and virtually get through with legislation on the 3d of March, instead of extending it into the next day, it can be done. I rose to suggest whether it would not be well to amend the resolution so as to except the last days of sessions which are limited by law.

Mr. COCKRELL. In answer to the Senator I desire to say that, as a matter of course, we can not see exactly what may be the complications in the press of business which may come in the last few hours of a Congress at the short session only. is no danger at any other time. This is only a concurrent resolution, and we can amend it in ten minutes at any time we wish to, so that we may carry it out perfectly.

Nearly every other nation has its engrossing and enrolling prieted. I requested the Secretary of State to communicate with our ministers in England and Germany and France, and a number of other countries, and to secure a statement of their methods of engrossment and enrollment. We had all this information of the countries of th mation presented in form. England adopted her present method of printing in 1849, and they have had no trouble at all in printing instead of enrolling and engrossing bills in Parliament.

We desire to have this concurrent resolution now passed in

order that we may commence at the beginning of the next ses sion, and so that we can make improvements and perfect the machinery during the long session, when I have no doubt we can carry it on with success. I think in all probability in the closing days of the short session only it may be necessary to have quite a number of printers here, with material and appliances in the building; but otherwise there will be no necessity

We never have an appropriation bill which can not be returned to us from the Printing Office inside of four hours, and in an emergency it could be done in less time than that.

Mr. DOLPH. In an emergency the operation

Mr. DOLPH. In an emergency the operation of the resolu-tion could in a few minutes be suspended for the balance of the session?

Mr. COCKRELL. Yes. The resolution is a concurrent one, and we can suspend or amend it at any time. I am anxious that we shall commence to operate under it at the beginning of the session, so that, under the direction of the Committee on Printing, any improvements or changes which may be found necess may be made, and we can have them perfected by the close

of the first short session. Mr. GORMAN. Mr. F Mr. President, there can be no question about the desirability of this proposed change, if it is practicable. A number of mistakes were made at the last session of Congress in some of the great appropriation bills, probably more numerous than at any other session, involving very large sums of money; for instance, a bill was engrossed, and on account of the committee not being able to examine it in print quite a number of errors occurred, items being left out and items added. This did not occur in this body, but in another, owing to the hurry and confusion at the latter end of the session.

I am in thorough sympathy with the object the Senator from Missouri has in view, and he has given this matter more atten-tion than any other member of the body as chairman of the joint commission; but I ask him whether it would not be wise to insert a provision by which a bill may be engrossed in the usual manner, if an emergency arises, so as to leave it in the discretion of the committee in the last days of a session to have a bill printed

Mr. COCKRELL. Mr. President, an emergency can not arise without our knowing of it. The very moment the Committee on Printing intimates that they wish an amendment adopted to this resolution, we can pass an amendatory concurrent resolution There would be no trouble about that. unanimous consent. by unanimous consent. There would be no trouble about that. In the meantime let the resolution operate and let the House of Representatives know that they must get their bills through a little sooner than they have been in the habit of doing. I think one result will be that the House will get their bills through a little sooner, and then we shall not be so much pressed at the close of the session.

There is force in what the Senator says, but if the emergency to which he refers arises, we can pass an amendatory resolution

Mr. GORMAN. Being in hearty sympathy with the resolu-

tion, I shall make no objection to it. I wish to express $m_{\overline{\nu}}$ thanks to the Senator for the trouble he has taken in regard to this question

The VICE-PRESIDENT. The question is on concurring in the resolution of the House of Representatives.

The resolution was concurred in.

CHINESE EXCLUSION.

Mr. GRAY. I now renew my motion that the Senate proceed to the consideration of House bill No. 3687.

The VICE-PRESIDENT. The question is on agreeing to the

motion of the Senator from Delaware to proceed to the consideration of the bill named by him.

ration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892.

Mr. GRAY. Mr. President, it is not necessary that I should detain the Senate by any extended discussion of the bill in explaining an exigency which is believed by many is upon us in regard to the situation produced by the unintended operation of the act of May 5, 1892, entitled, "An act to prohibit the coming of Chinese persons into the United States." ing of Chinese persons into the United States."

That act as is known undertook to remedy what was consid-

ered by those communities, in which this population has become an important element, an evil which was obtaining under the then existing laws. The act required that all Chinese laborers within the United States should, within one year from the date of the passage of the act of May 5, 1892, take out before a designated officer a certificate of residence, with certain other provisions to which it is not necessary now to refer.

After the passage of the act there were certain prominent members of that race who considered this law a great hardship upon their people resident in this country. Accordingly they consulted very eminent counsel in the United States, the mention of whose names will at once show that they are men whose opinions are entitled to great consideration, Messrs. Carter, Ashton, and Choate of the city of New York, and obtained from these gentlemen an opinion that that act was unconstitutional, and that there was no obligation of law upon any Chinese person to conform to its provisions. Thereupon the great body of persons of that race in this country, amounting to over one hundred and fifteen or one hundred and twenty thousand, declined to conform to these requirements, and refused to take out the regis-

tration which was prescribed.

That the refusal was made in good faith I have no doubt; but it has created a great hardship upon those people, because, after this created a great nardship upon those people, because, after this opinion had been rendered by these eminent counsel as to the constitutionality of this law, the case was brought by due process of law to the Supreme Court of the United States, and the Supreme Court of the United States, by a divided court—I think five to three—declared the act to be constitutional. That decision was made, however, ten days after the expiration of the time within which the act of May 5, 1892, prescribed that certificates of registration should be taken out, and these people were left in the deployable situation of being confronted with were left in the deplorable situation of being confronted with the law being declared constitutional, contrary to their expectations, without their having conformed to its provisions and without having at that time any opportunity to conform to them. So that over 100,000 of these unfortunate people are amenable to the penalties of that law and are liable to deportation. We find that the House of Representatives has sent us a bill,

which has grown out of the pressure created by this exigency, a bill which in common justice extends the time within which these unfortunate persons may take out certificates of registration, which they omitted to take out under the circumstances I have narrated.

I think that that portion of the act is clear, and I can not see that it requires any further commendation.

In passing the bill through the other House it appears, as was inevitable, that people on the Pacific coast and others who have very decided opinions upon the whole matter of Chinese residence and Chinese immigration, made their opinions felt in the bill which has some to us and as a result of that feeling there bill which has come to us, and as a result of that feeling there are certain provisions which have been added to the first section which extends the time for registration. The bill, I suppose, may be described as a compromise between extremes of opinion. and it seems to have been the very best bill which under the circumstances could immediately be passed through the other

The provisions following the first section do not entirely meet my approval. I should have preferred simply to extend the time. Yet I do not consider them important enough, nor do I believe they would operate in so material a degree of harshness as to provent any one who appreciates the present situation from voting for the bill as an entirety.

I have been informed at the Department of Justice that there are now about one hundred of these persons in the jail of San Francisco. They can not be bailed, and they are lying there under a sentence of deportation. If the bill fails to pass we shall neglect sentence of deportation. If the bill fails to pass we shall neglect to relieve this very oppressive and harsh situation, and immediately there will be a very large number of Chinese persons under arrest, without bail, and with no provision yet made by law to defray the expenses of carrying into effect the sentence passed by the court under the act of May 5, 1892.

Mr. DOLPH. The Senator does not mean to say that the money appropriated to avecute the act can not be availed to the

money appropriated to execute the act can not be applied to that purpose as well as to carry out any other provision of the law? Mr. GRAY. I am informed that there is at present not sufficient money to execute the act. I am told by the Department and by the chairman of the Committee on Appropriations that

would require an appropriation of between \$6,000,000 and 87,000,000, to be taken out of our depleted Treasury, to carry out the provisions of an act passed under the circumstances of which I have spoken, which need not be spent at all if we would merely extend the time for registration. That large sum of money can be saved, and at the same time the humanity of the people of the United States will not have put upon it any stress such as is now being placed upon all right-thinking people by the situation of these people on the Pacific coast. Mr. HAWLEY. I should be glad to ask a question of the Sen-

ator from Delaware.

Mr. GRAY. Certainly. Mr. HAWLEY. Will this bill relieve the poor fellows who are in jail?

Mr. GRAY. It will, I am informed by the Attorney-General Mr. HAWLEY. By what authority are they kept in jail? Does the act provide that they shall be imprisoned?

By the act of 1892 they are held under a sentence of deportation. Mr. HAWLEY.

Yes, but the act does not say that they shall

be confined in jail.

Mr. GRAY. There may be something in what the Senator from Connecticut says. I am not at present prepared to state what the authority claimed by the courts is to keep them in jail. It is sufficient for me to know that they are now in jail by the sentence and with the consent of the circuit courts of the United States, courts to whom has been given jurisdiction over this matter, and they are so held in obedience to the will of the

judges of those courts.

Mr. HAWLEY. The Senator perhaps can tell me whether I am correctly informed. I understand that one of our circuit judges, Judge Lacombe, has given what would seem a proper judgment- that a Chinese person can not be so held, under the act, while awaiting deportation.

Mr. GRAY. I understand that Judge Lacombe did hold that, and perhaps it was creditable to his humanity; but other judges have declined to find any authority for following his example. Whatever may be the law in the matter, like the man who is in the stocks, they are there. It shocks my sense of humanity and appeals to me as strongly as any case which concerns individual liberty that has ever been brought before this body since I have been a member of it that these people should lie there without any fault of their own, as I conceive, and we should not relieve

Mr. HAWLEY. There is another question. I hardly know how to ask the question that is in my mind. The bill bears a certain resemblance to a treaty, because it is well understood, through the public prints, that there have been frequent communications between the Chinese Government and our Government upon these matters. I wish I knew, officially or unofficially whether our State Department, as well as the Chinese minister. whether our State Department, as well as the Chinese minister.

are tolerably well satisfied with this arrangement?

Mr. GRAY. I wish I could answer the Senator, because the query that is in his mind has suggested itself to my own; but I am not able to answer him. I have an impression, though not gained from any official source, that there is no particular obgained from any ometat source, that there is no particular op-jection on the part of the Chinese embassy here; but of that I cannot speak with any certainty. However, I do feel that if this were an original proposition to establish a system of registra-tion, the other provisions in the bill would meet my disapproval and I should vote against them.

But that is not the situation with which we are confronted. The act of May 5, 1892, established these conditions and made the law such as I have described it. Under it there exists an exceedingly unfortunate situation which the bill certainly will measurably relieve. With that understanding, and with that protest against this kind of legislation (although I am not opposed to proper legislation to restrict the coming of Chinese persons into the country), I am willing and anxious to vote for the pending bill in order to cure the evil which has grown up under previous acts.

Mr. HOAR rose. Mr. HAWLEY. Just one word, and I will be out of the way Mr. HAWLEY. Just one word, and I will be out of the way of the Senator from Massachusetts. I read with a good deal of mortification the history of our relations with the Government and people of China. It is not becoming perhaps to say so, but in fact I am ashamed of my country in that matter. I may vote for the pending bill, but it is not with great satisfaction.

Mr. GRAY. As I have said, I share some of the feeling which the Senator from Connecticut expresses. I have considered this matter as carefully as I could; I have consulted the persons who I thought ware familiar with the exicancy and I have gained

I thought were familiar with the exigency; and I have gained my own consent to vote for it as an exigent measure to relieve the country from the shame and mortification of having these people in large numbers subjected to suffering and indignity

from which we ought to relieve them.

Mr. HOAR. I should like to ask the Senator from Delaware before he sits down two questions, if he will be kind enough to

give me his attention.

First, what change does he understand is made in the signification of the words "laborers" and "merchants" as they have been used in former laws by the second section of the proposed That is the first question I desire to have the Senator an-

Mr. GRAY. I understand— Mr. HOAR. Perhaps I had better state my questions and then

t down, that the Senator may answer both. The second question is whether, under lines 26 to 31, near the close of the fourth page, the Senator understands that the privi-lege of habeas corpus is denied to persons imprisoned by the United States marshal under a real or alleged order of deporta-tion, and, if it be not denied, whether the provision that the person shall not be admitted to bail, but shall remain in custody, changes the existing practice on habe is corpus, which permits the court in its discretion to admit the applicant to be bailed pending the habeus corpus proceedings, which in this case might possibly be delayed for a long time; that is, there might be a petition to the circuit court of the United States, and an appeal or other process which would remove the question to the Supreme Court of the United States?

Now, my question is whether the Senator does not think that here is a denial to persons alleged to be Chinese persons, because of an order of deportation, of the right to have the question of habeas corpus dealt with, they being at large and their return secured by bail if the court, in its discretion, so orders?

Those are the two questions.

Mr. GRAY. I will say to the Senator as to the provision subsequent to the first section, I would have been glad had the first section constituted the whole act. Those provisions are somewhat irritating, perhaps some may consider them a little harsh; but they are not sufficiently so to prevent me from voting to relieve the greater evil which exists in the present situation.

would have preferred that it should be left to the courts, where I think it properly belongs, to give an interpretation and construction of the terms "merchant" and "laborer" rather than to undertake in this proposed act, which is not unusual in these latter days, to give an interpretation and construction to those words. I think the law as it existed before the act of 1892 left that construction to the court, where it would have been better to have left it.

As to the other question, I am not prepared to say that the provision to which the Senator from Massachusetts has called my attention denies to any of the persons who may be arrested for not having a certificate of registration the right to the writ of habeas corpus. I believe that this proposed law leaves it where it is, and it ought and must be—

Mr. HOAR. What is the significance of the phrase that they

"shall not be admitted to bail?"

Mr. GRAY. The provision that they shall not be admitted Air. GitAl. The provision that they shall not be aimitted to bail is another and a distinct provision. A man may think he is entitled to the writ of habeus corpus, and he may be discharged entirely if he should prove that he is not a Chinese person or that he has a certificate of registration and therefore a not a manable to this provision of law. I do not consider the s not amenable to this provision of law. I do not consider this to be a criminal proceeding. It is a matter wherein the sovereignty of the United States undertakes to protect itself against the coming into the country and residence here of certain undesirable classes, and in doing that I suppose we have a right to say that when an examination is made by the courts and it is determined that they shall be deported they shall not be ad-

Mr. HOAR. If the Senator will pardon me, I think he does not quite get the point of my interrogatory. The first part of the interrogatory, I suppose, would elicit the answer the Senator has given; that is, he does not deny the writ of habeas cor-I do not at this moment think of any other case where bail would be lawful or admissible, except on an application for habeas corpus in the discretion of the court. It may be issued by the Supreme Court returnable to a circuit court. Does not the Senator think the provision that a man shall not be admitted to bail when he is in custody under an order of deportation is a provision that he shall not be admitted to bail on habeas corpus; and therefore, if a person is alleged to be subject to deportation when he is not, or if a person be arrested, and when the marshal is about to execute the order of deportation he carries his appeal to the Supreme Court of the United States, must he not remain in custody without bail if this provision be carried into effect and be constitutional?

I think so.

Mr. GRAY. Mr. HOAR.

Mr. GRAY. I think so.
Mr. HOAR. Now, is not that a great objection to it?
Mr. GRAY. I think not. I am not prepared now to discuss the constitutionality of the question. I hope that that and every other constitutional objection will be discussed and finally decided by the Supreme Court. But it strikes me that if, as the Supreme Court has decided, we have the right to pass such a bill as this, which I do not deny, by virtue of the inherent sovereignty of the United States to protect itself from undesirable immigration or the residence of undesirable aliens, then I believe the measures here enacted in the exercise of that power to make it efficient or adaptable to the end in view are not unnecessarily harsh or cruel.

I can not conceive how a general deportation of a large class of people could ever be efficiently carried out if upon the inception of the act of deportation, in addition to allowing an inquiry, which they are entitled to, and by habeas corpus as to the legality of their arrest to determine whether they are subject to the provisions of the law or not, the court should also be allowed to give bail, because if that were the case the whole object of the act, it

seems to me, might be very easily defeated.

But that is a matter, Mr. President, upon which I can not and would not like to commit myself in this sudden way. If it be unconstitutional there is a way of testing it, and I hope it will be tested. It is certainly worthy of consideration and suggestion so distinguished a Senator as the Senator from Massachu-

setts.
Mr. PALMER. May I ask the Senator from Delaware whether his statement that there is a way of testing it is not an abdica-tion on the part of the Senate of its own duty, which the Con-

stitution reserves to Congress? Mr. GRAY. I think not, for

I think not, for I have more than once on the floor of the Senate stated my very clear and emphatic opinion of the duty of the Senate itself to decide a matter of constitutional duty. I can only say that I do not see now a constitu-tional objection to the provision that will prevent me from vot-ing for the bill. I will not say that I am so clear upon the point as to be dogmatic about it, but I am sufficiently clear to allow me to vote for the bill.

Mr. HOAR rose.

Mr. PALMER. I do not wish to interrupt the Senator from

Massachusette in any remarks he would like to make.

Mr. HOAR. I do not propose to discuss the bill at length at
this time, but I confess I do not exactly agree, if I understand him, with the Senator from Delaware, an eminent jurist, a member of the committee to whom has been intrusted the duty of reporting and advocating the pending bill. On asking him whether the bill, leaving the habeas corpus, as he thinks it does, to any person who undertakes to resist deportation from the country under its provisions, denies the right of bail during the pendency of the habeas corpus, although it may be pending months or a year, he says, I understand, that he would not like

Mr. GRAY. I did not say one way or the other.

Mr. GRAY. I did not say that.

Mr. GRAY. I did not say one way or the other. I said just now, in answer to the Senator from Illinois, that I am sufficiently satisfied as to the constitutionality of the provision to yet for satisfied as to the constitutionality of the provision to vote for the bill this minute; but when the doubt was suggested from so respectable a source as the Senator from Massachssetts, I said I would not be dogmatic enough to say that it was clear from all doubt; and I shall be very glad to see it tested in the Supreme

Mr. HOAR. I should like to put a question to the Senator from Delaware, who is an able constitutional lawyer. Does the Senator from Delaware conceive that it is a compliance with the Constitution of the United States in regard to persons to whom its protection extends to deny bail pending habeas corpus pro-

ceedings?

Mr. GRAY. I am not prepared to say that the Congress of the United States, in the exercise of the legislative power which the Supreme Court has decided that it possesses, may not do that thing. I do not see why it should not. There is nothing I know of expressly in the Constitution of the United States in regard to the matter of bail except the restriction that excessive bail shall

not be demanded. It does not occur to me now that there is any other provision on the subject.

But, Mr. President, I was about to resign the floor. I merely wished to introduce this matter and explain, as I understand it the exigency that is upon us to deal with the situation now con-

fronting us on the Pacific coast.

I expect and hope to hear from both the Senators from Call-I expect and nope to hear from both the Senators from California. The senior Senator from California (Mr. White) is now here, and he was one of the able counsel who argued this case before the Supreme Court of the United States. He can speak to us very instructively upon the constitutional points which have been suggested by the Senator from Massachusetts, for he undoubtedly has studied, as was his duty as a lawyer, the whole with that was submitted to the count

matter that was submitted to the court.

Mr. PALMER. Mr. President—

Mr. HOAR. If the Senator from Illinois will pardon me, I do not desire to proceed now to address the Senate, but I should like to move an amendment. If the Senator is about to proceed I think he would perhaps like to address himself to the amend-

ment I propose to offer.

Mr. PALMER. Certainly.
Mr. HOAR. I offer an amendment in the nature of a substitute for the entire bill, and I then propose, which I suppose to be in order, to move to perfect the original bill before the substitute is voted upon by striking out all of the provisions of the original bill after the first section.

The PRESIDING OFFICER (Mr. BUTLER in the chair).

Does the Senator from Massachusetts desire to have his amend-

ment read?

Mr. HOAR. Yes; I suppose it should be read.
The PRESIDING OFFICER. The amendment will be read.
The SECRETARY. Strike out all after the enacting clause of the bill and insert:

The SECRETARY. Strike out all after the enacting clause of the bill and insert:

Be it enacted, etc.. That from and after the passage of this act the immigration of Chinese laborers to the United States be, and the same is hereby, suspended (except as hereinafter provided) until such time as by treaty between the two Governments the subject of such immigration shall be determined by both, and during such suspension it shall not be lawful for any such Chinese laborer to come from any foreign port or place, or having so come to remain within the United States.

SEC. 2. That any Chinese laborer already in the United States, and possesing a certificate of his right to be here, who may be desirous of returning to his native land with the purpose of again coming to the United States, shall receive, free of charge or cost, accrtificate of identification, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the name, age, occupation, last place of residence, personal description, and other facts of identification, and which shall state at what time and in what vessel and from what port said Chinese person is to sail which certificate shall be airned both by the Chinese consult there or his assistant, and shall be attested by their seals of office. Whenever said Chinaman desires to return to the United States he shall report himself both to the Chinese taotsi and the United States consul at the port of departure, showing the certificate thus issued, signed, and viséed, and thereupon, if his right thereto be established before said officers of both Governments, shall be allowed a new certificate similar to the kind and form to the one previously issued at the port in the United States at the time of the passage of this act shall receive, within a further period of three months after the passage of this act shall receive, within a further period of three months after the passage of this cat shall receive, within a further period of three months after the passage of

ishable by fine not more than \$1,00,000 or by any issued as requires that the one year."

SEC 5. That so much of the statute of May 5, 1892, as requires that the witnesses therein described shall be white persons is hereby repealed.

SEC 6. That the provisions of the first six sections of this act are hereby continued in force until such time as by agreement with the Chinese Government, and the consent of the same, there shall be regulations established by treaty, duly made and ratified by both Governments.

SEC 7. That all such part or parts of the acts of which this is amendatory as are consistent herewith are hereby continued in force, and all part or parts as are inconsistent herewith are hereby repealed.

Mr. DAVIS, I send to the desk a proposed amendment to the pending bill, which I ask may be read.

The PRESIDING OFFICER. The Secretary will read the

amendment to be proposed by the Senator from Minnesota. The SECRETARY. Amend by striking out all after the enacting clause of the bill and inserting:

That those certain acts of Congress entitled severally, "An act to prohibit thecoming of Chinese laborers to the United States," approved September 13. 1888; an actentitled "An act as supplement to an act entitled An act to execute certain treaty stipulations relating to Chinese, approved the 6th day of May. 1882; "a approved October 1, 1888; and an act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved May 5, 1892, be, and the same are severally hereby, repealed.

Mr. PALMER. Mr. President, I sympathize very much in the feeling of the inhabitants of the Pacific coast in regard to the feeling of the inhabitants of the Facine coast in regard to the exclusion of Chinese, but at the same time there are certain considerations apart from that feeling. By the way, I may say that I remember that this bill is a modification of an act passed in the last Congress, and, to some extent, it is an improvement on that law. I opposed the act of 1892 for reasons that are but slightly obviated by the pending bill, but it is better than the act of 1892

than the act of 1892.

There are objections to this bill, however, that are to me insuperable. One is the provision of the bill, which will be found in more than one place in it, which judges all Chinese to be unworthy of credit. The act of 1892 required that the fact of his right to remain here shall be established by a white witness. This bill modifies that provision so as to require the testimony of "at least one credible witness other than Chinese." I can not, with my views of the rights of men, consent that any race, either on account of color or nativity, shall be adjudged by law to be unworthy of credit.

I know nothing in the world about the Chinese population. Many of them may be unworthy of credit, or all may be so, but I am not willing to agree that the testimony of a whole nationality is to be rejected because of any belief I entertain that none of them can be believed. In my own professional life I have known where witnesses were excluded from testifying on the ground of color. I know that those laws have been changed, and in the State in which I live there is now no exclusion of witnesses on the ground of color.

nesses on the ground of color.

I can not consent to this provision. I do not believe that all Chinese are liars. I do believe that juries and courts are competent to determine whether, in any given instance, a particular witness is credible or not. The bill in my judgment is radically defective on that ground. I will not consent that a witness shall be determined by law in advance, on account of his birth, to be unworthy of belief. I think such a provision is unworthy of our circlination. I do not know that in that view the pending hill is civilization. I do not know that in that view the pending bill is more objectionable than the act of 1892, but it assumes that every Chinese person of the classes here mentioned, who is found in this country, is here unlawfully, and it throws upon him the bur-

den of proving his innocence.

It is said that the bill does not treat the presence of a native of China in this country as a crime. I am not able to see the dis-tinction between that which punishes an act as a crime and that which defines it to be a crime. What difference does it make to the imprisoned man whether that for which he is imprisoned is described by the law as a crime or misdemeanor or whether it is not treated as a crime at all? The man is punished by deportation in one instance and by imprisonment in the other stance; and when I am told that he is not charged with a crime I ask, if the consequences of the act result in suffering, in the deprivation of liberty, what difference does it make whether we call the act by some gentle name or by the sterner name of a

Again, Mr. President, it is possible that a Chinese citizen may be in this country lawfully. Every single Chinaman has the right to contest that question with the public authorities, and that contention of the Chinaman involves an issue of fact. issue of fact may be found against him upon insufficient evidence issue of fact may be found again by the nisi prius court. He ought to have a right to a reural of his cause by methods known to our law, by writs of error and whatever else the modes of procedure may be in the courts where the matter is determined. The person may for cause obtain a whitever eas the modes of procedure may be in the cours where the matter is determined. The person may for cause obtain a writ of certiorari from a superior court perhaps, or he may pre-sent his record to a judge of a supreme court who may give him a certificate, as is the practice in some of the States, because there may be errors prima facie. That person ought to have a right to return to his business and enjoy his liberty while the question is reheard. But the bill provides that he shall not be admitted to bail while this contest is going on; that he must remain in the question is reheard.

main in the custody of the marshal.

Now, it is said that this provision is possibly in violation of the Constitution of the United States. Mr. President, there are principles of justice, humanity, and right which are older and higher sanctions than constitutions. I do not inquire whether the Federal Constitution covers this particular case; but there are principles of justice and right to govern us which are older and I say form a higher obligation than the Constitution—the right of a man, while the question of his guilt is being considered, to give bail for his appearance to answer the judgment of the court when that judgment shall be rendered against him.

Why should this not be so? Why should all these men who are contesting their right to remain in this country be denied bail? I should be delighted to hear the reason. There is a right in the State courts (and it is very important that that right should be recognized) to deny bail where the proof is evident or the presumption is great, but there is no such question

The Chinese person is to be denied bail because of his nativity, that is all; because he was born in some other country, and he has found a country where the principles of justice are not observed, where the very law declares that he shall not have bail.

It is not to be left to the discretion of a judge. that the judges of the courts in California, or in the States where the Chinamen are present, possess the usual quantum of learnthe Chinamen are present, possess the usual quantum of learning, wisdom, and humanity. Why deny it to the judge? Provision might even be made that a judge shall, in his discretion, deny bail, or that the party shall be required to apply to a judge and the judge may, in his discretion, allow bail. Why, I say, make this bald, bold exception simply upon the ground that China is the spot on God's earth where this man was born, as if God did not govern the whole universe, and that the principles of night and justice ware not as extensive as quantien itself? of right and justice were not as extensive as creation itself?

I will spend no time in the argument of this question, but I am giving the reasons why this bill, in my judgment, ought not to be made a law by the Congress of the United States.

I repeat, first, because it assumes that all men of Chinese na-I repeat, first, because it assumes that all men of Chinese hat ivity are necessarily liars; that none of them can be believed; and that no judge and no jury shall be allowed to hear them be-cause they are conclusively and absolutely and essentially and necessarily untruthful. Then, again, I oppose the bill for other reasons that I have given. In my judgment it might be adapted to the end in view; it might be enacted with reference to well-established judicial principles; it might allow the courts to hear any testimony that might be offered, which there was any reason to believe, leaving to the courts and juries the duty of determin-ing whether in the particular instance the witness was or was not stating the truth, and then it might leave to the man who is subject to all of these inconveniences as the consequences of his act the privilege of giving ball for his appearance to answer the final judgment of the court.

of course the bill allows a very large class of officers to make arrests, I believe, without warrant. There is on the second page of the bill authority given to "any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies," to make arrests without formal com-plaint made before some judicial officer. The consequence would be that the person is left without remedy and is at the mercy of a large class of officers all over the States, officers who are more deputies, none of them elected, many of whom I know are irresponsible persons. These officers are allowed to capture a Chinaman who may be engaged in some lawful industry; and yet at the will of one of these subordinates he may be taken by the neck and brought before a judge; the case may be hard; no one of his countrymen can speak; although he may be as truthful as the Apostle Paul, none shall be allowed to speak for him, and a judgment of deportation is rendered. There may be errors of law and of fact in that judgment, because our judges are not infallible; and while that man is seeking a rehearing before the established tribunals of the country he remains in jail in the custody of the marshal until that question is tried.

Mr. President, we treat our thieves and burglars better than int. We presume them to be innocent until the contrary is established, and then we allow them bail. But simply because these men were born in another country and have come into this Christian land by authority, many of them rightfully here, even while the man is disputing the rightfulness of his remaining here he is condemned to jail until he proves his right to remain by testimony other than that of his own countrymen, who may know the fact, he is required to remain in the possession of the marshal until he succeeds in overcoming the presumption against

I can not vote for the bill. I do not believe that it is necessary for the protection of our fellow-citizens on the Pacific coast that we should violate the principles of justice and right. I will not consent to hold that men are necessarily liars because of their color. I will not consent that men who are contesting their rights by the due form of law shall be kept in jail without the privilege of bail. Having said this much, and having stated the reasons why I think the bill oughtnot to pass, although I presume it will, having discharged my duty in respect to it, I leave it to those who think that it is possible to find some authority under our Constitution and under that higher constitution of humanity to

The PRESIDING OFFICER (Mr. GALLINGER in the chair).

The question is on the amendment submitted by the Senator from Minnesota [Mr. DAVIS].

Mr. DAVIS. Mr. President, the object of that amendment is to repeal the legislation of 1888 and 1892, and to put in operation the statutes of 1882 and 1884, which were enacted for the purpose of carrying out the treaty of 1880. I do not rise for the purpose at this time of submitting any remarks to the Senate, but simply for the purpose of explaining the amendment. I

understand that the senior Senator from California [Mr. WHITE] proposes to address the Senate upon this subject, and also the Senator from Massachusetts [Mr. HoAR]. While I have some very clear and decided convictions upon this entire question, they are not irremovable, and I shall listen with great interest and attention to what the Senator from California has to say upon the subject.

Mr. PERKINS. Mr. President, I should perhaps content myself by remaining silent and simply casting my vote on this meas ure as an expression of the feelings of the people on the subject whom I have the honor in part to represent in the Senate; but it is a question of such vital moment, of such great importance not only to California, but to the whole country, that I feel I would be derelict in my duty if I did not briefly give my views, as I understand them, of the facts before us under consideration in the pending bill. I shall, however, in the discussion of the case presented by the bill, content myself with the general principles, leaving it to my colleague [Mr. White of California] to take up and argue the various phases of the question presented.

CALIFORNIA DOES NOT ASK AN EXTENSION.

I may say in the commencement, however, in answer to the distinguished Senator from Illinois [Mr. Palmer], that the people of California are not asking for this bill. It is the Chinese and their attorneys who come here and ask for special legislation in their behalf. We are satisfied with the law as it now is upon our statute books and as it has been construed by the highest judicial tribunal of the land. It is the Administration that is asking for a special act of Congress to relieve the Chinese among us who have refused to obey the law of the land as it has been judicially construed by our highest tribunal.

The details of this question are most interesting, but in view of the very extended and various debates on this and similar bills in Congress, little has been left that has been unsaid. The measure in other forms has received consideration from the best minds of our land, and, though it has been strongly opposed by certain classes and sections, it has always been passed.

THE IMPORTANCE OF THE QUESTION.

The subject is certainly an important one, and though the Pacific coast of our country is probably the most interested as yet, it is important to all sections, for unless the tide was stopped it might not be long before it took a turn and affected other sections as disastrously. Both sides have had their day, and in deed weeks and months in court, and the contributions therefrom have been very extensive and most exhaustive.

To the people of the Pacific States this is an old, old story believe that no one doubts us the right of protection, though in protecting ourselves it is arged we have not the right to injure the rights of others, especially as the others in this case are

here by the power and right of a sacred treaty.

THE DANGERS ANTICIPATED WHEN THE TREATY WAS MADE

All kinds of opinions and all kinds of theories have found their way into this discussion since the adoption of the treaty in 1880. But it will be remembered by the conditions of that treaty we reserved the right to "limit or suspend the coming of the Chineso." There were fears then, by those who have examined the

ness." There were lears then, by those who have examined the question, that there might be danger in it, and experience since has proven that the fears were not without foundation.

The various exclusion acts which have been passed are sufficient in everything, except that they do not exclude, and it was to enforce them and to remedy their imperfection that the act of Congress of May 5, 1892, was found necessary.

EXCLUSION ACTS DO NOT EXCLUDE.

Experience has demonstrated that the Scott exclusion act did not exclude, for the reason that it was deficient in not properly showing the Chinese who were here by right and who were

here in violation of the law.

To ascertain exactly the Chinese who are here by right, it was proposed that they should be registered, the same as we are registered, before we have the privilege of voting at the various

polls in the different States of the Union.

There were no harsh features or expense to the Chinaman in the remedy, which was simply intended to carry out our existing law, and which, under the treaty which we had entered into with that Government, we had the right to do, for it says, "to limit or suspend the coming of the Chinese." But the Chinese control to go the companion of the Chinese of the coming of the Chinese. refused to assist us in ascertaining who were here lawfully by declining to register and openly defying our laws. In this refusal they did not act on their own volition, but were governed by orders of their Chinese superiors, and not by the mandates of our courts or officials.

CHINESE NOT FREE AGENTS.

And here I desire to state one of the most important factors in this case. The great mass of the Chinese who are among us are not their own free agents, but they are controlled and gov-erned by organizations as separate and distinct from our own as China is distinct from the United States.

Many of these Chinese, to my own personal knowledge, were willing to register and were deterred only by fear of punishment by their respective companies. They recognized the fact that by their respective companies. They recognized the fact that they were subject to the law of the land in which they sojourned, and were in no sense superior to our people, that they were amenable to the laws and regulations of our Government, but the edict issued by their organizations which recognizes Chinese courts of control, the organizations and associations which own them and which control than was too newerful for them and them and which control them, was too powerful for them and so they refused to register. It is said in extenuation, that they now find they made a mistake, and that, if the time for registration extended according to the provisions of the pending bill, they

will comply with the law and register.

Mr. DOLPH. I should like to ask the Senator from California who said that? Will the Senator specify who has said it? Mr. PERKINS. My friend from Oregon simply anticipates

Mr. PERKINS. My Habita from Oregon shiply anterpates the answer I am about to make.

Mr. DOLPH. Very well.

Mr. PERKINS. If it is not satisfactory, later on I shall be pleased to have the Senator ask that or any other question in relation to this subject-matter, for it is one in which our people are deeply interested, and if I can not answer satisfactorily I know that my colleague on the other side can do so; and therefore the Senator will not disturb or interrupt me in the least by asking any question relating to this subject.

THE PEOPLE DOUBT THE PROMISES OF THE CHINESE.

As I stated, it is possible that they will register, but judging from our past experience the people of California have great doubt about it, and I find that this doubt is not limited alone to the people of that State but to the people of the whole country who have a knowledge of the Chinese and their peculiar character; and it may not be long before there will be a demand for further legislation on the subject, as those who persist in

refusing to register may continue to disregard our laws.

Petitions and memorials have been received here from the Chinese showing that they acted under legal advice, and now, that our courts have decided that this advice was bad, they indicate a disposition to comply with the law and register if a special act of Congress is enacted for their benefit.

SIX MONTHS' EXTENSION OF TIME ASKED.

Under these circumstances, this extension of six months is asked for, but what guaranty have we that the same legal advisers will not combat the law in their interest and again delay visers will not combat the law in their interest and again delay the registration the law compels beyond the time for which he present measure extends? Who makes the request for this extension of time? The Chinese Government, which is the only power that should ask it? Oh, no; it is asked by the attorneys who gave the Chinese the advice to defy the law. It is true that the Chinese minister has admitted that the "additional opportunity to register would afford his Government great satisfaction;" but there is no guaranty from him, and he gives no assurance or promise in all of the correspondence which has been submitted that the Chinese subjects will register. All that he submitted that the Chinese subjects will register. All that he says is contained in the communication asked for by Congress from the President, and submitted to us for our information a few days since.

WILL AFFORD THE CHINESE "GREAT SATISFACTION."

It is as follows:

To the Senate of the United States:

In response to the resolution of the Senate of the 10th instant, concerning the attitude of the Government of China with regard to an extension of time for the registration of Chinese laborers in the United States under the act of May 5, 1892, I transmit a report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, October 18, 1893.

The PRESIDENT:

The PRESIDENT:

The undersigned, Secretary of State, to whom was referred the resolution of the Senate of the United States of the 10th instant, requesting the President, "if not incompatible with the public interest, to inform the Senate whether the Government of China has requested of the United States an extension of time for the regi tration of Chinese laborers in this country, as required by the act of Congress entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892, or has given to the United States any assurance that if the time for such registration shall be extended such Chinese laborers will register and take out certificates, and if such a request has been made or such an assurance has been given to transmit to the Senate copies of all correspondence concerning the same "—has the honor to lay before the President the following report, to the end that it may be communicated to the Senate should the President deem it proper so to do:

the honor to lay before the President the following report that way be communicated to the Senate should the President deem it proper so to do:

While the Government of China has not formally requested that the time for registration provided by the act of Congress entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, be extended, and no formal assurance has been given that if extended Chinese laborers in the United will take out certificates as provided by the act, the Chinese minister has repeatedly asserted, in conference with the undersigned, that his countrymen residing in the United States at the time of the passage of the act, on the advice of eminent counsel and in good faith, refrained from registering within the time allowed, and that it would be unjust to deny them another opportunity to register. The minister more

than once has given assurance that an additional opportunity to register would afford his Government great satisfaction.

Respectfully submitted.

W. Q. GRESHAM.

DEPARTMENT OF STATE.
Washington, October 11, 1893.

Perhaps, Mr. President, we should be gratified to know that Perhaps, Mr. President, we should be gratified to know that the "additional opportunity to register would afford the Chinese Government great satisfaction," but our people very properly demand more than this. It would gratify my colleague and myself exceedingly if we were able to say that the people of the Pacific States are pleased at the prospect, but we can not do so. They are not pleased, for they feel confident, reasoning from past experience, that this is but another form of delay, to postpone the enforcement of if not to abrogate the statutes of our land, which every good citizen of this Republic feels not only a and, which every good citizen of this Republic feels not only a legal obligation, but a moral obligation to obey.

THE CHINESE LIKELY TO AGAIN TEST THE LAW

The result will probably, then, be that the Six Chinese Companies that control, body and soul, the Chinese who are here among us, will again contest the pending measure should it become a law, and as it is an amended law, new issues can be joined. and the courts may place a different construction upon it from that which they placed upon the original law.

We would then be where we are now, and all because there is no guarantee about it, but simply because it would give the Chinese Government "great satisfaction." Possible delay and prospective postponement probably is the cause of the "great

satisfaction.

The same eminent counsel, with the same "good faith" and good-sized fee will, in all probability give the advice which they desire. The Chinese are a peculiar, as they are in many respects a wonderful, people. One of our most humorous and versatile American writers has tersely photographed their character when he says:

Which I wish to remark, And my language is plain, That for ways that are dark And for tricks that are vain, The heathen Chinee is peculiar.

ONLY THE LOWER CLASSES COME TO US.

My own idea is, and my experience and observation tend to confirm the opinion, that it is only the lower classes of the Chinese who come here, and it is for this class that the bill proposes to legislate. They look at but few things as our people look at them. The great majority of them and their friends thought that Congress was not in earnest in passing the present registration law. They have an all-abiding faith and confidence in the use and power of money: and they imagined that by money they could defeat the provisions of the law by undue influences

with our courts and our public officials.

There are honorable exceptions to all rules, but they have no conception, as a class of people, of the high moral law as we understand it. They think that everyone who has any connection with the carrying out of the law can be bribed, and that there is no such thing as honesty, principle, and character among our people, when weighed in the scale with money. Money is one of their idol gods, to which they pay homage and burn sa-

cred incense.

WE SEEK ANY REMEDY TO CURE THE DISEASE.

Those who have thoroughly considered the subject-matter can have but little confidence in the pending bill doing any more than its predecessor did. But the disease is here, and our people are willing to adopt this or any remedy that will cure, or that even promises to cure it, though we would prefer something more. We would prevent the disease. Certain it is that the people of the Pacific coast are looking for a cure, for they paintally realize that the people of the Pacific coast are looking for a cure, for they paintally realize that they are a cure to be supported to the paintally realize that they are a cure to be supported to the paintally realize that they are a cure to be supported to the paintally realize that they are the they are fully realize that they are suffering from the dreadful scourge of Chinese immigration, and they are willing and anxious to secure a remedy.

NOTHING HUMILIATING IN THE PHOTOGRAPH.

Criticism has been made of the provision for photographing, and I regret that some of the members of the Committee on Foreign Relations, which reported the bill, do not look with favor on the provision for photographing Chinamen and attaching the on the provision for photographing Chinamen and attaching the photograph to the certificate of registration. It is claimed by some that the photographing is very humiliating. There is nothing, Mr. President, in this criticism. The Chinaman himself never thought that there was anything humiliating in photographing and has never made any complaint. Humiliation can not enter or play any part in an organization which is as stoical as that of the Chinages. as that of the Chinese

The photographing clause is rather for the benefit of the Chinaman himself, as well as others, for there is no other way by which a registry of their description can be kept, that is, a registry that will amount to anything. They are not marked as other people are. They all have a tan-colored skin. They have

black hair and almond-shaped eyes, and are about the same

height and build. Place one thousand of them in a line and the same personal description will answer for every one of them.

It is impossible to make even a comparative guess of their ages with any degree of accuracy. The old and the middle-aged look so much alike, that men who have lived among them for years are applied to green within the confidence of the confidence unable to guess within ten or fifteen years of the age of a China-

Will the Senator from California allow me?

Mr. PERKINS. Certainly.
Mr. DAVIS. If all that is true, of what use is a photograph?
Mr. PERKINS. I am about to come to that. My friend has simply anticipated. When I get through if I have not conclusively answered his question, I shall be glad to have him ask it again.

A PHOTOGRAPH EVEN WILL NOT IDENTIFY.

This similarity of appearance and features is not the case with any other people who come to our shores in very large numbers. Those who have given great attention to this matter have finally become convinced that there is no other way to distinguish them, and it is not claimed that even a photograph will always do this, for the features, the facial characteristics of many of them are so nearly identical, that the photograph will not always do what is needed. However, there is no better way under the sun that I know of, and I do not believe my friend from Minnesota can suggest a better mode than the photograph, though it is admitted that even the photograph is by no means satisfactory. The idea that the photographs are made up, as it has been charged, to adorn a "rogues' gallery" is simply nonsense and without reason.

No one has ever thought of such a thing except the astute attorneys of the Chinese, who seem to be so much more careful of their clients than the Chinese are themselves. For many years every Chinaman who has been convicted of any serious crime in California has been photographed. No other way has been found by which the keepers of the prison can identify them and thus be able to tell exactly when their terms of sentence have expired.

tence have expired.

This feature is, in the opinion of many, the most important in the law, and without it, it is almost certain that the law could not be enforced, for departing Chinamen by the thousands every year would leave this country and turn over their certificates of residence to others to come in. There is absolutely no other way of preventing such a traffic, except by the photograph, and that even will not work effectually in all cases.

HOW THE LAW MAY BE EVADED.

A few days since I received a letter from a well-informed friend in California, in which he pointed out how the Chinese intended to do even more registering, providing they decide to register at all, and if this bill passes to permit them to do it. He states the case so well that I quote from his letter:

By the extension of time for registration efforted by the McChange of the control of the

By the extension of time for registration afforded by the McCreary act-

That is the pending bill-

every Chinaman will register no doubt—if their companies permit them—but he will not stop at one registration, he will register a half dozen times. For instance, Ah Jim will register at San Francisco to-day as Ah Jim. He will register the next day at Oakland or Merced as Ah Sin. His personal appearance may be a little different each time. As Ah Bum he registers the following day at Fresno, and Ah John the next day at San Francisco or some other city. Ah Jim may register twenty or one hundred times.

I notice that in the bill under consideration no penalty is attached to Ah Sin for having done this. He may register as many times as he pleases, provided he does not represent his name as Ah Sam when it is Ah Sin. There is no penalty; and so he can go through our State as a missionary of registration, furnishing certificates for his cousins and his cousins cousins who are to follow in his footsteps hereafter. So, as this friend writes, he may register twenty or a hundred times perhaps, and take the certificates and send them across to China to his brother or cousin and sell them for a few hundred dollars.

I remember reading a few days since the report of one of the immigration inspectors in New York stating that the Chinese are coming in from Cuba and the West Indies. We know they have been snuggled in from British Columbia. In such cases the certificates become invaluable to them. My correspondent

continues:

He will take the extra certificates and send them to a broker in China, who will sell them for a couple of hundred dollars each.

The broker will have 400,000,000 to pick from, and as all the Chinese are smooth shaven ind look alike anyhow, it will not be difficult for the broker to find a man to fit each certificate. By the time the registration under the law closes we will have issued possibly a half million certificates and will thereby legalize the presence in this country of 400,000 Chinamen more than are here now.

my own mind that, even with the photograph, there will not be entire safety, and without it there would be none whatever. Too much care can not be given in this matter to the meaning of the terms "laborer" and "merchant," for upon that much of the success of the operation of the law will depend. whole matter we are dealing with a very remarkable class of people, a people whose cunning has no bounds. A Chinese laborer for a fee of from \$20 to \$50 can become a member of a merchants' firm, say the firm of Quong Lee Long & Co. firm, for the sum named and other sums, may have already over 100 members, and about the only business done by the firm is merchandising in Chinese. There is no limit to their number, and all who have the money can become "coöperative members" and receive from it and similar firms certificates of membership. Such certificates have already been used in the courts for the admission of Chinese who had no right to land on our shores, and they will continue to be used unless the strictest possible construction of the word "laborer" is maintained.

NOT A PARTISAN POLITICAL QUESTION

The immigration of the Chinese into this country has long since ceased to be a partisan political question. Men of all par ties and creeds who have a knowledge of these people agree that they are a blight upon our industries and citizenship, and an injury to our people. At the general election held in the fall of 1879 in California, in accordance with a statute providing therefor, the question was submitted to the people of that State "for" and "against" the policy of permitting the unrestricted immigration of Chinese to continue, and out of a total vote of 161,405 there were deposited in the ballot box only 883 votes for such immigration. Every day since that election has served only to convince the then almost unanimous opinion of our people that they were right. The Chinese do not, they can not, they will not assimilate with us.

THE CHINESE WILL NOT LEARN.

They know nothing about our free Government, our standard of civilization, or American citizenship, and they care less. They know nothing and care nothing about our institutions, and they have no desire to learn about them. Our people of California believe in churches, in schools, in families, and the home; these are our citadels of liberty. The Chinese, on the contrary, care nothing about such matters. They have, it is true, a labor to sell, but it is a servile labor, a slave labor, for they are field down by contracts of their own making, which places them in a condition worse than slavery; their servitude can never end. They take no more interest in our affairs than if they were not here. It matters not how long they remain with us, they go away ignorant of our American institutions, simply because they do not want to learn.

THE PROPLE WILL YIELD NO FURTHER.

For fear that we might in some way violate our treaty obligations our people have yielded point after point in favor of the Chinese. They do not want to yield any further, and insist that the law shall be enforced. They want a law so adjusted and severe in its penalties that it can not be evaded or discarded or openly violated. They know that the ordinary Chinaman, by some mysterious process of reasoning, thinks that he represents a higher plane of civilization than our people occupy, and they want provisions enacted which will prevent them from clandescoming into this country against the laws of our land. But they also recognize the fact, for fact it is, that the enormity of this question is not understood or realized on this side of the mountains, for out of the 107,000 Chinese in this country, according to the last census, nearly 80,000 of them are living in Cali-

AN UNDESIRABLE, A CONTENTION-PRODUCING PEOPLE.

The Chinese are an undesirable class of people. This is tho unprejudiced judgment of people who know them, after years of experience. They are, it is admitted, a remarkable people in many respects, and many things can be said in their favor, for no one can be so biased as not to recognize this, but on the whole, considering their good and their bad points, we would be much better off if they had never come among us, or if they would now go back again. Many industries that depend upon their labor would, it is admitted, temporarily suffer in California, but in time these would right themselves. Their presence among us has kept up a continual contention that has done us steady harm. It has caused factions among ourselves, politically and religiously, and it has created misunderstandings and sec tional strifes that have resulted injuriously to our common interests. It has separated us, and it had caused us to some extent to lose confidence in each other's judgment. Bitter quarrels have resulted from their presence and, worse than all, the morals of our youth, the promise of the future manhood of our country, have been underminded, for it has happened that, contrary to the experience with the people of other nations, our

youth have copied only the injurious traits and habits of the Chinese. They have copied their vices instead of their virtues. In this respect it is hardly possible to calculate the injury the Chinese have done us, and those who are to follow us.

THE CHINESE A VIOLATOR OF OUR LAWS.

The Chinese have no respect for our laws, they violate our laws greatly out of proportion to any other number of people among us. In this connection I desire to state that I have recently received a letter from the chief of police of San Francisco, glving his experience in that city, which is a fair index of other cities relating to the Chinese. He has occupied the position for nearly half of his lifetime, and is one of the most faithful and conscientious officers in the performance of his duty. He has the respect and confidence of all who know him, and his opinion upon this question can be taken as the truth so far as it relates to his personal experience with the Chinese. He

OFFICE CHIEF OF POLICE, San Francisco, October 19, 1985

OFFICE CHIEF OF FOLICE, sea Transeco, Uctober 19, 1982.

DEAR SIR: Replying to your communication of the 11th instant, asking he percentage of crime committed by Chinese as against that of all other lasses and requesting my opinion about the influence for evil that the hinese have upon our young people, you are informed that the number of hinese arrested for ten years ending June 30, 1893, is 20,000.

As compared with all other classes, about 11 per cent of offenses charged to compared the percent of offenses charged to compared the percent of offenses charged to compared the percent of offenses charged to compare the percent of offenses charged to compare the percent of offenses charged to compare the percent of the percent of offenses charged to compare the percent of the p

As compared with an other classes, about 11 per cent of offenses charged is committed by them.

The principal offenses committed by Chinese are "burglary," "larceny." "robbery." "murder," and "assault to murder;" "keeping oplum dens," gambling," "violating health and fire ordinances;" in fact they commit about every offense known to law.

In the cases of all other classes arrested about 70 per cent are charged with drunkenness.

Mr. HOAR. What percentage of the population are Chinese? Mr. PERKINS. About 15,000 are now there. Our population is about 300,000. The chief of police continues:

Among the Chinese not 3 per cent are arrested for the latter offe

That is, for drunkenness. In that respect they are exempt from that evil of American civilization.

Thelleva-

He says-

The influence of the Chinese for evil over our young people is great, and articularly so in the direction of immorality, gambling, and opium-smoking will also add that, with few exceptions, they appear to have no respect for ur laws; in fact, they are the most persistent lawbreakers known to the

police.

There are a number of secret societies here whose members are principally composed of highbinders, and whose object is to levy blackmail upon their countrymen, and, when not successful at that, they commit murder. I tried with all the ingenuity I possessed to break up those societies in a legal way, but by their cunning, "of which they can beat the world," I did not succeed.

not succeed.

Their ourrageous acts became so numerous that the press attacked the very severely and forcibly, which caused me to assume the responsibility of sending a squad of police to raid their meetings, in which the united press indorsed my action.

I estimate the Chinese population to be at least 15,000, and will increase before the winter sets in, because they flock to this place at that senson from all over the coast.

Yours, truly,

P. CROWLEY. Chief of Police.

P. CROWLEY, Chief of Police

Hon. GEORGE C. PERKINS, United States Senator, Washington, D. C.

THE LAW DOES NOT FORCE THEM OUT OF THE COUNTRY.

These things are sufficient for consideration by themselves, but they are not exactly what we should consider now. The Chinese are here; they are here in large numbers; and they are here under our pledge that they are to receive the same protection as the people of the most favored or desirable nation.

It was not intended by the present law to force them out to remove those who are here rightfully, but to prevent the further coming of a class which are admittedly objectionable. The existing law requires those who are here to be registered, so that if any are found hereafter without being able to show a certificate of registry, it can be presumed that they are here without right, in violation of the provisions of the treaties and our laws.

VE ARE OPPOSED TO THE FURTHER COMING OF A BAD CLASS We do not desire to allow the number of Chinese of the lower classes—the coolies—to be increased in this country. No people more than those of the Pacific coast recognize the value and nobility of labor, for "honest labor bears a lovely face," and no people ever had so much of it to do, to build up the homes they now enjoy, to build up a great Commonwealth on the wastern shores of this continent, as the people of our State. They had to dig out of the rock the gold and silver that has enriched the world, and they had to level mountains in doing so. They culword, and they had to level mountains in doing so. They can trivated the fields, they planted the vines and trees that now furnish breadstuffs and fruit to all parts of the world. The tremendous labor they performed, and are performing, is a surprise to the world, and it was only by it that they made their civilization possible and secured the comforts which they enjoy to-day. There are none among them who do not glory in the results of labor. But there is labor and labor. The labor given by the Chinese is a debasing, a degrading labor. Why, sir, one of the principal curses of slavery in our midst in this fair land was, that the labor of the slave degraded instead of elevated our people, that it injured instead of benefited all who came in contact with it. Just so is the servile contract labor given by the Chinese. It produces results? Yes, but the results are not satisfactory; the results are obtained at the sacrifice of American citizenship.

A GREATER CURSE THAN AMERICAN SLAVERY.

I think that the servile contract labor of the Chinese is a I think that the servile contract labor of the Chinese is a a greater curse upon this land than African slave labor ever was. The man who owned a slave had a pecuniary interest in keeping him healthy, in providing for him. It was to his own financial interest to do this. But the employer of the Chinese contract laboror cares for him only so long as he renders him service for the money he pays. It is more degrading, more debasing, more demoralizing to our people, if that is possible, than ever the slave labor of this country was.

What have we passed through in this land to wipe out the curse of slavery? Can we not read the lesson in history written in fire, in blood from the veins of the brightest men in this land to wipe out that great curse? Can we not profit by that lesson, and say here to-day, thus far shall you go, but no further shall the servile contract labor of China pollute this great Republic?

A LABOR THAT INJURES RATHER THAN BENEFITS.

A LABOR THAT INJURES RATHER THAN BENEFITS

The labor performed by the Chinese has injured far more than it has benefited, either in California or any other State in this Union. It is not the labor that America demands and that her people have a right to expect and receive. It pulls down from that high position of dignity which labor should occupy and degrades it and keeps it down. It breeds contentions, it suggests and encourages difficulties, and it exasperates on all sides. It is not ennobling, it is not good, and it is not satisfactory. Labor is honorable, it matters not whether it is performed with the pick and shovel, by the sailor who mans the vessel, by the farmer and shovel, by the sailor who mans the vessel, by the farmer who tills the soil, by the tool of the mechanic, the delicately adjusted instruments of the astronomer, or the scalpel of the surgeon. Labor is always honorable, but there is a great difference, there is an insufferable gulf, between labor and the work of the Chinese.

THE CURSE OF CHINESE LABOR

Everyone who has watched the progress of both has long since observed that the curse of Chinese labor is that it is not independent, that it is secondary to other factors than that of the employer and the employes. It makes room for an intermediary, employer and the employes. It makes room for an intermediary, and it lacks the efficacy, the dignity of true labor, because it is deficient in the essentials.

Under our treaty (and we have not and we do not want to vio-late any portion of it, either in spirit or letter) we are compelled legally and morally to protect the Chinese who are here with us, and we have and will continue to do so while they are among us. Acting under that treaty, and its provisions were ample, our peo-ple thought they had a right, they knew they had a right, they believed it for the best interest of this country to exclude Chinese immigration, which we had a right to do under its provi-

WANT THE LAW THOROUGHLY ENFORCED

We also want to enforce the exclusion act to the letter, and to We also want to enforce the exclusion act to the letter, and to aid us in that we enacted the registry law. And more than this, we want to stop continual agitation. We want to have this Chinese question settled once for all time. We want a rest and a chance to try the supposed benefit of the workings of the registration act. We want to put a stop to the oft-repeated cry of injustice to the Chinese; to the idea that the people of California (and I want to say that the people of California are the equal of any in moral character, in beneficence, in philanthropy, in enterprise, in all things that go towards making up good American citizenship, of any neonle in the world) are cruel towards

terprise, in all things that go towards making up good American citizenship, of any people in the world) are cruel towards the Chinese. They are a people who compare in the most favorable light as a class with any in this great Republic.

It is unjust to them that an erroneous impression on this subject should get over the land. It is to them a great injustice, and it prevails not only here in the Atlantic States but in Europe and elsewhere. We have been misrepresented. No Chinamer have ever hear they accounted on injusted on injustice, in the care hear they are accounted on injusticed the contraction. man has ever been there assaulted or injured or has been in any greater danger at any time of being assaulted or injured than any citizen of the Commonwealth of Massachusetts. Our people will not tolerate, and have never tolerated, and have no disposition to wrong the humblest resident among them, no matter whether he comes from the isles of the Pacific, from China, or from any other country.

EVERY CHURCH A BEACON LIGHT OF CIVILIZATION.

We want to convince the good people of our own land. We

nize that every church is a beacon light of civilization and is a

nize that every church is a beacon light of civilization and is a bond for law and good society and the sanctity of the home, and that, while the petitioners are undoubtedly actuated by the very best of motives and purposes, they are entirely unacquainted with the people for whom they so eloquently plead.

Kind-hearted, benevolent, and Christian men and women in California and the other Pacific States have organized in their churches, Sabbath schools and aid societies, with a view to Christianize the Chinese, but I think it is safe to say that not 2 percent of the Chinese, after thirty years of earnest effort, have been converted to Christianity. It is clearly a case of love's labor last.

CHINESE WORSHIP OF THE EVIL ONE.

The Chinese have their joss houses, their places of worship in every block in Chinatown. They burn incense to their gods. They pay homage to the evil one, because they say the God we They pay homage to the evil one, because they say the God we teach them to worship can do no wrong, and, therefore, if they can get on good terms with the evil one they are all right, and so they pay tribute to him. But it is not the highest motive which prompts men to be good only because they fear punishment hereafter. I do not think much of that religious sect or that man who embraces religion only because he fears the punishment which will come to him if he does not embrace it; rather et him embrace religion because its teachings are good and

be utiful and elevating, and because God is love.

Mr. President, the people of California are generous to a fault;
they are not engaged in any war against the Chinese. They are
engaged, however, in something higher and nobler—in a contest to protect themselves, their reputation, their homes, and their youth from the contaminating influences of a people who are debasing to all who come within their radius. They do not want to strike one blow at the Chinese, but they do want to save themselves from the blighting influences which the Chinese have instituted in our midst; they do want to enforce that protection which the laws give them, and to palliate, if possible, the operations of a treaty which this country has made, and which has been found to work most injuriously to their interests.

OUR PEOPLE A CHURCH-GOING PEOPLE.

The people of California, and of the adjoining States are a cosmopolitan, but a law-abiding and high moral class, and they are a church-going people. They may be, and probably are, more broad-minded and care less about what particular form of religion is taught than people in other parts of the country, but religion is taught than people in other parts of the country, but they sympathize with every religious faith, sect, or creed which has for its object the bettering of the people and the elevation of their moral character. They have suffered from the Chinese, though in many instances they may have been benefited indi-vidually by their presence. They are anxious that the regis-tration law shall be enforced as a means of preventing more Chinese from coming among us.

tration law shall be enforced as a means of preventing more Chinese from coming among us.

There are enough Chinamen in this country now to experiment on, and our people are not willing that the experiment shall be conducted on any larger scale. Experience has demonstrated to them the evil of this great influx of these undesirable people, and they appeal to Congress for the remedial legislation which the registration and exclusion act promised.

It is not a literation of desirable to the end of the en

It is not my intention or desire to discuss this measure at this time in a more detailed manner. There are so many objections to the Chinese that a mere recital of them would occupy much more time than it would be proper or fitting for me to claim.

WILL NOT BECOME PERMANENT RESIDENTS

The Chinese are undesirable for many causes; but among the principal ones is the fact that their stay with us is only a passing event, and that none of them hope or expect to become permanent residents among us. They add nothing to our prosperity and take everything they earn back to their own country. They would not, if they could, become citizens, and they are so careful about this that everyone of them comes here with a contract that in the event of his dying here his bones shall be sent back to the lead of his everyone. to the land of his ancestry.

That is why I used the expression that the Chinese Six Companies own the Chinamen body and soul. They think they would never go to the flowery land of their ancestors if their bones were permitted to remain here upon our soil; and so, in the contracts which they make, it is stipulated that their bones shall be sent back, and every steamer which leaves the port of San Francisco and the port of Victoria, on Puget Sound, carries back boxes and boxes of the bones of these dead Chinamen.

AN UNHOLY CONTRACT.

I will add that the Chinese differ in this respect from every other class of people who come among us. The contract which is made is not one of filial love or brotherly affection. The last want to convince the church-going people, who have so numerously petitioned Congress in behalf of the Chinese, that the people of California are in full sympathy with them for the stand they take for good government and good morals. They recogisting the bones of Chinamen is not done by some service of shipping the bones of Chinamen is not done by some service of shipping the bones of Chinamen is not done by some people with the service of shipping the bones of Chinamen is not done by some people with the convince the church-going people, who have so numerously petitioned Congress in behalf of the Chinese, that the people of California are in full sympathy with them for the stand they take for good government and good morals. They recognize the convince the church-going people, who have so numerously petitioned Congress in behalf of the Chinese, that the people of California are in full sympathy with them for the stand they take for good government and good morals. cold-hearted agents of the Six Companies, who perform the service for so much consideration, which is "nominated in the

The United States collector of internal revenue in San Francisco, and also some of the ablest statisticians of the leading journals of the West have made a computation, and they estimate-and they are very competent to do so-that the Chinese have sent or taken back to China in the thirty years they have been in this country the enormous sum of \$810,000,000. This, in the minds of those who have had experience with the Chinese, is sufficient to satisfy them that the Chinese, leaving all other questions aside, are undesirable, not to use a harsher

I have not gone into the details of this question to show in what manner these people live and how they are crowded to-gether, contrary to all sanitary laws and to all regulations which everyone recognizes who wishes to enjoy health. I shall not attempt to describe to you their food, 96 per cent of which consists of rice and tea. They contribute nothing to the support of our country. I shall not weary the Senate with these details.

DEGRADING TO AMERICAN MANHOOD. In answer to what I have said it may be replied, "they have contributed of their labor, have they not? They benefited you by giving you their services in building canals, in building railroads, in cultivating the land, and in building ditches." Yes, I must answer in the affirmative; but as I have said before it is a contract, a servile labor, which is contrary to our laws and which is degrading to American manhood. It is, I repeat, a labor more humbling and more debasing than slave labor. If the same labor had been given to others—and it would have been except for the presence of the Chinese—the result of the labor would have been left in our country by those who, from love of our institutions, would have become citizens of this great Republic; who would have built up their homes, raised their families, supported our public schools and other institutions, and thus have become factors in this great Government.

THOUGHTFUL PEOPLE DEMAND EXCLUSION. The demand for exclusion, and for registration as a means of aiding the exclusion, I reiterate does not come from the so-called "hoodlums" and "sand-lotters," of whom so much has been printed in the public press in the Atlantic cities; but it comes from the thoughtful people of our State, who are most interested; it comes from the fathers, from the mothers, from the guardians of the youth of the State, and from those who are interested in the advancement and prosperity of this great country. It is a universal demand, and it is for this reason that I do not think the Chinese have any claim upon the country or upon Congress to ask for this extension of the law which they have violated deliberately, intentionally, and contrary to the mandates of Con-

But, Mr. President, in marked contrast to those who have refused to obey the law, in marked contrast with the Chinese, I wish to say that the people of the Pacific coast, from the State of Washington to California, all over that beautiful land which waters the western part of this great Union of States, will bow in submission to the will of Congress, for they are a law-abiding,

We of the sunset land of the nation have an abiding faith in the wisdom, justice, and patriotism of our fellow-citizens of these great United States. We believe that as soon as you investigate and understand the real question at issue we shall have your national properties in particular from our midst this sympathy and cooperation in banishing from our midst this growing evil.

STAND SHOULDER TO SHOULDER AND REPEL ANY INVASION.

As common citizens of a progressive Republic it is our duty to stand shoulder to shoulder in repelling the invasion of not only the coolie of Asia, but also the pauper, the criminal, and the contract laborer of Europe. Let our school bells ring out their peals from hill and dale, from the mountains to the sea, from every hamlet in the land, that we have resolved it to be our bounden duty, first, to educate and rear the children of our own citizens and prepare them for the high duty of American citizenship, before we permit others to come in and usurp their

REMISSION OF DUTIES ON WORLD'S FAIR EXHIBITS.

Mr. CULLOM. Before another Senator addresses the Senate on the pending bill I ask unanimous consent of the Senate for the present consideration of the joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition, which has come from the other House and been referred to the Com-

The joint resolution refers to foreign goods on exhibition at Chic go, and the proposition is to reduce the customs duties to one-half on all the goods there at the time of the passage of the joint resolution. I am informed by members of the committee

that they are not in favor of any of the provisions of the joint resolution but the last clause, which reads as follows:

And provided further, That all foreign exhibits at such Fair acquired by contribution or purchase by the Columbian Museum of Chicago for its own use shall be wholly released from all customs duties.

The portion which I have read is all of the joint resolution which I desire to have passed at this time. Since the approach of the close of the World's Fair there has been organized what is known as the Columbian Museum of Chicago; and as Senators have probably noticed from the press, Mr. Field, a very prominent merchant there, has contributed a million dollars, and many foreigners are disposed to give or to sell articles which have been on exhibition, which they prefer should go into that

I think, under the circumstances, the portion of the joint resolution which I have read should be allowed to pass, if not all of I ask that the joint resolution be taken up for consideration,

with a view of securing that provision at least.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. McPHERSON. I wish to state that the Senator from Illinois was not quite correct when he said that all the members of the Finance Committee objected to the provisions of the joint resolution. Speaking for myself, I wish to say that I am in favor of each and every provision contained in it. At the same time I take no exception to the action taken by the Senator. I think he is quite right in saying that a majority of the committee are

opposed to the resolution in its entirety.

Mr. CULLOM. I ought to have said that the committee was not favorable to the passage of the entire joint resolution, and I stand corrected by the Senator from New Jersey. All I ask is that the joint resolution may be taken up and that all of it may

be stricken out but the last clause.

Mr. JONES of Arkansas. So far as I am individually concerned, I have not looked at the joint resolution particularly, and I do not know that I have any objection to it, but it seems to me that at least the chairman of the Committee on Finance ought to be present before any action is taken, as the joint resolution has not been considered in the committee for amendment, and has not been acted on favorably by the committee. and has not been acted on favorably by the committee

Mr. MORRILL. I think the Senator from Illinois had better allow the joint resolution to remain until the chairman of the

committee returns to the Senate.

Mr. CULLOM. In justice to myself I desire to say that I consulted with the chairman of the committee before I saw any of the other members of the committee, and told him it would be a little odd for me, not being a member of the committee, to re-

port the joint resolution.

Mr. MORRILL. The joint resolution can not be considered by the Senate without first discharging the Committee on Fi-

nance from its further consideration.

Mr. CULLOM. I do not seek to press the joint resolution if any Senator objects to it; but I saw the chairman of the committee [Mr. VOORHEES], the Senator from Ohio [Mr. SHERMAN], the Senator from Vermont [Mr. MORRILL], the Senator from Missouri [Mr. VEST], the Senator from Arkansas [Mr. JONES], the Senator from Tennessee [Mr. HARRIS], and the Senator from New Jersey [Mr. McPherson], and I supposed it was perfectly proper for me to submit the motion I have.

Mr. JONES of Arkansas. I should not object to the present consideration of the joint resolution individually, but I do not

consideration of the joint resolution individually, but I do not believe that the practice of passing measures in this way, which have not been considered by committees, is a good one; and I

think it ought not to be indulged in.

Mr. CULLOM. I should not have requested that the resolution be taken up but for the fact that I am anxious to go away, and I was desirous that the little provision to which I have referred, should at last be saved.

The PRESIDING OFFICER. Objection is made to the re-

quest of the Senator from Illinois.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. I) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3289) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEARY, Mr. BARTLETT, and Mr. FLETCHER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H.R.1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes;"

A joint resolution (S. R. 36) transferring the exhibit of the Navy Department, known as the model battle ship Illinois, to the State of Illinois, as a naval armory for the use of the naval militia of the State of Illinois, on the termination of the World's Columbian Exposition.

NEW YORK AND NEW JERSEY BRIDGE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 3289) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey, disagreeing to the amendments of the Senate and asking for a committee of con-

ference thereon.

Mr. FRYE. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. GORMAN, and Mr. FRYE were appointed.

CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United

States," approved May 5, 1892.

Mr. DOLPH. Mr. President, I do not care to weary the Senate at this time by discussing the character of Chinese laborers ate at this time by discussing the character of Chinese laborers in this country, the undesirability of a large number of them here, the history of the Chinese here, or of the legislation intended to restrict or prohibit the coming of Chinese laborers to this country. At an early day in the session, knowing that the Chinese question was an important one and would immediately demand the attention of the Administration, and probably of Congress, I took occasion to discuss the se-called Geary act, and the necessity for an appropriation for its faithful execution.

I took occasion then to advert to the fact that under our form of government the powers of government are divided between three great departments, and that the power to make laws is exclusively conferred upon Congress; that the executive has no discretion but to enforce a law of Congress, and that the President is as much bound by a law of Congress as the most humble

As I said on that occasion, the extending the time for Chinese laborers to register is not incompatible with the general purpose of the so-called Geary law. That the purpose of that act was to enable the Government to distinguish between the Chinese laborers lawfully in this country and those who had or should come into the country unlawfully. It was supposed that a system of registration was the only practicable method by which the Government might be enabled to do so.

I then explained my connection with the so-called Geary law, the fact that I had agreed to a provision for registration under a sort of compulsion, all the existing legislation in regard to the coming of Chinese laborers into this country being about to expire by limitation; that I had drawn a provision which differed materially from a similar provision contained in the bill as it came to the Senate from the House of Representatives: and that, in my judgment, as finally enacted into law, it was neither a violation of the treaty with China, nor was it degrading to the Chinese in this country. I took occasion then to say, and I repeat it now, that the only palpable violation of the treaty with China in regard to the coming of Chinese laborers into this country was the so-called Scott exclusion law of October 1, 1888. I then described the manner in which that measure had been introduced into Congress, and had been passed. I propose now to fortify my statement in regard to the character of that measure by reading a quotation from the speech of the senior Senator from Colorado [Mr. Telller] made in the Senate the day after the Scott bill came into Senate. He said:

Now. Mr. President, what is the condition of this bill and what are the circumstances under which it comes to us? Yesterday, as the Senate was proceeding with its business in the usual way, there came in a bill which I learn now has never seen a committee of any body, of either this House or of any other. It never ran the gauntlet that every bill runs of criticism; it has never been printed. I do not know that I am at liberty to say who introduced it in the House of Representatives. I do not know how far I can go upon a question of that kind. I can state what I have seen in the public press, and I suppose I have a right to read what is in the RECORD, and if I have perhaps I have the right to say that this appears to have been introduced by a gentle-

man who is not a member of the committee that generally takes cognizance of these things, not only not a member of the committee, but I may say without offense to him, a gentleman that in no sense and under no circumstances has a right to speak for American labor.

Without going to a committee the bill goes through the House and comes here. The Senator from South Carolina [Mr. Butler] said with great frankness that it was a political movement. I do not find in the Record that this bill was drawn in the Solicitor's office, but I hear it outside. I hear that it was sent down from the executive department of the Government in hot haste to the House of Representatives to be passed. I do not know that that is so; I only say that that is the rumer, that is the report. I submit to the Senate, however, that it does not take very much to make one believe that in the quick passage of this bill through the House of Representatives there was something more than a desire to protect American labor against the incursions of Aslatic labor.

If I were to look over the whole House and select a man who would most fitly represent the American people who toil, I should hardly have thought of selecting the man who came hot haste with that bill and who succeeded in passing it through the House a very few men would have been able to do, and he succeeded only because he is a high priest in the Democratic clurch. It is a bill which could only have been considered by the unantmous consent of the House, the Speaker's recognition being first had. This occurred immediately on the reading and approval of the Journal. He sicceeded only because he represents the President of the United States more than any other man in the Democratic party, as he did at St. Louis and as he does everywhere, and who is reported to have contributed ten times as much money to the campaign fund as his Democratic President has given. I do not know whether that is true or not, but I know that so far as he is concerned if he chooses to give \$100,000 to the Democratic

Mr. President, I read this in confirmation of my statement as to the manner in which the Scott bill was introduced into Congress, and as to the character of the bill. I do this because the Senator from Delaware [Mr. GRAY] said in substance a few minutes ago on this floor—I shall not attempt to quote his exact language—that great injustice had been done to China and the Chinese people

Following the history of the Scott law in the Senate, I find that it was passed in the Senate by 37 votes, with only 3 nays, Senator Brown of Georgia, the Senator from Massachusetts [Mr. HOAR], and the Senator from Iowa [Mr. WILSON], and that the Senator from Delaware [Mr. GRAY] voted for it in the Senate.

If any injustice has ever been done to China in the legislation which has been enacted to restrict the coming of Chinese laborers to this country, it was done by the Scott law. If any injustice was done in the act of May 5, 1892, to China, if there was any violation of treaty, it was in continuing the Scott law for ten

years longer under that act.

I agree with those who think that the Scott law violated the treaty. It violated the treaty because under the treaty the Chineselaborers who were already in this country were given the right to go and return at their own free will, but under the Scott law that privilege was cut off entirely as to the Chinese laborers in this country.

Mr. GRAY. Did the Senator vote for the Scott law? Mr. DOLPH. I did, and on a famous I did, and on a former occasion I gave my reasons for it, and do not care to repeat them.

It was an attempt to get the Republicans for political purposes

in a hole, and we resolved to let the Administration extricate itself as best it could.

I repeat that if the act of May 5, 1892, was a violation of the treaty or was unjust to the Chinese Government or to Chinese subjects in this country, it was from the fact that it extended the Scott act for ten years longer, and that the Scott act was a pal-pable violation of the treaty. It not only took away from Chi-nese laborers lawfully in this country, who had a right under the treaty of November 17, 1880, to go and come at free will, to leave the country and return, but it cut off the right of Chinese laborers who had departed from this country with certificates entitling them to return from the right to return, and invalidated their certificates. I think that something over 20,000 Chinese laborers at the time the act was passed were out with certificates entitling them to return.

I am not going to defend the Scott law; I will not deny that it was a violation of the treaty. For that act, I say, the Sanator from Delaware voted, and if there was any violation of the treaty with China in the act of 1892, it was by the extension of the Scott act.

The proposition that the provision of the detay, or in registration was degrading or a violation of the treaty, or in registration was degrading or a violation of the treaty, or in the maintained. We had the anyway unjust to China, can not be maintained. We had the right, under our treaty with China, to restrict and prevent the coming of Chinese laborers into this country.

The treaty, and the laws which we had passed in pursuance of the treaty, to prevent the coming of Chinese laborers to this country were openly and systematically violated by the Chinese and their representatives in this country, and thousands of Chi-nese laborers, those who had been out at the time the Scott act was passed with certificates, and others who had never been in this country, and never had a right to come into this country, were being smuggled every day in the year into this country across the boundary between Mexico and the United States and

between British Columbia and the United States, and by steam-ships coming into our ports upon the Pacific coast. The United States having a right to restrict the coming of Chinese laborers into this country, had the right to enact all necessary legisla-

tion to enable it to do so.

If a system of registration was necessary to enable the Government to distinguish between those Chinese lawfully here and those coming unlawfully into this country, certainly the Gov-ernment had the right under the treaty to enact such a pro-vision for registration. The pretense that that provision was either in violation of the treaty or was degrading to the Chinese or unjust to China, can not be maintained. It was no more degrading to the Chinese than the provision that a citizen of the United States, as I said on a former occasion, should be compelled to register in order to be entitled to vote in his own State or in his own municipality, no more degrading than the requirement of a foreign government that a citizen of the United States shall bring a passport from his government to be entitled to enter or remain within the jurisdiction of that foreign government.

The 13,000 Chinese laborers who did register under that act

have not been degraded; on the contrary, they have been bene-flted. They carry about with them the highest evidence of their right to be here and to remain here unmolested, a shield

for their protection.

Mr. President, having said so much in regard to the provision for registration, I desire to say that I have not been very willing to excuse the defiant refusal of the Six Companies to comply with it. It was not the Chinese Government which objected to registration. The Chinese Government hast roubled itself very little about this matter of registration. It was not the Chinese laborers who refused to register; they were quite willing to register: it was their masters, the Chinese Six Companies, who gave

out their orders that the Chinaman should not register.

I have felt from the start, and that has been my trouble with this bill, that it was not consistent with the dignity of the United States, unasked by the Chinese Government, without any request from any Chinese authority, without even a request from the Chinese subjects in this country, to voluntarily back down, and in the face of the defiance of a class of aliens in this country who have refused to comply with a law of Congress to

grant them an extension of time.

I not only discussed that matter in the speech I made early in the session, but I introduced in the Senate a resolution calling for information upon the subject, in order that there might be no mistake as to whether the Chinese Government had or had not asked for this legislation. The answer to that is as follows, without reading the whole of it:

While the Government of China has not formally requested that the time for registration provided by the act of Congress entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, be extended, and no formal assurance has been given that if extended, Chinese laborers in the United States will take out certificates as provided by the act, the Chinese minister has repeatedly asserted, in conference with the undersigned, that his countrymen residing in the United States at the time of the passage of the act, on the advice of eminent counsel and in good faith, refrained from registering within the time allowed, and that it would be unjust to denythem another opportunity to register. The minister more would afford his Government great satisfaction.

I read from the letter of the Secretary of State in response to

a resolution offered by myself.

Mr. President, notwithstanding I have felt that a vigorous prosecution of the law of Congress would have brought the mutter to the attention of China, so that the Chinese

Mr. GRAY. May I ask the Senator a question?
Mr. DOLPH. I will hear the Senator.
Mr. GRAY. The Senator is from the Pacific coast, and knows a great deal more about these matters than we on this side of the continent would be expected to know. Am I to understand that the Senator from Oregon is, under the circumstances, opposed to extending the time for registration?

Mr. DOLPH. I shall come to that.
Mr. GRAY. I want to know if I am to understand that from what the Senator has said?

Mr. DOLPH. I shall come to that point directly. Mr. GRAY. Can not the Senator answer either "yes" or "no"? Mr. DOLPH. No: I will not answer "yes" or "no". I do not choose to answer just now.

Mr. GRAY. All right.
Mr. DOLPH. I had already stated that there was no serious objection in my mind to the extension of the time of registration, it not being inconsistent with the purpose of the original act; that the purpose of the act of May 5, 1892, was not the decrease of the constitution were consistent with the purpose of the act of May 5, 1892, was not the decrease of the constitution when the constitution were consistent with the purpose of the constitution when the constitution were consistent with the constitution when the constitution were constituted as the constitution when the constitution when the constitution when the constitution when the constitution were constituted as the constitution when the constitution when the constitution were constituted as the constitution when the constitution when the constitution were constituted as the constitution when the constitutio portation of Chinese, but that that provision for deportation was merely intended to provide a punishment for a violation of the act. My trouble had not been because I was unwilling, upon a proper application from China, to grantan extension of the time for registration, but because I did not like this Government

being put in the attitude of voluntarily yielding to the defiant opposition of a class of aliens in this country. Mr. GRAY rose.

Mr. DOLPH. Let me finish. This measure, it is understood

Mr. DOLPH. Let me inish. This measure, it is understood, was prepared in the State Department. It is understood to be an Administration measure; that it is desired by the Administration and the responsibility for it is, of course, upon the political majority in Congress. If they choose to put the Government in the attitude in which this bill will put it. I have constants and the extension of time cluded to make no opposition to the extension of time

claded to make no opposition to the extension of time.

Mr. GRAY. Now, may I ask the Senator again, because I think we ought to deal fairly with each other about this—

Mr. DOLPH. I think I have answered the question.

Mr. GRAY. The Senator comes from a part of the country where he has opportunities of understanding this question which we in the East have not. Whe ther it is an Administration measure or not, I ask whether the Senator's judgment approves it.

Mr. DOLPH. I never would have introduced a bill or layers.

Mr. DOLPH. I never would have introduced a bill or favored Mr. DOLPH. I never would have introduced a bill of layoreda bill in committee or reported a bill to the Senate, providing for an extension of time to register unless China had asked for a modification of the act of 1892. I would not put this country in the attitude of backing down in the face of the defiant opposition of atiens in this country—after the law, which was enacted for the purpose of being observed by them, had been defied; but I am willing to consent, and I have consented, to the report of this bill from the Committee on Foreign Relations, and its enactment here, as it appears to be a measure asked for by this Administration. I shall make no factious opposition to it, indeed I propose to vote for it.

Mr. GRAY. But the Senator will not give us the benefit of

his judgment about it?

Mr. DOLPH. I have answered that, and if my answer is not

Mr. DOLPH. I have answered that, and it my answer is not satisfactory to the Senator, he must go without an answer. Mr. President, I wish to call attention to another matter. It the response of the Secretary of State to the resolution of inquiry offered by myself is deemed satisfactory, if there is sufficient excuse in that for the legislation now proposed to be enacted, if the dignity of this Government is preserved, or if it is deemed proper as a matter of grace or good will toward China is deemed proper as a matter of grace or good will toward Chin to extend the time, then I think that as a matter of grace if would have been better not to have incumbered this bill with other provisious which must be unsatisfactory to the Chines Government, and I favored the amendment and the reporting this bill embracing simply the first section, extending the time If we are to extend the time for registration, if we are to

make a peace offering to China, I do not believe it is wise to couple it with additions to the Geary law which must be unacceptable to the Chinese Government. I do not think anyone has the right to say that the Chinese Government has ever asked for the first section of this bill, or is satisfied with its other provisions. However, if those provisions remain in the bill when it comes to the final vote, I shall vote for the bill as fittends.

Mr. President, the Senator from Delaware, I think it was, went on substantially to state that the Geary act, so far as the deportation of Chinamen who had been arrested was concerned, could not be enforced for want of funds. He said it would cost some six or seven million dollars to deport from the United States all the Chinese unlawfully here. The Senator knows that a Chinese laborer can not be deported until after a decision by a court that he be deported; that it would be impossible to deport all the Chinese in one year or two years or three years. It is impossible that all the cases be heard in that time.

When the Government undertakes a great work of public importance, which is to cost six or seven million dollars, Congress does not appropriate the whole amount at one time, but it appropriates it in small sums. It would be just as reasonable to say that the work should not be commenced because it is to cost \$6,000,000, and only \$100,000 is appropriated, as it would be to say that the work of deporting the Chinese unlawfully in this country should not be commenced because the whole amount ary to deport all the Chinese in this country has not been

provided.

I know that immediately after the expiration of the time allowed by the Geary act for registration, circulars were sent out by the Attorney-General to district attorneys and instructions re sent to officers of the Government not to enforce the provisions of the Geary act providing for deportation, a lack of funds being given as an excuse, but the judge of the southern district of California, in a case tried before him, after the instructions to the district attorney were read in his court, said that the Attorney-General could not say that the money appropriated to execute the Chinese exclusion act was to be used for this or that particular purpose; that as long as there was any portion of the appropriation unexpended it could be applied for the deportation of Chinese. I think the action of the Department of Justice

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in this matter, and probably the action of the Department of the Treasury, is justly subject to criticism. I think they had proceeded to enforce the law to the extent possible with the money which had been appropriated for the purpose of executing it. If the money appropriated had been applied to that purpose, long ago the Chinese Government would have come formally to this Government and asked for an extension of time, so that her subjects might be relieved from the consequences of

a violation of the provisions of the Geary act.

Mr. STEWART. The Senator is very familiar with the subject, and is a member of the Committee on Foreign Relations. wish to ask him if we have any assurances that our Government will execute the law, or that the Treasury Department will ex-ecute the law, if we pass it? Have there been any assurances of

that kind? Mr. DOLPH. I think the Senator from Nevada is better informed in regard to what the Administration and the various Departments of the Government will do, or may be supposed to than I am; and I think I shall not answer that question.

Mr. STEWART. I did not know but that the Senator had some assurances for the future that the Department would respect the law. They have not had any respect for the law in

Mr. DOLPH. The matter stands in this way: Congress, by an act approved May 5, 1892, required that all Chinese laborers in this country entitled to be here should within a year apply for and obtain a certificate as evidence of their right to remain but a very few, I think only about 13,000 Chinese laborers out of something like 100,000 in this country, applied for certificates, not because they were not willing to apply, but because certain organizations in this country, which controlled the actions of Chinese laborers, refused to permit them to register. excuse is that they were advised by eminent lawyers in this country that the act was unconstitutional, but every man who institutes or defends a law suit is advised by eminent counsel in regard to the merits of his case, and if he goes into court and is unsuccessful, he must abide by the judgment and the decision of the court, and he has no remedy.

By the direction of the Chinese Six Companies the Chinamen

did not register; they defied the United States, and defied the law; they allowed the time to expire, and they are subject now to de-portation for violation of the law. The Administration has made no determined effort to enforce the law, so far as it requires the deportation of Chinese laborers, but it has substantially come to Congress and asked for legislation to relieve the Chinese laborers from the effect of the violation of the law, and not only to relieve them from that, but to suspend all proceedings which have been taken or which are being had for the deportation of

As I said, if China had relieved this Government from the necessity of backing squarely down from the enforcement of its own laws, I should have had no objection to an extension of time for registration. Even now I have concluded to leave the question as to the attitude this Government shall take in regard to this mat-

to the attitude this Government shall take in regard to this matter to the Administration, and shall vote for the bill.

The junior Senator from Illinois [Mr. PALMER] has found what he thinks is a great injustice to the Chinese people in the provision of the first section, that in case a Chinese laborer refuses during the period of six months allowed by this act to register he shall be taken before a United States judge and shall be deported unless he shall establish to the satisfaction

said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the 5th of May, 1892.

It will be observed that this testimony of a witness other than a Chinese witness is not required when a Chinese laborer applies for registration within six months; it is not a matter affecting his excuse for not registering; the proof required is merely to the fact that he was in this country at the time the Geary bill became a law. He may prove everything else and he may excuse his failure to register by Chinese witnesses. That might be a matter about which he might not be able to get white testimony; but certainly the fact that he was here at a certain date he ought to be able to prove by other than Chinese witnesses. know enough about Chinese testimony to say that if he was not required to prove the fact by other than Chinese testimony there would be no use of requiring proof at all, because you can prove any fact you choose by Chinese testimony, and that my friend from California [Mr. White] knows as well as I do.

Some question was made by the Senstor from Connecticut [Mr. HAWLEY] as to whether this act would relieve those Chinese laborers who had already been arrested and ordered deported under the Geary act. It will be seen by reference to page 3 of the printed bill that it is provided—

cedings for a violation of the provisions of said section 6 of

said act of May 5, 1892, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discon-

I have no doubt that the deportation of Chinese already ordered deported by the act would be considered as part of the proceedings instituted under the act of May 5, 1892, and that therefore such Chinese would be set at liberty if this bill should pass.

The Senator from Illinois also found some fault with the latter part of the clause at the bottom of page 4, which requires the marshal of the district, in which the order of deportation is made, to execute the same, and provides that-

Pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to ball.

I do not think a writ of habeas corpus could be issued upon the application of a Chinaman who has been ordered deported. a rule, the writ of habeas corpus is not issued to review the final judgment of a court of justice having jurisdiction of the party and the subject-matter, and there can be no question about the court that is given jurisdiction of this proceeding, and there would appear to be no question about the jurisdiction over a party arrested and brought before it. I can not conceive that a writ of habeas corpus would be allowed by any court to reverse or to inquire into the validity of such a judgment. The reason why I presume this provision has been inserted is the reason stated by the junior Senator from California [Mr. Perkins] a

Mr. HOAR. If the Senator will pardon me, it is a question

of identity.

Mr. DOLPH. There can be no question of identity, I think. if the Chinaman is not allowed to get out of the custody of the United States marshal. The court would have jurisdiction of the Chinaman arrested, and I suppose would have to determine whether he was entitled to remain, and I do not see how the

question of identity could arise.

I wish to repeat what I said before in regard to these provisions. If we are going to give this additional time for registration, going to do this act of—well, you may call it justice to the Chinese Government, if it is considered such—or this act of grace. then I should have preferred that we should stand upon the Geary law and if we refused to modify that, simply give time for registration.

If these other provisions are to remain in the bill, I believe they could have been improved. I doubt very much whether they will not increase the difficulties which will arise in the enforcement of our laws for the restriction of Chinese immigra-I know the Senator from California says-and I agree with him in that matter-that the first clause of section 2 is unwise as now drawn; that the matter of interpreting the word "Inborer" or 'laborers" should not have been undertaken, but should have been left to the courts, or we should have stopped with the provision that this act should apply to both skilled and unskilled manual laborers, and not have undertaken to provide that Chinese employed in certain industries should be considered Chinese laborers; and that even now that the bill should be amended by striking out that latter clause providing that the term "Chinese laborer" should-

be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

Or that we should insert "agriculture and horticulture," and

perhaps "lumbering," and some other industries.

Mr. HOAR. I rose with a view of calling the attention of the Senator from Oregon to the very point which he is discussing, and perhaps he will allow me to ask him what he understands by the term "manual laborers" as used in this bill, and whether that term, as commonly used, includes laborers in factories—that is, those whose chief function is attending machinery or operating by means of machinery. Is that "manual labor" within the meaning of the bill?

Mr. DOLPH. I think it is, and I understand that the courts of California have decided that this word "laborer" or the word "laborers," as used in the existing law, includes every one but the excepted classes of Chinese who are entitled to come to this country; that it includes members of the highbinders' organiza-

Mr. HOAR. If I understand correctly the word is not "manual

Mr. HOAR. Illumersuand correctly the word is not "manual laborers" in the old law, but "laborers."

Mr. DOLPH. I do not remember. I can refer to it directly.

Mr. HOAR. I wish to ask the Senator if this is not a very narrow restriction of law? I should object to it on that account.

Is it proposed to confine it now to what is to be held by the judges to be included within the term "manual laborer"? question I wish to raise, about which I have not expressed an opinion, is whether the phrase "manual laborer" as used in this legislation includes men whose main function is working by machinery. I do not think that the skilled laborers of Worcester, in my State, employed in machine shops, working on shoes, or attending looms or spinning machines, would be called "manual laborers

Mr. SQUIRE. They are called operatives.
Mr. HOAR. I do think the phrase "manual labor" applies to where the chief mechanism is the human hand itself.

Mr. SQUIRE. That is the literal meaning. Mr. HOAR. This bill may have some other objections. It seems to me, at any rate, that the gentlemen who propose to pass a law, and pass it with a full warning that if the courts anywhere in this country say you have so amended the law that it does not apply to a tenth part of the persons the old law did,

are taking something of a risk.

Mr. DOLPH. I am not going to defend the provisions of section 2. I have already given my views in regard to both sec-tion 1 and section 2. Early in the session I introduced a bill to appropriate \$500,000, which I thought would be ample and more than enough to execute this law to the 30th of next June. I found I could not procure the report of that bill from the Committee on Foreign Relations with any recommendation, but it was reported without recommendation and referred to the Committee on Appropriations, and I have no idea, from what I understand to be the temper of Congress, that Congress is disposed to appropriate a large amount of money to carry out the existing law. I should much prefer that China had requested some action on the part of this Government before we proceed to legislate, and should prefer, if we are to extend the time, that it be done without these other provisions to which objection can be taken, and which I think ought to be put in better shape if they are to be enacted into law.

I recognize the fact that we are not likely to have a vigorous enforcement of the existing law; and as I can not get a bill to suit me entirely I shall vote for the pending measure, even if it is

not amended in the Senate.

amended?

Mr. GRAY. How would the Senator suggest that it be nended? Will he propose some amendment? Mr. DOLPH. The Senator knows that I proposed an amendment in the Committee on Foreign Relations, where I proposed

to strike out all but the first section.

Mr. GRAY. Does the Senator offer that as an amendment?
Mr. DOLPH. No; I do not offer it. The Senator from Delaware has reported the bill, I presume, after securing a majority of the committee in favor of the report, and I am not going to antagonize the committee or antagonize the majority in the Senator by the law party by the best to the committee of the securing and the securing the securing and the securing the sec ate; but I am not afraid to say that I believe it would be best to pass the bill simply extending the time for registration, leaving out the other provisions which I consider very crude, as they stund; but I understand the request of the Department is that this bill be passed without being amended in order to secure its enactment at this session, by preventing the necessity of its further consideration in the House.

Mr. HOAR. I do not propose to address the Senate at this time, except to call the attention of the Senator from Oregon

and of the committee to the proposition of the Senator from Delaware and of the Senator from California.

We have, unless I err in my recollection—and the Senator from Oregon does not differ with me, so far as I know-a law applying to laborers, and we now come here with a bill amending the term "laborers" so that it shall mean "manual laborers" only. Then the bill goes on to say that it shall include certain

enumerated classes, fishermen, etc.

There is, therefore, according to the lawmaking power, a distinction between "laborers" and "manual laborers." This bill if it becomes a law will not include hereafter anybody but manual laborers. Now, it is probably in the power of the generative control of the second statement of the second themen who favor this policy to pass this bill as it stands, without amendment. If they do it, they will not, I am sure, after this warning, when the Administration or the courts hold that they have let out a large number of the persons they seem to desire to reach, come in next year and rebuke and complain of either court or Administration.

Mr. SQUIRE. Mr. President, I submit an amendment to the pending bill, which I ask may be read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill as section 3, the following:

SEC. 3. That the sum of \$100,000, or so much thereof as shall be required during the fiscal year ending June 30, 1894, be, and the same is hereby, appropriated for the enforcement of the several acts of Congress regulating and prohibiting Chinese immigration.

Mr. SQUIRE. Mr. President, I ask the consideration of the amendment which I have submitted, in order to make some remarks referring to the matter at the present time, because the Senator from Oregon [Mr. Dol.PH] has just spoken on that point himself, and has said that he believed it to be the policy of the Administration that there should be no appropriation made in support of the various acts.

Mr. DOLPH. I think the Senator hardly states my remark correctly. I did not mean to say that it was the policy of the Administration that there should be no appropriation. I said in effect that I thought it was doubtful whether we could secure the appropriation, not that the Administration does not want

Mr. SQUIRE. I am very glad that the Senator has modified his statement

Mr. DOLPH. No; I do not modify it. I did not make any such statement.

Mr. SQUIRE. I thought the Senator had made that state-

Mr. DOLPH. If the Senator raises any question of veracity, I shall ask that my remarks be read by the Reporter.

Mr. SQUIRE. I am not raising any question of veracity. I understood the Senator from Oregon to make the statement that it was not practicable to propose an appropriation because, as he understood, it was not the policy of the present Administration to allow a feature of that kind to be incorporated into this bill

or to be passed in the present Congress.

Mr. DOLPH. That is so serious a matter that I must be permitted to say that I did not refer to the Administration at all in connection with the appropriation. I said substantially that early in the session I had introduced a bill to appropriate half a million dollars for the purpose of executing the so-called Geary law until the end of the fiscal year, that that bill was referred to the Committee on Foreign Relations, that I was unable to secure a report from that committee with a recommendation, that the bill was reported back without recommendation and referred to the Committee on Appropriations, and that I believed from what I could ascertain that this Congress was not disposed to make an appropriation of a large amount of money for the purpose of executing the law. I spoke about Congress, and not about the Administration at all. I did not mention the Administration in connection with an appropriation.

I said that the Administration certainly asserted through its proper officers that there is not sufficient money to execute that law. I have criticised them, but I have not intimated that the Administration does not intend that Congress shall make an

appropriation to enable it to execute the law.

Mr. SQUIRE. It is on this point that I desire to address a few words to the Senate.

At the time of the passage of the last act relating to the exclusion of Chinese, I took occasion to address the Senate at some length in regard to the general question and the necessity for some method of identifying the Chinese under the law. Just prior to that time, or within the previous year, I had been a member of a select committee of the two Houses of Congress, member of a select committee of the two Houses of Congress, which had proceeded to the Pacific coast and taken testimony extensively on that subject, of which testimony I hold a copy in my hand. I am familiar with the subject. The committee took a great deal of pains and was very industrious to inquire into all the facts relating not only to the condition of the Chinese and to the relations between them and the other people of the Pacific coast, but as to what measures ought to be taken to restrict their coming into the United States illegally

It was plainly shown before the committee that they were coming into this country in large numbers over the border from British Columbia into the State of Washington, where there were great facilities existing for their doing so. It was further shown conclusively by the testimony of the United States attorney in San Francisco, and the United States commissioners and by the officers of customs and other officers of the law, that the law had been persistently evaded by the Chinese, and that certificates which were not correct had been substituted for original ertificates; that the original certificates had been handed to certificates; that the original certificates had been hunded to Chinese not entitled to them upon which certificates Chinese entered at the port of San Francisco. Many other facts were brought out. All those interesting questions relating to the Six Companies and their control of the Chinese in this country, the subject of the Highbinders' Association and the various Chinese organizations were fully brought out in the testimony, and that testimony is before Congress. I am not going into that subject extensively to-day; it is not needful that I should

I have been, however, extremely interested in the remarks of the Senator from California [Mr. Perkins]. I indorse all that he has said in relation to the character of the people of the Pacific coast and in relation to the Chinese there, designed to show to the people of the East that the people of the Pacific coast are not unchristian, that they are not unreasonable, that they are simply desirous of protecting their youth, protecting their laborers, and protecting their society. It is not necessary

for me to go into the subject generally now.

I propose, however, to draw the attention of the Senate to one point. The great fault of the last legislation enacted by Congress on this subject was that no provision was made for the

execution of the law. This has been perfectly evident, as indicated by the decisions of the United States courts. It was supposed, I believe, at the time of the enactment that provision would be made in one of the appropriation bills for the purpose, but the appropriation was not included in the act called the Geary act, and no sufficient subsequent appropriation was made. We have all seen the lack of vigor which the law possessed by reason of there being no appropriation to carry it out. It seems to me it is high time that we address ourselves to that part of the subject, if we are in earnest as a Congress in this policy which the Government of the United States has long since adopted, and which it is consistently pursuing.

adopted, and which it is consistently pursuing.

The votes of the members of the House of Representatives, as I understand, have been unanimous—I do not know that I have I understand, have been unanimous—I do not know that I have a right to refer to that in a parliamentary sense here—but it is well known and widely published, I may say, that there was not a single opposing vote in the House of Representatives, and I might have said, perhaps to-day it is evident, that the sentiment of the people, regardless of party, is in favor of the execution of the Chinese exclusion act, and that a suitable appropriation should be made to inforce it. Then why not show that we mean this in eurnest? Why not make a reasonable appropriation? That will show the people that we have acted in good faith; that will show the Chinese that we mean business. What is the use of this firing in the air all the time? If we do not appropriate the necessary money to carry out the provisions of the act those provisions will be of no account, comparatively speaking.

ing.
Mr. President, I have in my hand two letters from the Secretary tary of the Treasury, which have been addressed by the Secretary to the Vice-President of the United States, in answer to resolu-tions of the Senate. The first of these letters goes on to state— I will only read a part of the letter, as it may not be necessary to

read it all-

It will be seen that the balance available on the 7th instant-

That is the 7th of September-

for the current fiscal year amounted to \$63,502.13. This amount includes the unexpended balance of the appropriation for the last fiscal year, \$20,602.33. It is estimated that \$38,000 will be required to pay the salaries and necessary expenses of the officers regularly employed to enforce the Chinese exclusion acts for the remainder of the current fiscal year, leaving an estimated balance available for the deportation of Chinese, found to be unlawfully within the United States, of \$25,502.13.

Then, the Secretary goes on to make an estimate as to the cost of deporting 10,000 Chinese on the assumption that that number may be disposed of by the courts within the present fiscal year. I am quite willing to have the whole of the letter appear, and perhaps it would be better that it should. I ask that it may be in-

corporated in my remarks.

The VICE-PRESIDENT. The communication referred to will be inserted in the RECORD in the absence of objection.

The communication is as follows:

Letter from the Secretary of the Treasury, in answer to a resolution of the Senate of the 7th instant, and transmitting a statement of the amounts appropriated and expended in the enforcement of the Chinese exclusion acts.

September 12, 1893.—Laid on the table and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., September 12, 1893.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,

Washington, D. C., September 12, 1893.

SIR: I have the honor to acknowledge the receipt of Senate resolution, dated the 7th instant, wherein I am directed to inform the Senate to what extent the appropriations heretofore made for the enforcement of the Chinese exclusion acts have been expended, and what portion of the funds so appropriated are now available, and whether in my opinion it is necessary that a further appropriation be made by Congress in order to carry out the provisions of said acts, and if so, what amount will be required for the current fiscal year.

In reply I inclose herewith a statement showing the amounts appropriated for the purpose above indicated and expended for each year since 1889. It will be seen that the balance available on the 7th instant for the current fiscal year amounted to 483,502.13. This amount includes the unexpended balance of the appropriation for the last fiscal year, 280,692.33. It is estimated that \$38,900 will be required to pay the salaries and necessary expenses of the officers regularly employed to enforce the Chinese exclusion acts for the remainder of the current fiscal year, leaving an estimated balance available or the deportation of Chinese found to be unlawfully within the United States in that year was 106,688. Of this number 95,477 were located in the Pacific States and Territories. The number who registered under the act of May 5, 1892, is 13,243, leaving 93,445 who failed to avail themselves of the privileges of saidact. Assuming that about 10 per cent of these would be entitled to exemption as merchants, students, actors, and others of the exempt class, there would remain, say, \$5,000 itable to deportation under the law. The lowest cost for transporting Chinamen from San Francisco to Hongkong is \$35 per capita. Other expenses incident to the arrest, trial, and linked transportation would average not less than \$35 per capita. If, therefore, all of those above referred to who are not registered should be tran

would be able to dispose of ten thousand cases during such period the amount required would not be less than \$700,000.

Respectfully, yours,

J. G. CARLISLE, Secretary.

Hon A. E. Stevenson, Vice-President, United States Senare.

Enforcement of the Chinese exclusion act.

1889.		
Appropriated	\$5, 388, 50 1, 000, 00	850,000.00
Expended, 1881 Repayment, 1891 Surplus fund, 1891	********	210. 25
	50, 210, 25	50, 210, 25
1890.		
Appropriated. Expended, 1890 Expended, 1891 Surplus fund, 1892	820, 000, 00 8, 759, 27	\$30,000.00
	30, 000, 00	30,000,00
1891,		
Appropriated Expended, 1891 Expended, 1892 Expended, 1893	840, 400, 00 4, 581, 75 264, 35	\$50,000.00
Repayment, 1893 Surplus fund, 1893		731. 18
	50, 731. 18	50, 731, 18
1892.		
Appropriated. Expended, 1892 Expended, 1893 Balance on hand	858, 439, 95 1, 506, 06 53, 99	\$60,000.00
	60,000,00	60,000,00
1893.		
Appropriated. Expended, 1893. Expended, 1893. Expended, 1894. Balance on hand September 7, 1893.	873, 842, 59 5, 465, 08	8100,000.00
	100,000.00	100,000.00
1894.		
Appropriated Expended Balance on hand September 7, 1893.	7, 190, 20	50, 000. 00
	50,000.00	50,000,00
Balance on account of 1893. Balance on account of 1894.		20, 692, 33 42, 809, 80
Balance available September 7, 1893	*******	63, 502, 13

Mr. SQUIRE. In the first letter the amount has been placed at \$700,000 required to dispose of 10,000 cases during the period of the present fiscal year, ending June 30 next. I submit the second letter entire, as it is short.

The letter reterred to is as follows:

Letter from the Secretary of the Treasury, giving additional information in regard to the enforcement of the Chinese exclusion act in response to Senate resolution September 7.

October 6, 1894.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, D. C., October 4, 1893.

SIR: Referring to the official communication sent to you on the 12th ultimo in reply to Senate resolution concerning the appropriation for the enforcement of the Chinese exclusion act, I have the honor to inform you that this Department has since been advised that the steamship companies have increased their rates for the transportation of Chinese from San Francisco to Hongkong from \$35 per capita to \$51 per capita for steerage passage.

There should therefore be added the sum of \$16 per capita to the estimated cost of deportation, or \$1.380,000, making a total estimated cost of about \$7.300,000. Upon a basis of 10,000 to be deported during the current fiscal year the amount required would be \$860,000 instead of \$700,000, as heretofore stated.

Inclose herewith copy of a letter from the First Auditor, in which he estimates that the expenses are not less than \$35 per capita in each case where a Chinese person is arrested and tried under the exclusion acts, now paid from the judiciary appropriation.

This would be in addition to the estimates above given and would increase the grand total to \$10,335,000.

Respectfully yours,

C. S. HAMLIN, Acling Secretary.

C. S. HAMLIN, Acting Secretary.

Hon. A. E. STEVENSON, Vice-President of the United States.

TREASURY DEPARTMENT, OFFICE OF THE FIRST AUDITOR,
Washington, D. C., September 15, 1893,

Washington, D. C., September 15, 1893.

SIR: Permit me to respectfully call your attention to the fact that in making up the estimates of cost to the United States of enforcing the Chinese exclusion act, no mention is made of that part of the expenditure paid from the regular appropriations for the expenses of the United States courts. It is impossible to make even an approximately accurate estimate of the amount for which the judiciary appropriations will be liable, but from the best information obtainable I am of the opinion that \$85 per capita will be a very low estimate for California, while the cost per capita for such chinese persons resident in other States will be much greater than the sum named.

As an example of the maximum of such costs I have before me an account of the United States marshal for the State of Washington, in which his fees in certain deportation cases reach \$450 per capita. The consensus of opinion of those who handle such accounts places the cost of arrest and trial at \$50 per capita throughout the whole country, including California You will understand that the expenses herein noted all occur before the appropriation for enforcement of the Chinese exclusion act is called upon, and all such expenses are payable from the several judiciary appropriations.

I beg also to call your attention to gection 4 of the exclusion act, and in that connection to state that the estimates hereinbefore made do not include the cost of confinement as provided for in the section referred to.

The cost to the United States of each convict confined in California is cents per day, in Washington \$\frac{3}{2}\$ per day, and in addition each prisoner receives on his release "a good suit of clothes and \$15\$ in money." I do not presume to place an interpretation upon section 4 above cited, and only give the cost of confinement in order that you may have the information necessary to an amended estimate should you deem such a course expedient.

E. P. BALDWIN, First Auditor.

Hon, John G. Carlisle, Secretary of the Treasury.

In the second letter there has been an additional calculation based upon the additional cost percapita of deportation; so that the Secretary estimates that the total cost for transporting the same number would be, including the court expenses, which are estimated to be \$35 per capita, in all \$10,335,000.

Mr. President, the amendment proposed by me is simply that an appropriation be made of \$100,000. Of course that amount seems very small in comparison with the amount stated to be required by the Secretary of the Treasury, but it should be said in this connection that no one expects that the Chinese will be de-

ported in wholesale numbers.

It is simply in the exercise of such judgment as Congress may possess that it will apropriate a reasonable amount of money to show good faith, to give notice to the Chinese that they are to be dealt with if they do not register. That is all there is of it. It is just like any other penalty for the commission of a misdemeanor or a crime. As I understand, the Chinese have been dealt with in the State of California for misdemeanor, and for infringing upon the various ordinances of the city of San Francisco; they have been placed in the prisons and in the jails of that city until these places of confinement were crowded, and it became impossible to incarcerate all of those convicted. In that way the Chinese were enabled to set the law at defiance. saw that the ordinary machinery of the law was not sufficient, and that provision could not be made for their incarceration. Therefore, as I understand the matter, provision was made in the act which at present exists, and which it is proposed to amend, for the deportation of the Chinese as a penalty.

Would it not be wise and proper for us to make an appropria-tion? In every year prior to the present there has been an appropriation made. In the year 1889 there was an appropriation of \$50,000; in 1890 an appropriation of \$30,000; in 1891 an appropriation of \$50,000; in 1892 an appropriation of \$60,000; in 1893 an appropriation of \$100,000, and for the year 1894 an appro-

priation of \$50,000.

Mr. President, I am not proposing to provide a sufficient fund to deport the Chinese in very large numbers. I do not think it is necessary in order to sustain the dignity of the law, but I do think it is necessary to provide a sufficient appropriation to show the intention of the Government. Senators will perhaps remem-ber the old story of Lord Eldon, who for about forty years sat upon the bench, an illustrious chancellor of the court of Great

When a criminal was brought before him charged with stealing a horse which was just above the value of an English shilling, and was asked by the judge what he had to say why sentence of death should not be pronounced upon him he replied.
"My Lord, it seems very hard that a man should be sentenced to death for stealing a horse of just above the value of ashilling. (The crime of horse-stealing was one of about sixty offenses pun-

(The crime of horse-stealing was one of about sixty offenses punishable at that time by the death penalty.) The memorable answer of Lord Eldon was, "Sir, you are not to be punished because you have stolen a horse of just above the value of a shilling, but that horses may not be stolen."

This involves the whole principle, as I understand it, of the criminal jurisprudence of this and all other lands. The penalty is to be as a deterrent. If the sum of money be provided and the machinery of the law shall go into effect so that these Chinese who fall to register shall be actually deported in examplary. nese who fail to register shall be actually deported in exemplary number, the effect as a deterrent will be immense upon those who have failed to register. I believe many of them will pro-ceed to register in any event. I believe they have been led to see that they erred in judgment in failing to register hereto-fore. But there will be others who will be encouraged by shrewd and able attorneys to resist, unless Congress shall make plain and emphatic the intention of this Government.

We do not know positively what attitude the Six Companies will take on the subject. I believe if a sufficient appropriation be made to show that the Government intends to prosecute these

illegal denizens and actually to deport them, then the $\operatorname{Six} \operatorname{Com}$ panies will take notice accordingly and will advise the Chinese

residents on the Pacific coast to promptly register.

Therefore it is, Mr. President, that I hope that this sum, the very small sum of \$100,000, may be appropriated in this bill; and if it be not deemed best that the amount should reach so large a sum as that, then I think certainly the sum of \$50,000 should be appropriated.

I am not speaking unadvisedly on this subject. I have con-ferred with those who have been active in either House of Con-gress upon it, and I believe it is the wish of those who are the best informed on the subject, those members of Congress was reside on the Pacific coast, that there be something effectively done by Congress at this time to show the people of the Pacific coast that the Congress of the United States are in earnest and to show the Chinese that they can not defy the law with im-

Now, Mr. President, I feel confident that my past record upon according to the Chinese their full rights and their full protecaccording to the Chinese their full rights and their full protection under the law will acquit me of any disposition to inflict upon these aliens any injury. It was believed that at the risk of my life, as it was my bounden duty to do, I protected many of them against the attacks of great, angry, turbulent mobs, when these Chinese were attacked in the Territory of Washing. ton, of which I then held the office of governor. After these Chinese had been violently driven out of the city of Tacoma en masse, and after their habitations had been burned, I proceeded, at the request of the honorable Secretary of State, to investigate all the history of this and other attacks upon the Chinese in the Territory of Washington, and to ascertain the damages thereby inflicted upon them. Upon this investigation I had the honor to make a report to the Secretary of State, then Mr. Bayard, and to receive his thanks therefor. I may also state that I sub-sequently received an expression of the thanks of Chinese officials in this country.

I am not now in favor of persecuting these people, or of treat-

ing them unfairly.

Althoug; widely different in habits and character from these of our own race, although utterly unassimilative to our blood and instit dons, these children of the Orient are here under the agis of the law. They should be protected while they are here. The provisions of the present law, coupled with those of the proposed enactment, seem to me to be for their benefit and protection, if they would only avail themselves of these benefits

The people of the Pacific coast have had a hard fight upon this question. Their motives have been largely misunderstood and misrepresented among the philanthropic people of the East. The provisions of the proposed enactment are simply to prevent fraud and evasion of the existing law of the United States. I have thought carefully upon the subject, and as I have stated, I have made investigation as chairman of the special committee which was last deputed to inquire into the subje this body, and I see no other way to make the policy of the United States Government effective except by providing for the registration and accurate identification of the Chinese who are entitled under the law to remain in this country.

I believe that all treaties agreed to by this Government arein their nature subordinate to the laws of this country. It stands to reason that no act of the Executive and of the Senate can be superior to a law enacted by both branches of Congress and approved by the Executive. If such a law contravenes a treaty. that treaty must either give way or be relegated to the field of diplomacy for modification into accord with the law of the United States. All nations, or at least all denizens, within our limits are bound to take notice of our laws. It is claimed by some people that our legislation has violated our solemn treaty obligations to China. This I do not admit. But I will not now en-

gations to China. This I do not admit. But I will not now en-ter into a discussion of this branch of the subject. Suffice it to say that the attitude of the United States has been already taken. It is simply a question of providing suitable safeguards, and, as I hold, what is still more important, the means to be provided for the execution of the existing law. The policy of this Government has been declared and established Are we to recede from it, or to make it effective by suitable ad-Are we to recede from it, or to make it effective by suitable additional legislation? It seems to me that the dignity of this Government and its attitude on this question require a reasonable appropriation to provide for the execution of the law. This Government has said, "I will;" now let this Government say, "I do," otherwise, we only say, This is what we would do, but we are not able to do it. I am unable to conceive that the present Administration can refuse its assent to the proposed appropriation.

Mr. GRAY. Mr. President, I rise to say merely a word. As I have already said there are some things about the bill that I would have had differently if I could have had my way; but I

realize the fact that any amendment to the bill if adopted will defeat it, and no amendment, however wise it might be, can I give my consent to vote for, because I would consider it inimical to the passage of the bill.

As to the matter of an appropriation, it would be well enough perhaps under other circumstances, but I am informed and be-lieve that the present funds at the disposition of the Depart-ment will be quite sufficient to defray any immediate expenses ment will be quite sufficient to deiray any immediate expenses which may be entailed upon the Department if the bill should pass in its present shape; in other words, that there would be a necessity for little or no expenditure of money; and if the bill should not pass \$100,000 would be as inadequate as 100 cents; it would take six or seven million dollars. I hope that no amendment will be put upon the bill, however plausible or however wise it may seem, because it means hostility to the bill.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. SQUIRE].

Mr. FRYE. Mr. President, I simply desire to say, because I do not want to occupy the time of the Senate at all, that as a member of the Committee on Foreign Relations, I was not in favor and I am not now in favor of the pending bill. I believe that the Geary law as it passed Congress was a violation of all of our treaty obligations; that it dishonored the nation. I believe, morally, the law was a crime, and commercially, I know it was a blunder. I have no friendship for the bill or for any bill of a like kind.

Mr. SQUIRE. I ask the Senator from Delaware to explain a

little more in detail why he thinks a vote for the pending amendment would be a vote against the bill.

Mr. GRAY. Because I believe it impossible in the remaining hours of this session (as it is believed that the present ses sion will be numbered by hours) to adopt any amendment that might be passed in the other branch of Congress. Mr. FRYE. It would have to go to the Committee of the

Whole in the other House.

Mr. GRAY. Therefore I believe, and I have so expressed myself, that the only thing to relieve the present situation is to pass the bill without amendment. Unless there is some Senator Therefore I believe, and I have so expressed on either side who wishes to address the Senate on the bill, I will move that the Senate proceed to the consideration of executive business at this time, and let the matter go over until to-

Mr. WHITE of California. I will state to the Senator from Delaware taat I have been informed there are two or three Senators who desire to address the Senate on the subject, and I my-Bell desire to do so, more for the purpose of answering questions than for anything else. However, there are two or three Sena-

than for anything else. However, there are two or three Senators I think who desire to address the Senate.

Mr. GRAY. If there are no other Senators who desire to

speak this evening, I wish to say that it is exceedingly important, in my opinion and in the opinion of those who agree with me about the bill, that we should have a vote upon it at as early a day as practicable; and I ask the Senate to agree to vote on the bill to-morrow at 4 o'clock, unless the debate should cease before that time.

Mr. BOLPH (to Mr. GRAY). See if you can not obtain unanimous consent.

Mr. GRAY.

I ask unanimous consent, of course.

Mr. DAVIS rose.
Mr. GRAY. There is a great desire, as Senators well know, to adjourn after the exhaustive labors of the present session. and it seems to me that all that need be said on either side of the question can be said to-morrow by the time I have named. I make the appeal in the interest of the public service that we shall reach a vote to-morrow before we adjourn. If any hour later than 4 o'clock will suit Senators, of course that hour can be fixed. I ask unanimous consent that we shall take the vote upon the bill to-morrow at 4 o'clock, unless some later hour to-morrow

The VICE-PRESIDENT. Is there objection to the request

of the Senator from Delaware?

Mr. DAVIS. I have no impedient to offer to the speedy disposition of the bill. I desire to address the Senate briefly upon position of the bill. I desire to address the Senate briefly upon it. I can not do it to-day, for I wish to obtain some data, and I do not want to be cut out by any arbitrary fixing of the hour to-morrow when the vote shall be taken. How many Senators desire to speak upon the bill I do not know. I understand the Senator from California [Mr. WHITE] designs to speak in reply to any objections which may be offered to the passage of the bill, and I hoped to have the pleasure of hearing him before I submitted any remarks of my own, for I sincerely desire to be enlightened upon the subject.

lightened upon the subject.

Mr. GRAY. I will merely say there is a hope expressed on all sides over here that we may be able to adjourn the day after to-morrow. I should be one of the last to wish to debar the Senator from Minnesota from saying all that he wishes to say.

In fact I would wish to hear all he might desire to say upon this bill as I would desire to hear him upon any other measure; and if a later hour to-morrow would be more agreeable, we might fix, say, 6 o'clock, unless debate ceases before that time. I will extend the time indicated in the request, and ask the Senate to agree that a vote shall be taken on the bill at 6 o'clock to-mor-

row unless the debate ceases before that hour.

Mr. CALL. I am not at all disposed to delay the bill; but I wish to submit a few brief observations upon it, and with that understanding I shall have no objection to the arrangement suggested.
The VICE-PRESIDENT. Is there objection to the request of

the Senator from Delaware?

Mr. HOAR. I think it quite probable, indeed almost certain, that the debate will be over long before the time the Senator from Delaware suggests, but I would rather not give my consent now to bind the Senate. I do not believe there will be any trouble about reaching a vote tomorrow.

The VICE-PRESIDENT. There is objection to the request

of the Senator from Delaware.

EXECUTIVE SESSION.

I move that the Senate proceed to the consider-Mr. GRAY.

ation of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session the doors were reopened and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until tomorrow, Thursday, November 2, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate November 1, 1893.

PENSION AGENT.

William B. Anderson, of Mount Vernon, Ill., to be pension agent at Chicago, Ill., vice Isaac Clements, to be removed.

COMMISSIONERS TO NEGOTIATE WITH INDIANS.

Henry L. Dawes, of Pittsfield, Mass., to be a commissioner to negotiate with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, and the

Chicknaw Nation, the Muscogee (or Creek) Nation, and the Seminole Nation, under the provisions of an act of Congress approved March 3, 1893 (27 Statutes, page 612).

Meredith H. Kidd, of Wabash, Ind., to be a commissioner to negotiate with the Cherokee Nation, the Choctaw Nation, the Chicknaw Nation, the Muscogee (or Creek) Nation, and the Seminole Nation, under the provisions of the act of Congress approved March 3, 1893 (27 Statutes, page 612).

Archibald S. McKennon, of Clarksville, Ark., to be a commissioner to negotiate with the Cherokee Nation, the Choctaw Nation, the Chicknaw Nation, the Muscogee (or Creek) Nation

tion, the Chickasaw Nation, the Muscogee (or Creek) Nation, and the Seminole Nation, under the provisions of the act of Congress approved March 3, 1893 (27 Statutes, page 612).

INDIAN AGENTS.

David F. Day, of Durango, Colo., to be agent for the Indians of the Southern Ute Agency in Colorado, vice Maj. Henry B. Freeman, Sixteenth Infantry, to be relieved of detail as acting Indian agent at said agency.

George Harper, of Carrollton, Ga., to be agent for the Indians of the Umatilla Agency in Oregon, vice John W. Crawford, to

be removed.

POSTMASTERS.

Norris C. Bacheller, to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin, in the place of Robert A. Scott, removed.

William D. Merrill, to be postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin, in the place of Edward Whaley, removed.

Winfield E. Tripp, to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1893.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. George F. Cooke, Fifteenth Infantry, to be captain October 30, 1893, vice Hedberg, Fifteenth Infantry, deceased. Second Lieut. Marcus Maxwell. Fifteenth Infantry, to be first lieutenant October 30, 1893, vice Cooke, Fifteenth Infantry, pro-

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 28, 1893. PROMOTIONS IN THE NAVY.

Lieut. Commander Henry W. Lyon, to be a commander. Lieut. Franklin J. Drake, to be a lieutenant-commander.

Lieut. (junior grade) Thomas S. Rogers, to be a lieutenant. Ensign Hugh Rodman, to be a lieutenant, junior grade.

Executive nomination confirmed by the Senate October 31, 1893. CONSUL.

Edgar Schramm, of San Antonio, Tex., to be consul of the United States at Montevideo, Uruguay

Executive nominations confirmed by the Senate November 1, 1893.

ASSISTANT SECRETARY OF STATE. Edwin F. Uhl, of Michigan, to be Assistant Secretary of State. CONSULS.

John R. Meade, of New London, Conn., to be consul of the United States at Santo Domingo.

Jacob E. Dart, of Georgia, to be consul of the United States at

Guadeloupe, West Indies.

Doctor H. Sommer, jr., of Pennsylvania, to be consul of the United States at Bombay. British India.

J. Edward Nettles, of Darlington, S. C., to be consul of the United States at Trieste, Austria.

Henry C. Morris, of Illinois, to be consul of the United States

at Ghent, Belgium.

John D. Hall, of Connecticut, to be consul of the United States

at San Juan, Puerto Rico. Robert P. Poole, of Brooklyn, N. Y., to be consul of the United

States at Sierre Leone, Africa.

David N. Burke, of New York, now consul at Pernambuco,
Brazil, to be consul of the United States at Malaga, Spain.

Robert J. Kirk, of South Carolina, to be consul of the United States at Copenhagen, Denmark.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Edward T. Comegys, assistant surgeon, to be surgeon. ASSOCIATE JUSTICE OF NEW MEXICO.

Needham C. Collier, of New Mexico Territory, to be associate justice of the supreme court of the Territory of New Mexico.

RECEIVER OF PUBLIC MONEYS.

Preston A. Griffith, of Kearney, Nebr., to be receiver of public moneys at Sidney, Nebr.

INDIAN COMMISSIONERS.

Henry L. Dawes, of Pittsfield, Mass., Meredith H. Kidd, of Wabash, Ind., Archibald S. McKennon, of Clarkesville, Ark., commissioners to negotiate with the Cherokee, Choctaw, and Chickasaw Nations, the Muscogee or Creek Nation, and the Chickasaw Nations, the Mu Seminole Nation of Indians.

POSTMASTERS.

William R. Ker, to be postmaster at Calais, in the county of Washington and State of Maine.

John D. Hanrahan, to be postmaster at Rutland, in the county of Rutland and State of Vermont.

Bright B. Nunnally, to be postmaster at Marianna, in the county of Lee and State of Arkansas.

Fannie T. McMillan, to be postmaster at Arkadelphia, in the county of Clark and State of Arkansas.

Thomas W. Baldwin, to be postmaster at Argenta, in the county of Pulaski and State of Arkansas.

James R. McAlister, to be postmaster at Bowling Green, in the county of Pike and State of Missouri.

John Dailey, to be postmaster at Monett, in the county of Barry and State of Missouri. Joseph A. Black, to be postmaster at Carrollton, in the county of Carroll and State of Missouri.

John P. Ehlinger, to be postmaster at Lagrange, in the county

of Fayette and State of Texas.

Mrs. Nora Boothe, to be postmaster at Del Rio, in the county

of Valverde and State of Texas.

Sloan M. Young, to be postmaster at Savannah, in the county of Andrew and State of Missouri.

Benjamin F. Howard, to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

Lee H. Vance, to be postmaster at Clarksburg, in the county of Harrison and State of West Virginia.

Mrs. M. J. Gardiner, to be postmaster at Anaheim, in the county of Orange and State of California.

John A. St. Clair, to be postmaster at Benton, in the county

of Franklin and State of Illinois.

Henry C. Feltman, to be postmaster at Salem, in the county of Marion and State of Illinois.

Minnie Pulford, to be postmaster at Opelousas, in the parish of St. Landry and State of Louisiana.

William H. Camp, to be postmaster at Canaan, in the county of Litchfield and State of Connecticut.

Daniel F. Davis, to be postmaster at Columbus, in the county of Platte and State of Nebraska.

Reuben J. Rushing, to be postmaster at Pinckneyville, in the county of Perry and State of Illinois.
Frank M. Roth, to be postmaster at Norwalk, in the county of

Huron and State of Ohio.

Palmer K. Shankland, to be postmaster at Jamestown, in the county of Chautauqua and State of New York

John K. Stuart, to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut.

Silas J. Brandon, to be postmaster at Auburn, in the county of De Kalb and State of Indiana. Lucius O. Bishop, to be postmaster at Clinton, in the county of

Vermilion and State of Indiana.

George W. Lewis, to be postmaster at Santa Rosa, in the county of Sonoma and State of California.

Thomas R. Kyle, to be postmaster at Tecumseh, in the county of Lenawee and State of Michigan.

Alphonso Brown, to be postmaster at Frankfort, in the county of Benzie and State of Michigan.

Patrick Dillon, to be postmaster at Haughville, in the county of Marion and State of Indiana.

Duane E. Geer, to be postmaster at Ellendale, in the county of Dickey and State of North Dakota.

Hattie A. Lynch, to be postmaster at Oakes, in the county of Dickey and State of North Dakota.

William H. Todd, to be postmaster at Spearfish, in the county of Lawrence and State of South Dakota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, November 1, 1893.

The House met at 12 o'clock m. Prayer by Rev. E. B. BAGBY, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

ELECTION OF CHAPLAIN.

Mr. HOLMAN. Mr. Speaker, I submit the resolution which I send to the desk, and ask for its present consideration. The resolution was read, as follows:

Resolved, That Edward B. Bagby, of the City of Washington, D. C., be, and he is hereby elected Chaplain of the Fifty-third Congress, to fill the vacancy caused by the death of Samuel W. Haddaway.

The resolution was adopted. On motion of Mr. HOLMAN, a motion to reconsider the vote

by which the resolution was adopted was laid on the table.

The Rev. Mr. Bagby then appeared at the bar of the House and was sworn into office by the Speaker.

DEFICIENCIES IN. APPROPRIATIONS FOR EXPENSES OF LAND OFFICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of deficiencies in the appropriations for the expenses of the Land Office for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

ENTRIES UNDER THE DESERT-LAND ACT.

The SPEAKER laid before the House an act (S. 592) to extend the time for making final payment on entries under the desertland act; which was referred to the Committee on Irrigation of Arid Lands.

UNITED STATES COURTS IN SOUTH DAKOTA.

The SPEAKER laid before the House a bill (H. R. 2799) to provide for the time and place of holding the terms of United States circuit and district courts in South Dakota, with amendments of the Senate thereto.

Mr. OATES. Mr. Speaker, on yesterday I had some conversation with one of the gentlemen representing South Dakota [Mr. Lucas], and I understood that he desired concurrence in the Senate amendments to this bill; but this morning I have received a telegram from Mr. Pickler, the author of the bill, expressing a desire that it be postponed until he can look into the I therefore ask that the bill lie on the Speaker's table subject. for the present.

The SPEAKER. Without objection this bill will lie on the Speaker's table until the return of the gentleman from South Dakota | Mr. PICKLER

There was no objection, and it was so ordered.

NEW YORK AND NEW JERSEY BRIDGE.

The SPEAKER also laid before the House a bill (H. R. 3289) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River be-tween New York City and the State of New Jersey, with amendments of the Senate thereto.

Mr. DUNPHY. Mr. Speaker, I move that the House disagree with the amendments of the Senate, and ask for a committee of conference.

The SPEAKER. The amendments will be read.

The Clerk read the amendments, as follows.

Page 1, line 17, strike out "lay upon" and insert "locate, construct, and

intain." Page I, line 18, after "bridge," insert "and the approaches thereto." Page I, line 19, strike out all after "road" down to and including "thereto,"

line 22.
Page 2, line 1, strike out "their" and insert "its."
Page 2, line 2, strike out "tracks" and insert "and."
Page 2, line 2, and 3, strike out "and connections."
Page 2, line 4, strike out "their" and insert "its."
Page 2, line 8, strike out all after "the" down to and including "pre-

reflect." Page 2, line 11, insert "Secretary of War."
Page 2, line 15, strike out all after "New York" down to and including
"New York." in line 27.
Page 4, line 3, strike out "and" where it first occurs and insert "or."
Page 5, line 7, strike out all after "reserved" down to and including
"same." line 12, and insert: "And the provisions of subdivision 3 of this
act shall be extended to any other bridge company heretofore authorized
by Congress to bridge said river at New York City: Provided. That such
company shall submit plans and location of its bridge pursuant thereto to
the Secretary of War within one year after the passage of this act.

The motion of Mr. DUNPHY that the House disagree to the amendments of the Senate and ask a committee of conference was agreed to, and the Speaker appointed as conferees on the part of the House Mr. GEARY, Mr. BARTLETT, and Mr. FLETCHER.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution [S. R. 36] transferring the exhibit of the Navy Department, known as the model battle ship Illinois, to the State of Illinois, as a naval armory for the use of the naval militia of the State of Illinois, on the termination of the World's Columbian Exposition; when the Speaker signed the same.

PURCHASE OF SILVER BULLION.

The SPEAKER also laid before the House a bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," with amendment of

the Senate thereto.
The SPEAKER. The Clerk will report the amendment.

The amendment was read, as follows:

The amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That so much of the act approved July 14, 1890, entitled 'An act directing the purchase of silver bullion and issue of Treasury notes thereon, and for other purposes,' as directs the Secretary of the Treasury to purchase from time to time silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month at the market price thereof, not exceeding \$1 for 371.25 grains of pure silver, and to issue in payment for such purchases Treasury notes of the United States, be, and the same is hereby, repealed. And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts."

Mr. WILSON of West Virginia. Mr. Speaker, I move to concur in the amendment of the Senate to the House bill which has just been read, and on that I demand the previous question. I wish to say, however, to my friend from Missouri [Mr. BLAND] upon the other side that I have no desire to press for a vote immediately after the lapse of the half hour which will be allowed under the rules for debate if the previous question is ordered. If the previous question can, therefore, be considered as ordered, I am perfectly willing that the half hour allowable under the rules may be extended to such reasonable time to-day as the gen-tleman may desire for debate upon the question—say three

tleman may desire for depate upon the question—say three o'clock or half-past three.

Mr. BLAND. Mr. Speaker, so far as I am personally concerned I have no desire to unduly delay the consideration of this bill and the final vote upon it.

I had hoped, however, that the friends of the measure would permit it to come up in its regular order for debate in the regular way. The gentleman in charge of the bill has a majority with him. Under the rules of the House he can move the prewith him. Under the rules of the House he can move the previous question at any time, and I do not see the necessity on this occasion for demanding the previous question and afterward to have the debate.

It seems to me we could let the debate go on, and when the gentleman from West Virginia [Mr. WILSON] thinks and the House thinks that debate has proceeded far enough, the gentleman can then demand the previous question. I hope the bill will remain open for debate at least until that time.

Mr. ALLEN. As I understand, the proposition of the gentleman from West Virginia is to only partially stifle debate by the previous question.

Mr. COCKRAN. Mr. Speaker, I hope the gentleman from Mississippi [Mr. Allen] will take the House into his confidence.

Mississippi [Mr. ALLEN] will take the House into his confidence. We can not hear him.

Mr. BLAND. I hope the gentleman from West Virginia [Mr. WILSON], who is in charge of the bill, will permit the debate to go on until he sees proper to move the previous question.

Mr. WILSON of West Virginia. The parliamentary difficulty in the way of that, Mr. Speaker, is that if I call up the bill on a motion to concur, without demanding the previous question. I lose control of the bill upon the floor of the House, and the debate goes on with opportunities for all sorts of amendments. Therefore I feel constrained to insist upon my motion for the previous question.

Mr. HOPKINS of Illinois and others. That is right.
Mr. BLAND. The gentleman from West Virginia [Mr. WILSON] has control of the bill—

Mr. WILSON of West Virginia. I would say to gentlemen on the other side that I am perfectly willing to extend the half hour allowable for debate under the rule, after the previous question is ordered, to one hour, two hours, or three hours, if gentlemen desire that time for debate.

Mr. BLAND. In reply to the gentleman's suggestion that he will lose control of the bill, I will say that he will not lose control of the bill unless the House takes it away from him.

Mr. LIVINGSTON. May I ask the gentleman in charge of

the bill a question?

Mr. WILSON of West Virginia. In a moment. I do not the remark of the gentleman from Missouri [Mr. BLAND] I do not hear

the remark of the gentleman from Missowri [Mr. BLAND].

Mr. BLAND. I say the gentleman will not lose control of the bill unless the House takes it away from him.

Mr. LIVINGSTON. May I ask the gentleman in charge of the bill if he will consent to this: To consider the previous question as ordered and allow five-minute speeches until 4 o'clock this afternoon, simply for the purpose of allowing members to give reasons for their votes, and to give opportunity for such amendments as may be offered, and at 4 o'clock let the voting begin and be closed before the House adjourn?

Mr. WILSON of West Virginis. I have made the only motion that it seems to me I can properly make, that is, the demand for the previous question with the offer to extend the half hour to an hour, or two hours, or even three hours, if gentlemen

mand for the previous question with the offer to extend the half hour to an hour, or two hours, or even three hours, if gentlemen upon the other side desire that time for debate.

Mr. LIVINGSTON. I do not desire that the gentleman shall lose control of the bill. My proposition is that the previous question be considered as ordered, and the voting begin promptly at 4 o'clock upon all amendments, and finally upon the substitute as adopted by the Senate, allowing members five minutes

each.
Mr. WILSON of West Virginia. There is no amendment, except the amendment offered by the Senate.
Mr. LIVINGSTON. There may be.
Mr. STOCKDALE. I wish to make an inquiry at this stage of the proceedings.

The SPEAKER. Will the gentleman state it.
Mr. HUDSON. I would like to ask the gentleman a question.
The SPEAKER. One moment. The gentleman from Mississippi [Mr. STOCKDALE] rises to a parliamentary inquiry.
Mr. STOCKDALE. I would like to ascertain, if possible, why

Mr. WILSON of West Virginia. So many gentlemen are speaking to me that I can not hear the questions that are being put to

me Mr. STOCKDALE. Then I will suggest, Mr. Speaker, that Mr. STOCKDALE. Then I will suggest, Mr. Speaker, that we seem to be in the hands of the gentleman from West Virginia [Mr. WILSON], and whatever is granted to us is by his leave, if we can not make an inquiry.

Mr. WILSON of West Virginia. I made no objection to the inquiry. I simply said I could not hear the gentleman.

Mr. STOCKDALE. The gentleman will pardon me, I thought he declined. My inquiry is, why is it that this bill is to take a different course from any other bill?

Mr. HOPKINS of Illinois It is not

Mr. HOPKINS of Illinois. It is not.
Mr. STOCKDALE. Why is it that the gentleman from West
Virginia [Mr. Wilson] says he can only consent to move the
previous question now, and then to extend the priviledge to
members to speak who wish to be heard, cutting off all amendments? Is the bill so defective that it can not bear scrutiny, and that amendments can not be offered? Are there no rights belonging to gentlemen in this House except those who favor this bill? Or are we to look to any gentleman on this floor for the privilege of exercising the rights of American Representatives

Mr. REED. The one-man power. [Laughter.]

Mr. STOCKDALE. The one-man power that has "come down to us from a former generation."

Not the one-man power that is now in operation. Mr. McCREARY of Kentucky. I rise to a question of order, Mr. Speaker. It is utterly impossible, owing to the confusion, to hear what is proceeding upon the floor.

The SPEAKER. The Chair will endeavor to maintain order

on the floor if gentlemen will keep their seats.

Mr. LIVINGSTON. I wish to say to the gentleman from West Virginia, in charge of this bill, that the friends of silver do not intend to obstruct the passage of the bill—
Mr. WILSON of West Virginia. I understand the proposi-

tion of the gentleman from Georgia to be in the line of expediting a vote on the bill.

Mr. LIVINGSTON. Undoubtedly. We are just as anxious, some of us who have been here all the time, although the gentleman from Missouri has been gone five or six weeks in the short session—we are just as anxious to get away from here and go home as anybody else. We only want to have an opportunity to explain our votes upon this proposition, to put the matter before the country in proper shape, to endeavor if possible to secure harmonious action amongst the Democrats, and at the same time give the silver men every opportunity to be heard on this matter. Now, I appeal to the gentleman to give this time that I have requested up to 4 o'clock, and then let the voting begin.

Mr. WILSON of West Virginia. I have made the proposition of the gentlem in from Georgia to the other side.

Mr. LIVINGSTON. Then if the gentleman in charge of the

Committee on Coinage, Weights, and Measures will not accept the proposition I will accept it. [Laughter.] Mr. BRYAN. I wish to ask the gentleman from West Vir-ginia a question. Do we understand that the reason for moving the previous question is to prevent the House from having the

right to vote on amendments if desired?

Mr. WILSON of West Virginia. That is one reason; but—

Mr. BRYAN. I want the RECORD to show that those in charge of this bill are not willing that those who are opposed to it shall

have the right to express themselves on amendments to be offered.

Mr. WILSON of West Virginia. The opportunity was given
and we voted on all of the amendments offered from that side, as the gentleman is well aware.

Mr. BRYAN. Let me ask the gentleman if that has not been

about three months ago?
Mr. LIVINGSTON. I understand the chairman of the committee agreed that amendments should be offered and debated

up to 4 o'clock. [Cries of "Oh, no."]

Mr. WILSON of West Virginia. I made no agreement about amendments.

Mr. LIVINGTSON. Whether the gentleman from Missouri can speak for his side of the question or not I think that the proposition submitted is not an unreasonable one.

proposition submitted is not an unreasonable one.

Mr. WILSON of Washington. Will the gentleman from Georgia kindly state which side he is on?

Mr. WILSON of West Virginia. Will the gentleman from Missouri [Mr. Bland], speaking for his side if he can do so, state whether or not he will accept my proposition?

Mr. BLAND. I can accept no proposition except that this bill shall be acted upon in the regular way.

Mr. WILSON of West Virginia. Then, Mr. Speaker, I am obliged to insist on my motion for the previous question.

obliged to insist on my motion for the previous question.

[Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from West Virginia de-

mands the previous question on his motion.

Mr. BRYAN. Pending that, Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division there were-ayes 126, noes 180,

So the House refused to adjourn.

Mr. SNODGRASS. I move that the House take a recess until 3 o'clock.

The question was taken; and on a division there were-ayes 21, noes 191.

So the motion was not agreed to.

Mr. BRYAN. Mr. Speaker, I move that when the House adjourns to-day it be to meet on Friday at 12 o'clock.

The question was taken; and the Speaker announced that the

noes seemed to prevail.

Mr. SNODGRASS. I call for the yeas and nays.

The yeas and mays were refused.

Mr. BRYAN. I demand tellers on the yeas and nays. Tellers were refused.
Mr. BRYAN. I ask for a count of the other side.

The SPEAKER. There is no other side. The rules provide that one-fifth of a quorum may order tellers, so as to that question there is no other side.

So the motion was rejected. Mr. BRYAN. I move that the House now adjourn.

The question was taken; and on a division there were-ayes 23, noes 185,

So the House refused to adjourn.

Mr. SNODGRASS. Mr. Speaker, I move that when the House

Mr. SPODGRASS. Mr. Speaker, I move that when the House adjourns it be to meet on Thursday next.

Mr. SPRINGER. That motion has just been rejected; to-morrow is Thursday, and the House has just refused to adjourn. Mr. SNODGRASS. I move that it adjourn until Thursday at II o'clock.

Mr. SPRINGER. I make the point of order on that motion that it is a recess. The rules of the House provide that when the House adjourns it be to meet at 12 o'clock, and the fixing of a time prior to that is simply in the nature of a recess. We can not change the time of adjournment by a motion. When we adjourn we adjourn to a time fixed in the rule, and to adjourn to any other time must, in the nature of things, be a recess.

Mr. HOPKINS of Illinois. It is a motion to change the rules of the House in that regard.

Mr. OOKERY. The effect of the motion would be to change

the standing order of the House.

The SPEAKER. The Chair calls the attention of the gentleman from Tennessee to the fact that this would be in effect a

change of the order of the House.

Mr. SNODGRASS. Then I modify my motion and move to take a recess until to-morrow at 11 o'clock. The SPEAKER (having put the question on the motion of Mr.

SNODGRASS). The noes seem to have it.
Mr. SNODGRASS. I ask for a division.
The question being taken, there were—ayes 10, noes 181.
Mr. SNODGRASS. I call for the yeas and nays on this ques-

The question being taken on ordering the yeas and nays, there were-ayes 29.

Mr. SNODGRASS. I call for the other side.

The negative vote being called for on ordering the yeas and nays, the result was announced—ayes 29, noes 185, not one-fifth voting in the affirmative.

Mr. BRYAN. I ask for tellers on ordering the yeas and nays. Tellers were not ordered, only 20 voting therefor.

So the yeas and nays were refused; and the motion of Mr. SNODGRASS was rejected.

Mr. BRYAN. I move that when we adjourns it be to meet on

Saturday next. Mr. WELLS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLS. Have not the Committee on Rules got a readymade rule that will operate in this case? [Laughter.] If so, why

is it not presented?

The SPEAKER. That is not a parliamentary inquiry. The gentleman from Nebraska moves that when the House adjourns to-day it adjourn to meet on Saturday next.

The question being taken on the motion of Mr. BRYAN, there

ere—ayes 24, noes 196. Mr. BRYAN. I ask for the yeas and nays. The yeas and nays were not ordered, only 25 voting in favor thereof.

So the motion of Mr. BRYAN was rejected. Mr. SNODGRASS. I move that the House adjourn. Mr. HENDERSON of Iowa. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Iowa [Mr. HENDERSON] rise?
Mr. HENDERSON of Iowa. To make a motion. I move that the House take a recess for thirty minutes, in order that the five "czars" constituting the Committee on Rules may bring in a cloture rule to put an end to this time-dishonored foolishness.

[Laughter and applause.]
The SPEAKER. The Chair declines to put the motion. The gentleman from Tennessee [Mr. SNODGRASS] moves that the House do now adjourn.

Mr. BRYAN. I move to amend by fixing the time to which the House shall adjourn as Friday noon.

The SPEAKER. A motion to adjourn is not amendable.

Mr. BRYAN. Then I move to adjourn till Friday noon.

The SPEAKER. Pending the motion of the gentleman from Tennessee that the House adjourn the gentleman from Nebraska

moves that when the House adjourns to-day it adjourn to meet on Friday next.
Mr. SNODGRASS. I move that the House take a recess un-

til Saturday.
The SPEAKER. The motion of the gentleman from Nebraska [Mr. Bryan] takes precedence of the motion of the gentleman from Tennessee [Mr. SNODGRASS]. The question will be first taken on the motion of the gentleman from Nebraska.

The question being taken on the motion of Mr. BRYAN, that

when the House adjourns to-day it adjourn to meet on Friday

mext, there were—ayes 24, noes 180.

Mr. BRYAN. I call for the yeas and nays.

The yeas and nays were not ordered, only 21 voting in favor

So the motion of Mr. BRYAN was rejected.

Mr. SNODGRASS. I move to take a recess for one hour.

The SPEAKER. There is pending a motion of the gentleman from Tennesses [Mr. SNODGRASS] to adjourn, which takes precedence of the motion for a recess.

Mr. SNODGRASS. I withdraw the motion to adjourn, and move to take a recess for one hour.

Mr. BRYAN. Pending that I move that we do now adjourn. Mr. SNODGRASS. I move that when the House adjourns, it

adjourn until Saturday next.

The SPEAKER. The Chair will state the position of the question—The gentleman from Tennessee moves that the House take a recess for one hour; the gentleman from Nebraska moves that the House do now adjourn. The question will be taken on the motion of the gentleman from Nebraska.

The question having been put,
The SPEAKER. The noes seem to have it.
Mr. BRYAN. I call for a division.
The question being again taken, there were—ayes 21, noes 178.
Mr. BRYAN. I demand the yeas and nays.

The question having been taken on ordering the yeas and

nays,
The SPEAKER. Twenty-five gentlemen have risen in favor of ordering the yeas and nays—in the opinion of the Chair, not a sufficient number.

Mr. BRYAN. I demand tellers.

The question was taken on ordering tellers.

The SPEAKER. Twenty-one gentlemen have arisen in support of the demand—not a sufficient number, and tellers are refused. The noes have it, and the motion is not agreed to.

Mr. MORSE. Mr. Speaker, I desire to make a respectful metion.

The SPEAKER. There is a motion pending. What is the

Mr. MORSE. I desire to move, Mr. Speaker, that the House take a recess for fifteen minutes to allow the Committee on Rules

The SPEAKER. The Chair hardly thinks that motion is in

Mr. REED. A point of order. The committee have the right to act now, under the rules.

The SPEAKER. There is a motion for a recess pending.

Mr. REED. The committee have a perfect right to act

The SPEAKER. The Chair did not suppose the gentleman from Massachusetts to be scrious. [Laughter.]
Mr. REED. I beg pardon; I supposed he was. [Laughter.]
The SPEAKER. The gentleman from Tennessee moves that the House take a recess for one hour.

The question was taken, and the Speaker announced that the

noes seem to have it.

Mr. SNODGRASS. Division.

The House divided; and there were—ayes 22, noes 167.
Mr. SNODGRASS. I ask for the yeas and nays, Mr. Speaker.
The question was taken on ordering the yeas and nays.

The SPEAKER. Sixteen gentlemen have arisen-not a sufficient number

Mr. SNODGRASS. I call for the other side.

The other side was counted.

The other side was counted.
The SPEAKER. Sixteen gentlemen have arisen to second the demand, and 165 have arisen in opposition—not one-fifth, and the yeas and nays are refused.
Mr. SNODGRASS. I demand tellers.
The question was taken on ordering tellers.
The SPEAKER. Ten gentlemen have arisen in support of the demand for tellers—not a sufficient number, and tellers are refused. The noes have it, and the motion of the gentleman from Tennessee is not agreed to from Tennessee is not agreed to.

Mr. BRYAN. I move that the House do now adjourn. The question was taken, and the Speaker announced that the

noes seemed to have it.

Mr. BRYAN. Division. The House divided; and there were—ayes 15, noes 164.

Mr. BRYAN. I demand the yeas and nays.
Mr. BRYAN. I demand the yeas and nays.
Mr. WILSON of Washington. A parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. WILSON of Washington. The proposition I desire to submit possibly may interest the gentleman from West Virginia [Mr. WILSON]. Do I understand, and does this side of the House understand, because when this bill or what was known as the Wilson bill was up before all the amendments that were offered came from the other side of the House, that if the previ-

ous question is ordered it will be in order to offer any amendments to this bill; and, if so, will this side have any opportunity

to offer any amendments?

The SPEAKER. If the previous question is ordered the matter is not amendable.

Mr. WILSON of Washington. It will not be amendable then; and if the previous question is ordered no amendments will be entertained?

The SPEAKER. Not after the previous question has been dered. The gentleman from Nebraska demands the year and

nays on the motion to adjourn.

The question was taken.

The SPEAKER. Twenty-two gentlemen have arisen in support of the demand for the yeas and nays-not a sufficient num-

Mr. BRYAN. The other side.
Mr. DUNN. A point of order, Mr. Speaker.
The SPEAKER. The gentleman will state it.
Mr. DUNN. If I understand the rules, those making a de-

Mr. DUNN. If I understand the rules, those making a demand for the yeas and nays must show by one-fifth of a quorum that they have a right to that motion.

The SPEAKER. One-fifth of those present may have the yeas and nays ordered. One-fifth of a quorum may order tellers, but one-fifth of those present, under the Constitution of the United States, may have the yeas and nays.

Mr. DUNN. Is it not their duty to show that they have the

right to that privilege without compelling the other side to

The SPEAKER. One-fifth of those present, under the Constitution, may have the year and mays put upon the Journal. Twenty-two gentlemen have arisen to second the demand for the yeas and nays and 145 have arisen in opposition-not one-fifth have seconded the demand, and the yeas and mays are refused. The noes have it, and the House refuses to adjourn. Mr. BRYAN. I ask for tellers on the demand for the yeas

and nays.
The SPEAKER. The gentleman demands tellers. He has the right to make that demand. The question was taken.
The SPEAKER. Nineteen gentlemen have arisen—not a sufficient number, and tellers are refused. The noes have it, and

the House refuses to adjourn.

Mr. SNODGRASS. I move that the House take a recess until

to-morrow at 11 o'clock.

Mr. SHAW. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHAW. It is evident that a number of gentlemen on the ficor of this House have made engagements elsewhere this after-noon, and I would like to inquire if it will be in order to grant indefinite leave of absence to all who desire to retire from this

Mr. SPEAKER. That would not be in order.
Mr. SHAW. I thought not.
Mr. BRYAN. I move the House do now adjourn.
Mr. TRACEY. I submit that that motion is out of order.

That was the last motion submitted.

The SPEAKER. The Chair will call the attention of the gentleman from Nebraska to the fact that the motion to adjourn is of higher privilege than the motion to take a recess, and the House has just voted down a motion to adjourn. The vote would first have to be taken on the motion to adjourn, which would be

a repetition of the motion without intervening business.

Mr. SNODGRASS. I move to take a recess until 11 o'clock to-morrow. The last vote was taken on the motion to adjourn. The SPEAKER. The gentleman from Tennessee has a motion pending, which is in order; but the motion of the gentleman from Nebraska is out of order.

Mr. BRYAN. In order to obviate that difficulty, Mr. Speaker. I move that when we adjourn to-day it be to meet on Friday at 12 o'elock

Mr. SNODGRASS. Mr. Speaker, I move to amend the motion of the gentleman from Nebraska by striking out Saturday and

substituting Friday.

The SPEAKER. The Chair understood the motion of the gentleman from Nebraska [Mr. BRYAN] to be that when the House adjourns to-day it adjourn to meet on Friday.

Mr. SNODGRASS. Then I move to strike out Friday and in-

sert Thursday.

The SPEAKER. The House would meet to-morrow under the

The SPEARER. The House would meet to-morrow under the rule without any such order.

Mr. BRYAN. Mr. Speaker, I ask for a vote on my motion.

The question being taken on Mr. BRYAN's motion, that when the House adjourns to-day it adjourn to meet on Friday next, the Speaker declared that the nose seemed to have it.

Mr. BRYAN. I ask for a division.

The house divided; and there were—ayes 23, noes 157.

Mr. BRYAN. I demand the yeas and nays.

The question being taken on ordering the yeas and nays, 18 members voted in the affirmative; not a sufficient number.

Mr. BRYAN. I ask for the other side.

The other side was counted, and 146 members voted in the negative. Mr. BRYAN. Mr. Speaker, I ask for tellers on the demand

for the yeas and nays.

The question being taken on ordering tellers, 13 members voted in the affirmative; not a sufficient number; so tellers were refused.

The SPEAKER. The question now recurs on the motion of the gentleman from Tennessee [Mr. SNODGRASS], that the House take a recess until to-morrow at 11 o'clock.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. SNODGRASS. I ask for a division.

The House divided; and there were—ayes 1, noes 180.
Mr. SNODGRASS. I demand the yeas and nays on my motion for a recess

The question being taken, the yeas and nays were refused, only 18 members voting in the affirmative and 160 in the nega-

Mr. SNODGRASS. I ask for tellers. Mr. LIVINGSTON. Mr. Speaker, I rise to a parliamentary

The SPEAKER. The House is now dividing. The gentle-man from Tennessee demands tellers on his demand for the yeas and nays.

The question being taken on ordering tellers, they were re-

fused, only 17 members voting in the affirmative.

Mr. LIVINGSTON. Mr. Speaker, I rise now to a parliament-

ary inquiry. The SPEAKER.

The SPEAKER. The gentleman will state it.
Mr. LIVINGSTON. If the previous question is ordered by
the House will not a motion to commit the bill with instructions
let in an amendment?

The SPEAKER. The Chair is inclined to think that a mo-tion to commit with instructions would be in order after the

previous question is ordered.

Mr. LIVINGSTON. Then I want to say to the gentlemen who are fighting this proposition in this way that they can get in their amendments after the previous question is ordered upon a motion to commit with instructions.

Mr. SNODGRASS. If this bill is to be forced through in the interest of the plutcoryst and hankers of Well street, we do not

interest of the plutocrats and bankers of Wall street, we do not

interest of the plutocrats and bankers of Wall street, we do not intend to lie down and consent to it.

The SPEAKER (having put the question on ordering the previous question). The previous question is ordered. [Applause.] There will now be fifteen minutes for debate on each side. The Chair recognizes the gentleman from West Virginia [Mr. WILSON] to control the fifteen minutes in favor of the proposition, and will afterward recognize the gentleman from Missouri [Mr. Prevent to serve the gent BLAND] to control the time in opposition.

Mr. SNODGRASS. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. SNODGRASS. I rise to make a motion to adjourn.
The SPEAKER. The gentleman from Tennessee moves that

the House do now adjourn.

Mr. SPRINGER. I make the point of order that the gentleman from West Virginia [Mr. WILSON] had been recognized.

The SPEAKER. The Chair will state to the gentleman from Tennessee that, the gentleman from West Virginia being on the floor, the gentleman from Tennessee can not make a motion until he yields.

Mr. SNODGRASS. Then I rise to a parliamentary inquiry. The SPEAKER. The gentleman will state it. Mr. SNODGRASS. I want to know whether, notwithstanding

the ordering of the previous question, we shall not still have the right to make these motions; and if so, what advantage have the

gentlemen gained?
The SPEAKER. That is not a parliamentary inquiry, the Chair thinks. The gentleman from West Virginia is recognized

for fifteen minutes.

Mr. WILSON of West Virginia. If the gentleman from Missouri [Mr. Bland] desires to occupy his fifteen minutes, I hope he will do so now. I reserve my time.

Mr. SNODGRASS. I make the point of order that the gentleman from Market North and the form

man from West Virginia had not the floor.

The SPEAKER. The Chair had announced that he recognized the gentleman from West Virginia for fifteen minutes and would subsequently recognize the gentleman from Missouri for fifteen minutes. That was the announcement of the Chair. Under the rules, after the previous question is ordered, thirty minder the rules. utes are allowed for debate-fifteen minutes on each side of the proposition.

Mr. BRYAN. Has any one the floor at this time for speak-

ing?
The SPEAKER. The gentleman from West Virginia [Mr. WILSON] has the floor.

Mr. BRYAN. I thought he reserved his time.

The SPEAKER. If he does, the Chair recognizes the gentleman from Missouri

Mr. BLAND. Mr. Speaker, I desire to have read at the Clerk's desk an amendment that I expect to offer to this bill. At the proper time I shall move to recommit this bill to the Committee on Coinage, Weights, and Measures with instructions to report it back with this amendment.

The Clerk read as follows:

Add to the Senate amendment the following: "And to provide for carrying into effect the policy of the foregoing declara-tion and that so much of the act of January 18, 1837, in regard to the estab-lishment of a mint and relating to the coins of the United States as relates to and provides for the coinage of the standard silver dollar of 412 grains of standard silver, be, and the same is hereby, revived and remacted into full force and effect."

Mr. BLAND. Mr. Speaker, we have now reached the time when a vote must be taken on the all-important question of returning to the Sherman law of 1873—a pitiable condition I must confess, as a Democrat on this floor; for since that law was partially repealed in 1878 I have witnessed in this House struggle after struggle wherein the Democratic party stood almost solid in favor of the unlimited coinage of silver. But in an evil hour the moneyed interests of this country, as I believe for the purpose of affecting legislation, have precipitated what probably might have been troubles early in the future, have encouraged and brought on in this country a panic, and have insisted that it was the silver-purchasing clause of the Sherman law of 1890

And now, Mr. Speaker, this law is to be wiped from the statute book. It is a law with which I have no particular sympathy. I had hoped that it might not be wiped off until that great politically in the statute book. cal party to which I belong may have performed its pledges in this Houseand restored silver to unlimited coinage. I had hoped that the existing law might have for the time assisted in sustaining the value of silver until we could have fully restored it to

free coinage.

If the proposition were that which has been proclaimed on the floor of this House from time to time during the last fifteen years-that if we are to coin silver we should put more silver in a dollar and thus make it nearer the commercial ratio, that would be a reasonable proposition. We made concessions upon that point for the purpose of testing the sincerity of those who

made such statements, and we found them utterly false.

I shall offer this amendment, Mr. Speaker, as the platform on which the Democratic party of the South and West will do battle in the future. It contemplates the repeal of the Sherman law of 1873 to follow the repeal of the Sherman law of 1890. It practically repeals the Sherman law of 1873, and places the finances of this country on that broad basis of bimetallism where they stood when that infamous act of 1873 was enacted.

Mr. Speaker, I would have despaired of the future of my party had I not seen in this House and at the other end of the Capitol a stalwart unterrified force that have battled here for the last three months seeking to establish the principles announced in the Democratic platform. But when I see those Representatives the Democratic platform. But when I see those Representatives and those Senators who have stood steadfast in all this storm, I find a nucleus wherein and whereby on the platform announced in the proposed amendment the Democratic party in all sections west of the Allegheny Mountains will stand; and, in my opinion, the great mass of the eastern Democracy will finally stand with them, and we shall triumph on that platform.

We are not discouraged, Mr. Speaker, but, on the contrary, when this law is enacted and placed on the statute books and the whole issue is made up whether this country must go to gold monometallism, that has already practically bankrupted Europe, or whether we shall reëstablish the financial system of the Constitution as given to us by our fathers, I can not doubt the result.

stitution as given to us by our fathers, I can not doubt the result. Bimetallism as of the days before silver was demonetized will

yet be decreed by the voters of this country, and that, too, in such way as Representatives will be compelled to obey.

We have been promised, Mr. Speaker, that when this law shall be finally repealed, and we shall have returned to the single gold standard, that the great banking institutions of the country will prove that

goid standard, that the great banking institutions of the country will pour out their money, that business will revive, that prosperity will come to this people. Wait and see.

Mr. Speaker, there might possibly be a spasmodic revival of business under these promises, but it can not last. It will be temporary. It can not be permanent. It is impossible that it should be. Because we have seen it tried in Europe—in England and in Germany—and what is the condition of their people at

Mr. SNODGRASS. Stocks are even now falling.

Mr. BLAND. My friend from Tennessee reminds me that stocks have already begun to fall; and if anything should rise on account of the repeal of the Sherman law, and going to a gold standard in this country, it ought to be stocks, for the whole legislation has been thrust into this House and before this Con-

legislation has been thrust into this House and before this Congress as a stock-jobbing operation. [Applause.]

They had supposed that by making their bonds and stocks, on which the hose of water has been turned many many times over again in Wall street—that these watered stocks, now depressed and having much of the water wrung out of them, would, when made sure of being paid in gold, rise in value to par, water

But it so happens that the Old World is in distress; and instead of buying our bonds and stocks, they are returning them to us, notwithstanding the repeal of this law. And since we have repealed that law in the interest of stock-gambling and sent down wheat, cotton, and farm products generally, I stand here in the face of these representatives of the great South and West who have stood firm for silver and congratulate them that they have stood steadfast in the interests of their people, and I hope the people will stand steadfast to them in the future. [Ap-

The amendment to be voted upon is submitted.

The Clerk read as follows:

Add to the Senate amendment the following: And to the Senate amendment the following:
"And to provide for carrying into effect the policy of the foregoing declation that so much of the act of January 18, 1837, in regard to the establishment of a mint and relating to the coins of the United States as relates to and provides for the coinage of the standard silver dollar of 412½ grains of standard silver, be, and the same is hereby, revived and reenacted into full force and effect."

It was the act of January 18, 1837, the Sherman law of 1873 re-

pealed.

We propose to revive and reënact the law of 1837, which was a free-coinage law—a law that authorized and required the unlimited coinage of the standard silver dollar of 412½ grains standard silver. With this act revived the Sherman act of 1873 demonetizing silver will stand repealed. The battle cry from this time forth shall be for the repeal of the Sherman law of

This must be done first of all-no compromises, no discordant notes as to ratios or limitations. Unconditional repeal of the Sherman law is still the battle flag under which we will fight, but this time it is the Sherman law that stopped the coinage of

When we shall have repealed this, the most odious of all the Sherman silver laws, and restored silver where it was before its demonetization in 1873, it will be in order then to talk of ratios. When the decks are cleared and silver is given an equal chance

with gold, should any necessity for the changing of the ratio be developed, we can then take counsel whether we should change the silver dollar or the gold dollar, or both, but not till then. Re-peal the Sherman law of 1873 is the platform on which the Democracy of the West and South will lead the people to victory, for the masses of the laboring and producing people of the East are with us in the fight. With this one purpose in view and one thing to be done, there need be no diversions or dissensions on this platform-the people will stand with us

This platform has no uncertain sound, no doubtful construc-

tions, no straddles.

Since the crusade against silver began in this country and Western Europe in 1873, we have witnessed the greatest depression in prices that has occurred in the same period for the last Especially is this so in the fall in prices of agricultucentury. products.

This decline will, in my humble opinion, continue from year to year. Whether the people will patiently bear it is to be seen. If my predictions are unfounded, these prices ought to go up, prosperity ought once again return to our people. The agricul-

turists have not prospered heretofore, even though we had a partial silver coinage. Nothing but the full restoration of silver will give relief to our money stringency. It is said, however, that now we have returned to gold and gold only, times will be better than ever before. We will wait and see. Ido not believe it. I hope for the best, but fear the worst.

BRYAN].

I yield now five minutes to the gentleman from Nebraska [Mr. RYAN]. How much time have I remaining?
The SPEAKER. The gentleman has five minutes of his time remaining

remaining.

Mr. BLAND. Then I yield three minutes to the gentleman from Nebraska [Mr. BRYAN] and two to the gentleman from Alabama [Mr. WHEELER].

Mr. BRYAN. Mr. Speaker, nothing that can be said at this time will affect the fate of this bill, but those gentlemen who vote for it should do so with a full and clear understanding of what they are doing. We have been told, sir, that the Demo-

cratic platform adopted in 1892 demanded the unconditional repeal of the Sherman law. No person has brought into this House a single platform utterance which will bear out that assertion. The platform does not even demand repeal, not to speak of un-The platform does not even demand repeal, not to speak of unconditional repeal. It says: "We denounce the Republican legislation known as the Sherman act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future, which
should make all of its supporters, as well as its author, anxious
for its speedy repeal." Its author does seem to be "anxious for
its speedy repeal," and in this desire many of its supporters join
with him; but why should a Democratic Congress secure that repeal without first restoring, at least, the law which the Sherman law repealed? Then, too, the denunciation contained in the platform is directed against the whole law, not simply against the purchase clause. Yet we are urged to support this bill for the unconditional repeal of the purchase clause only as a Demo-cratic measure. What is the history of this bill? It is identical in purpose and almost identical in language with a bill intro-duced by Senator SHERMAN July 14, 1892.

To show the similarity between the bill introduced then by Senator Sherman and the bill introduced since by Mr. WIL-SON of West Virginia, I place the two bills in parallel columns, and indicate by italics the words which appear in both bills:

other purposes, approved July 14, 1890.

Re it enacted by the Senate and House of Representatives of the United States of Merica in Congress assembled, That so much of the act entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," approved July 14, 1890, as directs the Secretary of the Treasury to purchase, from time to time, silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price thereof, and to issue in payment for such purchases of silver bullion Treasury notes of the United States, is hereby repeated, to take effect on the 1st day of January, 1893: Provided, That this act shall not in any way affect or impair or change the legal qualities, redemption, or use of the Treasury notes issued under said act.

Fifty-second Congress, first session.
S. 3423, introduced in the Senate
July 14, 1892, by Mr. Shermans.
A bill for the repeal of certain parts
of the act directing the purchase
of silver bullion and the issue of
Treasury notes thereon, and for
other purposes, approved July 14,
1890.

H. R. 1, introduced in the House
August 11, 1893, by Mr. WILSON.
a bill to repeal a part of a n act, ap
proved July 14, 1890, entitled "An
act directing the purchase of silver
bullion and the issue of Treasury
notes thereon, and for other purposes."

motes thereon, and for other purposes."

Be it engcled by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act approved July 14, 1850, entitled "An act directing the purchase of silver bullion and issue of Treasury notes thereon, and for other purposes," as directs the Secretary of the Treasury to purchase, from time to time, silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price thereof, not exceeding \$1 \text{ or 371.25 grains of pure silver, and to issue in payment for such purchases Treasury notes of the United States, be, and the same is hereby, repealed; but this repeal shall not impoir or in any manner affect the legal-tender quality of the standard silver dollars heretofore coined; and the faith and credit of the United States are hereby pledged to maintain the parity of the standard gold and silver coins of the United States at the present legal ratio, or such other ratio as may be established by law.

Does the Senator from Ohio originate Democratic measures? The gentlemen who favor this bill may follow the leadership of Senator SHERMAN and call it Democratic; but until he is converted to true principles of finance I shall not follow him, nor will I apply to his financial policy the name of Democracy or honesty. [Applause.] The Wilson bill passed the House, but a majority of the Democrats voted in favor of substituting the Bland law in the place of the Sherman law before they voted for unconditional repeal, showing that they were not for unconditional repeal until Republican votes had deprived them of that which they preferred to unconditional repeal, namely, the Bland law. When the bill in its present form was reported to the Senate, four of the Democratic members of the Finance Committee opposed the bill and only two Democrats favored it. When the bill passed the Senate, twenty-two Democrats were recorded in favor of the bill and twenty-two against it, and that, too, in spite of the fact that every possible influence was brought to bear to secure Democratic support for the measure. Before a vote was reached thirty-seven Democratic Senators agreed to a compromise, so that this bill does not come to us expressing the free

not come to us expressing the free and voluntary desire of the Democratic party.

Not only does unconditional repeal fail to carry out the pledge made in the last national platform, but it disregards the most important part of the financial plank in not redeeming the promise to maintain "the coinage of both gold and silver without discrimination against either metal or charge for mintage. That promise meant something. It was a square declaration in favor of bimetallism. The tail to this bill, added in the Senate as an amendment, pretends to promise a future fulfillment of platform pledges. We are not here to promise, but to fulfill. platform pledges. We are not here to promise, but to fulfill. We are not here to renew platform pledges, but to carry them out. But even if it were our duty to postpone bimetallism and record another promise, the Senate amendment does not contain the vital words of the financial plank. The Senate amend-

ment eliminates from the platform the important declaration in favor of "the coinage of both gold and silver without discrimination against either metal or charge for mintage." To show the important difference between the Senate amendment and that part of our platform, I arrange them in parallel columns and designate the discarded words by italics.

DEMOCRATIC PLATFORM.

DEMOCRATIC PLATFORM.
We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discrimination against either metal or charge for mindage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value or be adjusted through international agreement, or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts.

THE SENATE AMENDMENT

THE SENATE AMENDMENT.
And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, and to coin both gold and silver into money of equalintrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts. And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States, in the markets and in the payment of debts.

Were those important words stricken out by intention or was their purpose by their acts, those who prepared the platform

never intended when it was written that it should be fulfilled after it had secured the suffrages of the American people.

When they had a strike at Homestend some time ago they used force to remedy what they considered their grievances. We said then that the ballot, not the bullet, was the means by which the American people redressed their grievances. [Applause.] What shall we say now when people elected upon a platform and pledged to a principle disregard those piedges when they come to the legislative halls? It is a blow at representative government which we can not afford to give. We are not sent here because we know more than others and can think for them. We are sent the proposed to the propose we know more than others and can think for them. We are sent here to carry out the wishes, to represent the interests, and opposed the rights of those who sent us. What defense can we make if this bill is passed? It is not demanded by the people; the farmers and laborers who constitute the great bulk of our people have never asked for it; those who speak for their organ-

izations have never asked for it. those who speak for their organizations have never prayed for it.

So far as the laborer has been heard from, he has denounced unconditional repeal; so far as the farmer has been heard from, he has denounced unconditional repeal. Who gave the Eastern capitalists the right to speak for these men. It is a contest be tween the producers of wealth and those who exchange or absorb it. We have heard a great deal about business interests and business mendemanding repeal. Who are the business men? Are not those entitled to that name who are engaged in the production of the necessaries of life? Is the farmer less a business man than the broker, because the former spends three hundred and sixty-five days in producing a crop which will not bring him over a dollar a day for his labor, while the latter can make ten times the farmer's annual income in one successful bet on the future price of the farmer's product? I protest, Mr. Speaker, against the use of the nume business men in such a way as to exclude the largest and most valuable class of business men in the country. Unconditional repeal stops the issue of money. With this law gone, no more silver certificates can be issued, and no more silver bought. There is no law to provide for the issue of greenbacks. We must rely for our additional currency upon our share of the limited supply of gold, and the bank notes which national banks may find it profitable to issue.

Does anybody deny that our currency must increase as our population increases and as our need for money increases? Does any one believe that our need for money can be supplied without affirmative legislation? Is it any more wise to destroy the present means for increasing our currency before a new plan is adopted than it would be to repeal the McKinley tariff act without putting some other revenue measure in its place? Our platform says: "We denounce the McKinley tariff law enacted by the Fifty." says: "We denounce the McKinley tariff law enacted by the Fifty, first Congress as the culminating atrocity of class legislation," and "we promise its repeal as one of the beneficent results that will follow the action of the people in entrusting power to the Democratic party." We also demanded a tariff for revenue only. Is there any more reason for separating the repeal of the Sherman law from the enactment of bimetallic legislation than there is for separating the repeal of the McKinley bill from the enactment of a "tariff for revenue only" measure? Having harmonized with Mr. SHERMAN, shall we proceed to harmonize with Mr. ized with Mr. Sherman, shall we proceed to harmonize with Mr.

Mr. McKinley? There are many Republicans who tell us now that the prospect of tariff reduction has destroyed confidence to

a greater extent than the Sherman law has. In order to avoid another manufactured panic will it be necesary to abandon another tenet of the Democratic faith and give up all hope of tariff reduction? Unconditional repeal will make it more difficult to restore free bimetallic coinage. It can not aid bimetallism without disappointing the dearest hopes of those gentlemen who are most active in its support. If it were not so serious a matter it would be interesting to note the mortification which must come either to the gold supporters or to the silver supporters of unconditional repeal. They are working in perfect harmony to secure exactly opposite results by means of this bill. Who will be deceived? This is only the first step. It will be followed by an effort to secure an issue of bonds to maintain gold payments. Senator Sherman, the new prophet of Democracy, has already stated that bonds must be issued, and we know that last spring the whole pressure of the moneyed interest was brought to bear to secure an issue of bonds then. Do you say that Congress would not dare to authorize the increase of the public debt in time of peace? What is there that this Congress may not dare to do after it has given its approval to the iniquitous measure now before us?

It has also been suggested that the silver dollars now on hand be limited in their legal-tender qualities. We need not be sur-prised if this suggestion assumes real form in attempted legislation. It has already been proposed to increase the circulation of national banks and thus approve of a policy which our party has always denounced. But we need be surprised at nothing now. The party can never undergo a more complete transformation upon any question than it has upon the silver question, if the representatives really reflect the sentiments of those who sent them here. We have been told of the great blessings which are to follow unconditional repeal. Every rise in stocks has been paraded as a forerunner of coming prosperity. I have taken occasion to examine the quotations on one of the staple products of the farm, and in order to secure a basis for calculation, I have

of the farm, and in order to secure a basis for calculation, I have taken whe it for December delivery.

I give below the New York quotations on December wheat, taken from the New York Price Current. The quotations are for the first day of the months of June, July, August, September, October, and October 30, or as near those dates as could be gathered from the Price Current, which is published about twice

June 1, December wheat, 833.

(Special session called June 30, to meet August 7.)

July 1, December wheat, 813.

August 1, December wheat, 75.

(Congress convened August 7.)

September 1, December wheat, 743.

(Senate debate continuing.)

O:tober 1, December wheat, 743.

(Compromise abandoned and repeal assured about October 23.)

October 30, December wheat, 714.

(Unconditional repeal bassed Senate evening of October 30.)

October 31, December wheat (Post market report), 693.

The following is an extract from the market report touching the general situation in New York and the grain market in Chi-The report appears in the morning issue of the Washington Post, November 1.

BIG SCRAMBLE TO SELL—THE CHANGE OF SENTIMENT WAS A SURPRISE TO THE STREET—LONDON BEGAN THE RAID—THOSE WHO BELIEVED THE PASSAGE OF THE REPEAL BILL WOULD LEAD TO HEAVY BUYING ORDERS, AND HAD PURCHASED FOR A RISE, ALSO TURNED SELLERS AND SACRIFICED THEIR HOLDINGS—RALLIED A LITTLE AS THE MARKET CLOSED—THE BUSINESS ON 'CHANGE.

NEW YORK, October 81. Vesterday's vote by the Senate repealing the Sherman silver law did not have the effect on the stock market that the bulls expected. In the first place, London cabled orders to sell various stocks, much to the disappointment of local operators, who were confident that the action of the Senate would result in a flood of buying orders. The liquidations for foreign account induced selling by operators who had added to their lines on the belief that the repeal of the silver purchase act would instantaneously bring agout a boom. When it was seen that instead of buying the outside public was disposed to sell the weak-kneed bulls tried to get out.

Wheat was very weak throughout the entire session to-day. The opening was about 1 cent per bushel lower than the closing figures of Saturday, became weak, and after some minor fluctuations prices further declined 13 to 2, then held steady, and the closing was 2 to 2 lower than the last prices of Saturday. There was some surprise at the course of the market, which became consternation, and at one time amounted almost to a panic, when little or no reaction appeared and the price continued to sink. The fact of the matter was that traders were loaded with wheat and were merely waiting for the opportunity to sell. The bulge toward the end of last week gave them this chance and they we equick to take advantage of it. The silvar repeal bill having been discounted for several days had little or no effect in the matter of sustaining prices. New York stocks were weak and much lower and this speculative feeling was communicated to wheat. New Yorkers who have been the big bulls for so long were selling to-day, and it was said that there were numerous orders from abroad on that side of the market.

Corn was dull, the range being within three-eighths of a cent limit. The tone was steady and at times an undertone of firmness was noticeable, although prices did not show any essential changes. The accumulations of CHICAGO, October 31.

cash corn during the past three days were the cause of a somewhat liberal offering of futures early, but after a time they became light and the market dull. The opening was at a decling of \$\frac{1}{2}\$ to \$\frac{1}{2}\$, but on a good demand an advance of \$\frac{1}{2}\$ was made, receding \$\frac{1}{2}\$ to \$\frac{1}{2}\$, but on a good demand an adfigures of Saturday.

Outs were featureless, but the feeling was steady. There was very little trading and price change were within \$\frac{1}{2}\$ cent limit, the closing being \$\frac{1}{2}\$ below

From the statement given it will appear that wheat has fallen more than 14 cents a bushel since the beginning of the month in which President Cleveland issued his call for the extra ses-The wheat crop for 1892 was about 500,000,000 bushels. fall of 1 cent in price means a loss of \$5,000,000 on the crop if those figures can be taken for this year's crop. Calculated upon December wheat the loss since June 1 has been over \$70,000,000, or one-sixth of its value at the beginning of the decline. fall of 2 cents on yesterday alone, after the repeal bill passed the In of z cents on yesterday alone, after the repeal bill passed the Senate and its immediate passage in the House was assured, amounted to \$10,000,000. The fall yesterday in wheat, corn, and oats calculated upon a year's crop amounted to more than \$17-000,000. Are these the first fruits of repeal? Wall street was terribly agitated at the prospect of a slight reduction in the gold reserve. Will they take no notice of this tremendous reduction in the farmer's reserve? The market revert above queted saver. in the farmer's reserve? The market report above quoted says:

Yesterday's vote by the Senate repealing the Sherman silver law did not ave the effect on the stock market that the bulls expected. In the first lace, London cabled orders to sell various stock, much to the disappointment of local operators, who were confident that the action of the Senate rould result in a flood of buying orders.

Is it possible that instead of money flowing to us, it is going to flow away in spite of repeal? The argument most persistently the advocates of repeal was that money would at once flow to this country from Europe and relieve us of our stringency in the money market. The business centers became impatient because the Senate insisted upon a thorough discussion. of the papers even suggested that the Senate ought to be abolished because it stood in the way of the restoration of confidence. Finally the opposition was worn out, the bill was passed, just as the metropolitan press demanded, and behold it was greeted in the market by a general decline. We may now expect to hear that the vague, indefinite, and valueless tail added in the Senate as an amendment has prevented returning confidence, and that it is our highest duty to repeal the caudal appendage of the Wilson bill, just as the repeal of the purchase clause of the Sherman law was demanded. For twenty years we have denounced the demonstization act of 1873, and yet we are now prepared with our eyes open, fully conscious of what we are doing, to perpetrate the same crime. We leave silver just where it was left then, except that there was provision then for trade dollars which this bill does not contain. You may assume the responsibility, I shall not.

The line of battle is laid down. The President's letter to Governor Northen expresses his opposition to the free and unlimited coinage of silver by this country alone. Upon that issue the next Congressional contest will be fought. Are we dependent or independent as a nation? Shall we legislate for ourselves or shall we beg some foreign nation to help us provide for the

financial wants of our own people?

We need not fear the result of such a contest. The patriotism of the American people is not yet gone, and we can confidently await their decision.

The time of the gentleman from Nebraska The SPEAKER.

has expired.

Mr. PENCE. I ask unanimous consent that the gentleman from Nebraska have ten minutes more time in which to discuss this amendment, which never has been discussed in this House.

The SPEAKER. The gentleman from Colorado [Mr. PENCE] asks unanimous consent that the gentleman from Nebraska have

ten minutes more time. Is there objection?

Mr. OUTHWAITE. I object. Mr. OUTHWAITE.

The SPEAKER. Objection is made.
Mr. PENCE. Who objected?
Mr. OUTHWAITE. I objected.

Mr. PENCE. That is the most effective work the gentleman has done this session.

Mr. OUTHWAITE. The gentleman from Nebraska [Mr. BRYAN] wasted the time of the House for an hour here this morning in dilatory motions, which time he might have had

Mr. PENCE. The time may have been wasted, in the judgment of the gentleman from Ohio, but no one else in the House thinks that of the gentleman from Nebraska [Mr. BRYAN].

Mr. BLAND. I yield two minutes to the gentleman from Ala-

bama [Mr. WHEELER].

[Mr. WHEELER of Alabama withholds his remarks for revision. See Appendix.]

The SPEAKER. The time of the gentleman from Alabama [Mr. WHEELER] has expired.

Mr. WILSON of West Virginia. I yield five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, when Congress assembled in August last we were in the midst of one of the most disastrous commercial crises which ever afflicted this country.

The President of the United States called Congress together to enact such legislation as might be expedient to avert if possible the calamity which was then upon us. It was believed by a majority of this House that one of the chief causes of that commercial crisis was what is known as the silver-purchasing clause of the Sherman act.

This House proceeded promptly therefore to repeal that clause. On the 28th day of August the repe ding bill passed this House by a very large majority. It was then predicted by the friends of repeal that this repeal would be followed by prosperity, that it would restore public confidence; and we have now had the benefit of nearly three months of experience since that time. I desire to call attention to the changed condition of the country since the passage of this bill through the House, which gave the assurance that the repeal would be enacted into law.

Last week I addressed the leading commercial agency of the United States, Messrs. Dun & Co., of New York, and requested a statement showing the comparative values of leading stocks and produce between the time the bill pussed this House and Saturday last, when the assurance was given to the country of the prospective passage of the bill in the Senate.

I have the the report from that commercial agency in my hand, and I desire to call the attention of the country to it. The gentleman from Missouri [Mr. Bland] says this was a stock-jobbing crisis. I do not know whether it was manipulated by the stockjobbers or not, but I know that there was a crisis upon us which has not yet been entirely averted. I know that everything was prostrated.

prostrated.

I am glad to state that nearly all of the evils which then afflicted the country have passed away. I will ask consent to print this statement in the RECORD, and I call attention to a few prominent features of it. This statement says:

At the date you name, August 28, the country was recovering from the almost complete paralysis of domestic exchange which had prevailed, but currency was still at a premium of 1 to 2 per cent, commercial paper was almost unsalable, and 20 to 50 per cent was bid for time loans with good collateral.

collateral.

Since that time domestic exchange has been fully restored, the premium on currency has disappeared, commercial loans of good character are sought, and with good collaterals money lends at 3½ per cent on time, etc.

It is also stated that the prices of railroad stocks have increased from \$45.61 to \$53.24 per share, which is an increase of \$7.63 a share on the entire capitalization of railroad stocks in this country, an increase in the market value of such stocks since the passage of this bill through the House of \$763,000,000. And a like

increase has taken place in other stocks.

Mr. BRYAN. Will the gentleman yield to me for a question.

Mr. SNODGRASS. Will the gentleman permit me to ask him

a question?

Mr. SPRINGER. No; I can not yield, I have only five min-The SPEAKER. The gentleman from Illinois declines to

yield.

Mr. SNODGRASS. What about the price of farm products? Mr. SPRINGER. I was just going to refer to the increase in products of the soil; and it will be found that wheat has increased in price 3 cents a bushel, which would, upon an average of one year's crop in this country, be an increase of \$15,000,000. It means, on corn, on an average crop, \$37,000,000; on cotton, on an average crop, it will be \$23,000,000, and on oats nearly \$40,-000,000; and thus, on four leading products of the farm, the increase on what would be the yearly average crop is more than \$115,000,000, and yet gentlemen tell us that prices have been depreciated by this legislation. A similar increase has been realized on all other farm products since this House in August last gave assurance to the country that the repeal bill would soon become the law of the land. Thus the extra session has been justified and the wisdom of repeal has already been vindicated.

[Here the hammer fell.]
The following is the letter of R. G. Dun & Co., to which reference was made in Mr. Springer's remarks, and which is printed

under the general leave of the House to print:

THE MERCANTILE AGENCY R. G. DUN & Co., 314 and 316 Broadway, New York, October 28, 1893. DEAR SIR: In reply to your inquiry of the 27th the following data are submitted, and as the details are more fully set forth each week in our weekly publication, Dun's Review, copies of that paper for August 26—October 28, inclusive, are also forwarded to you. Therein will be found in condensed form a statement of the condition of business in its different departments each week, with brief extracts from the telegrams forwarded by our offices in different parts of the country.

At the date you name, August 28, the country was recovering from the almost complete paralysis of domestic exchange which had prevailed, but currency was still at a premium of 1 to 2 per cent, commercial paper was almost unsalable, and 30 to 30 per cent was bid for time loans with good collateral. Since that time domestic exchange has been fully restored, the premium on

currency has disappeared, commercial loans of good character are sought, and, with good collaterals, money lends at \$\frac{3}{2}\$ per cent on time. The New York banks then had less than \$\frac{3}{2}\$,000,000 reserve, and now hold over \$157,000,000; the deposits were then \$\frac{3}{2}\$,000,000 and are now nearly \$433,000,000. A similar change has been seen at other cities. The clearing-house certificates, which banks here were compelled to issue for settlement between them selves, have substantially all been retired, as well as all issues at Boston, more than three-quarters of the amount issued at Philadelphia, and the amounts issued at nearly all other cities. In general, the banking and circerory paralysis has passed away, and whereas the liabilities of banks failing in August, not including mortgage, loan, and trust companies, exceeded \$25,000,000, the amount fell in September to about \$1,000,000, and, though larger during the present month, is yet comparatively small.

The failures of commercial houses and traders numbered 1,838 in August, being most numerous about the middle of the month, and the aggregate of liabilities was over \$55,000,000. In October the number of failures has failed to about \$1,550, but the decrease in importance has been greater, the aggregate liabilities of firms failing for the month nearly ended being about \$20,000,000.

Frices of stocks began to rise as soon as the House had acted on the silver.

out find the average for the month hearly ended being about \$90,000,000.

Prices of stocks began to rise as soon as the House had acted on the sible fill, and the average for the sixty most active stocks, which was \$45.61 per share August 28, has advanced to \$53.24 per share, while the average of four teen most active industrial and trust stocks, which was \$44.86 August 28, has advanced to \$61.54 per share. In the journals forwarded to you will be found prices every day of a few stocks having the largest sales each week, with the average daily of the two classes above named.

Prices of products have generally advanced, though rather for such as are handled in speculative markets than for those which depend upon actual consumption to fix prices. The general advance in prices of all products of which records are kept has been about 2 per cent, but in most manufactured products there has been no advance or some decline. In the more important staples of commerce prices August 28 and at this date compare thus:

Commodities.	October 28.	August 28.	Increase.
Wheat	\$0,7050	80. 6750	80. 300
CornOats	. 4700	. 4525	. 175
Lard		. 862	. 188
Butter	. 2700	. 2400	. 300
Sugar, rawSugar, crushed	. 825	. 300	, 25
Coffee	, 1837	. 1624	. 213
Cotton	. 819	. 750	. 69
Petroleum Print cloths	.7212	. 5775	. 1437
Pork	19.50	16.00	3.50
Hogs		5, 50	1.00
Iron	14, 00 29, 00	14. 25 29. 00	. 25
Beef	4.70	4. 45	. 25
Sheep		3.15	. 10
Tin plates	5, 30 3, 90	5, 20 3, 90	. 10
Coal	3. 90	3. 80	

The volume of business represented by exchanges through all clearing houses outside New York, which was but \$1,413,000,000 in August, has risen to about \$1,700,000,000 in October, and for the two weeks ending September 2; it was \$572,000,000, but for the last two weeks it has been \$837,000,000. Much of this increase is due to the regular change in business from August to October. The movement on railways also shows improvement. Last week, for the first time in several months, the earnings reported exceeded those on the same roads for the corresponding week last year, though but slightly. In August the decrease on over one hundred and thirty railroads was 13 per cent, and at the close of that month over 16 per cent, while the decrease in October, as thus far reported, is less than 4 per cent.

Industries have to some extent recovered from their prostration in July and August, though not greatly. Until the latter part of August, reports of establishments closing or reducing force every week exceeded the number resuming work or increasing force, but now each week brings some increase in the number reported in operation. Comparatively few of the iron works which stopped have yet resumed, though the output of pig fron, which declined from 181,551 tons weekly May 1st to 83,434 September 1st, and still further to 73,895 tons weekly October 1st, appears to have recovered a little. The consumption in manufacture is still less than half the usual quantity. The sales of wool at the principal Eastern markets, which amounted to only 6,484,787 pounds in four weeks of August, have been 9,207,152 pounds in three weeks of October, and though only part of the woolen machinery is yet in operation, there has been a considerable increase.

The takings of cotton by Northern spinners, though 101,000 bales or 37 per cent less since September 1 than for the same period last year, has been larger of late, and most of the cotton mills have resumed. The shipment of boots and shoes from Hoston are not yet larger than in August and are abou

Hon. W. M. Springer,
Chairman Committee on Banking and Currency,
House of Representatives, Washington, D. C.

The SPEAKER. The time of the gentleman has expired. [Mr. HUDSON withholds his remarks for revision. See Appendix.

Mr. WILSON of West Virginia. I yield three minutes to the

gentleman from Georgia [Mr. Livingston].

Mr. Livingston. Mr. Speaker, this is a vital question to the people I have the honor in part to represent, and I shall vote against this bill for these reasons: First, the tendency of the measure, if it becomes a law, is to decrease the volume of currency, and to enhance the purchasing power of money, and to

depress the prices of products.

Now, Mr. Speaker, I simply want to say this: That I do not see how any man who is in favor of better prices to labor and for the products of the farm and shop can vote for this measure. I am

opposed to it for another reason. That is, this declaration in the amendment of the Senate places the whole matter under an international agreement. I am not willing to submit the destinies of this great people to the whims and the wishes of London, of Germany, or any other European power, or any financial power across the waters. As an American, as a Southern man, as a member of the United States Congress, I declare in my place that in my opinion it is a shame that this great country should adopt a bill containing such a declaration as this.

Mr. SNODGRASS. Will the gentleman allow me to make a

suggestion there?

Mr. LIVINGSTON. Submitting this matter to an international agreement with Germany, England, indeed with all Europe committed against silver and in favor of a single gold standard, they being creditor nations, we a borrowing nation, is equivalent to "going to hell for justice and the devil sitting as judge." If this is the hope for silver as a money equal and upon a parity with gold, we might as well save the expense of such an international conference and bow the knee to such financial legisla-

tion as may be dictated from beyond the waters.

Mr. SNODGRASS. And are you not also opposed to it for the reason that this bill is a travesty upon the platform and record of the party?

Mr. LIVINGSTON. I am also opposed to it because it is not in harmony with the platform upon which you, Mr. Speaker, and I were elected. I am opposed to it for that additional rea-

Mr. Speaker, this Senate amendment is a square dodge, and a reckless abandonment of the Democratic platform upon the silver question. What will the Democratic masses say of it, and our promises unfulfilled. To them and to them only can we appeal from and after this day. If they are benefited by it, then a satisfied and shall stand ready to recant my opinions and reverse my action; if not, then I commend this Democratic House, Senate, and Administration to their tender mercies, when the day comes for them to pass upon our action upon this question. I yield back to the gentleman who so kindly gave me three minutes whatever remains.

The SPEAKER. The time of the gentleman has expired. The gentleman from Illinois stated that he desired to print something in the RECORD. The Chair will submit that proposition.

Mr. SPRINGER. The letter from which I read. The SPEAKER. And which the gentleman did not have time to read.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that gentlemen may have leave to extend their remarks in the RECORD. and also that gentlemen desiring to do so may print remarks in the RECORD on this subject.
Mr. SNODGRASS. I object.

Mr. BLAND. We have had no opportunity for debate, and I ask unanimous consent that gentlemen have leave to print re-

marks on this bill in the RECORD.

The SPEAKER. The gentleman asks unamious consent for general leave to print remarks on this bill.

Mr. SNODGRASS. As we have not had time to reply to the

statement read by the gentlemen from Illinois, I shall object to having it printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears

Mr. WILLIAMS of Mississippi. I would like to ask in connection with that, that there be unamious consent given for any gentleman who has spoken to extend his remarks, or those who will speak upon it to extend their remarks.

The SPEAKER. That has been granted on the motion of the

gentleman from Missouri. Mr. BOATNER. I understand that extends to all those who

have spoken and those who desire to print remarks.

The SPEAKER. The Chair so understands it.

Mr. CRAWFORD. I object to that.

The SPEAKER. That was submitted and agreed to, as the

The SPEARER. That was submitted and agreed to, as the Chair understands.

Mr. WILSON of West Virginia. I yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, I have not the slightest desire to mingle in the discussion so far as it has proceeded, nor do I intend to make this the occasion for any suggestion as to the natural disappointment of orators who have preceded me. I told the gentleman from Nebraska [Mr. BRYAN] some time ago that he would find out the difference between promise and perthat he would find out the difference between promise and per-formance when we came to actual business. That the country is undoubtedly better off whenever the Democratic party disappoints it, I do not dobut. [Laughter.] In some respects I might hope that this disappointment would continue. I have given at length my reasons for the view which I have taken of the question which is before the House. I have nothing to add to that

statement of reasons. With those reasons and with the result, I have not that confidence which some gentlemen have, who either know more than I do or less than I do. [Laughter.]

This is a very serious and important experiment in the history

of this country, which had to be tried in obedience to the wish of the people. I hope it may turn out to be advantageous to the people in every way. Congress has at last, after a long time, done its duty, but it has robbed the measure of a very great deal done its duty, but it has robbed the measure of a very great deal of the advantage that it would have had under other circumstances had it been sooner disposed of. I have suggested that this silver legislation, begun in 1878, was an exciting cause of our troubles; whether it was any more than that, time will show. For my part I shall not be surprised to see great industrial misfortunes happen to this country. In my judgment it will be which I have already pointed out, that this country does not know and never will know until the action takes place, what the purpose and intention of the parties in power are.

Those parties themselves do not know. The consequence is that this country is prostrate under general uncertainty. More-

that this country is prostrate under general uncertainty. More-over, the whole industrial system of this country is subject to change. That change is imminent and threatening. It will be found that this underlies our present condition, that this is the main cause of the misfortunes which have happened and which will happen to us in the coming winter. However much such misfortunes might inure to any temporary party advantage, I sincerely hope that they may not prove to be as great as those who are wiser than I anticipate. [Applause on the Republican

who are wiser than I alterplace in the side.]
Mr. WILSON of West Virginia. I yield one minute to the gentleman from New York [Mr. TRACEY].
Mr. TRACEY. Mr. Speaker, I have but a minute. I could easily consume many minutes, and even hours, in expressing my sense of gratitude to the gentlemen here, my colleagues, who have intrusted me with the discharge of certain duties during the discussion of this bill which we are now about to vote

In behalf of those who were associated under the command of the gentleman from West Virginia [Mr. WILSON] in the active work of organizing the forces favoring the bill, permit me to thank the Republicans on both sides of the question, and our friends the Populists, all of whom have treated us with great kindness during the time of debate in connection with this measure. Mr. Speaker, the vote which is about to be taken is the culminating event in the long struggle which has been carried on for years by friends of the people who are in favor of sound

[Here the hammer fell.]

Mr. WILSON of Washington. Mr. Speaker, I ask that the

gentleman's time be extended.

Mr. BRYAN. I ask unanimous consent that the time of the gentleman from New York be extended for ten minutes.

Mr. TRACEY. Mr. Speaker, I do not desire more time. Several members objected. Mr. WILSON of West Virginia. I yield the gentleman from

New York one minute more.

New York one minute more.

Mr. TRACEY. Mr. Speaker, in that additional minute I simply desire to say that I regard this as the end of a great struggle wherein the American people have finally and in decided terms expressed their purpose that nothing but an absolutely sound currency shall be issued by the Government of the United States. During the debate to-day one of our friends who is opposed to this bill has claimed that we have been following the directions given us by one of the Senators from the State of Ohio. I will not take issue with him as to what his opinion may be; but, Mr. Speaker, so far as I am concerned, and those gentlemen on the Democratic side with whom I have acted, we know that we have been following the lead of the man whom the people. that we have been following the lead of the man whom the peo-ple of this country elected by an enormous majority, Grover Cleveland, the present President of the United States. [Ap-

The SPEAKER. The gentleman from West Virginia has one

minute remaining.

Mr. WILSON of West Virginia. Mr. Speaker, the argument upon this bill has been closed. Both Houses of Congress have, after long and deliberate consideration, recorded their judgment after long and deliberate consideration, recorded their judgment upon it with an emphasis that can not be misunderstood, and which now can neither be strengthened nor weakened by anything that might be said at this stage of its history. I have recognized from the beginning, sir, that there were honest and sincere differences of opinion upon this measure by honest, sincere, and patriotic representatives of the people. Which side has been right the future alone can decide. If the passage of this bill shall bring to this country but a small part of the blessings which its friends prophesy concerning it, if it shall restore confidence, quicken enterprise, and bring once more returning prosperity to the people of the country, then the judgment of

its friends will be justified, and its opponents will stand before history as honest, patriotic, but mistaken men.

Here the hammer fell.]

Mr. BRYAN. I hope the gentleman will be allowed to proceed a minute longer.

Mr. WILSON of West Virginia. If, on the other hand, it

should bring one-tenth of the evils which its enemics prophesy, then the judgment of its opponents will be justified, and its friends will stand before history as honest, patriotic, but mistaken men.

Mr. Speaker, I ask a vote on the bill; and I call for the yeas

The SPEAKER. The gentleman from Missouri[Mr. BLAND], as the Chair understands, desires to make a motion to recommit. Mr. BLAND. I move to recommit the bill to the Committee on Coinage, Weights, and Measures, with instructions to report it back with the amendment which I ask the Clerk to read.

The Clerk read as follows:

Add to the Senate amendment the following:

"And to provide for carrying into effect the policy of the foregoing declaration and that so much of the act of January 18, 1837, in regard to the establishment of a mint and relating to the coins of the United States as relates to and provides for the coinage of the standard silver dollar of 412 grains of standard silver is hereby revived and reenacted into full force and effect."

The SPEAKER. The question is on the motion to recommit,

as made by the gentleman from Missouri.

Mr. WILSON of West Virginia. I demand the previous ques-

tion on that motion.

The SPEAKER. Without objection, the previous question will be considered as ordered.

was no objection.

The SPEAKER (having put the question on the motion to re-

commit). The noes seem to have it.

Mr. BLAND. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 176, not voting 68; as follows:

	YEA	15-109.	
Atken, Alderson, Alexander, Allen, Arnold, Balley, Baer, Kans. Bankhead, Bell. Col. Bell. Tex. Black, Ga. Blanchard, Bland, Boatner, Boen, Bower, N. C. Branch, Broderick, Brookshfre, Bryan, Burnes, Cannon, Cal. Capehart, Clark, Mo. Cobb, Ala. Cockrell. Cooper, Tex. Cox,	Crawford, Culberson, Curtis, Kans. Davis, De Armond, Denson, Dinsmore, Dockery, Donovan, Doolittle, Edmunds, Ellis, Oregon Epes, Fithian, Funston, Fyan, Geary, Grady, Hall, Mo. Harris, Hartman, Heard, Henderson, N. C. Hermann, Hilborn, Holman, Hopkins, Pa. Hudson,	Hunter, Hutcheson, Ikirts, Jones, Kem, Kilgore, Kyle, Lane, Latimer, Livingston, Maddox, Maguire, Mallory, Marshall, McCulloch, McDearmon, McKeighan, McLaurin, McMillin, McMillin, McMillin, McMaredith, Morgan, Moses, Neill, Pence,	Richardson, Michardson, Tenr Robbins, Robertson, La. Sayers, Shell, Sibley, Snodgrass, Stallings, Stockdale, Strait, Swanson, Sweet, Talbert, S. C. Tarsney, Tate. Taylor, Ind. Terry, Turpin, Tyler, Whiting, Williams, Ill. Williams, Miss. Wilson, Wash.

	NA:	YS-176.	
Adams, Adams, Aldrich, Apsley, Avery, Babcock, Balter, N. H. Barlett, Barwig, Belden, Beltzhoover, Berry, Bingham, Black, Ill. Blair, Brawley, Breckinridge, Ark. Breckinridge, Ark. Brosius, Brown, Bunn, Bynum, Cabaniss, Cadmus, Caidwell, Campbell, Campbell, Caruth, Catchings, Causey, Chickering, Clancy, Clancy, Cobb, Mo.	Cockran, Cogswell, Compton, Coombs, Cooper, Fla. Cooper, Ind. Cooper, Wis. Cornish, Covert, Crain, Cummings, Curtis, N. Y. Daniels, Davey, De Forest, Dingley, Draper, Dunn, Dunphy, Durborow, English, Erdman, Everett, Fellows, Fielder, Fitch, Filetcher, Forman, Geissenhainer, Gdilet, N. Y. Goldzier, Gorman, Gresham, Grout, Hainer,	Haines, Hall, Minn. Hammond, Harmer, Harter, Haugen, Henderson, Iowa Hendrix, Hines, Hitt. Hooker, N. Y. Hopkins, Ill. Houk, Ohio Houk, Tenn. Johnson, Ind. Johnson, N. Dak. Johnson, Ohio Joy, Klefer, Kribbs, Lapham, Layton, Layton, Lefever, Lilly, Linton, Lisle, Lockwood, Loudenslager, Lucas, Lynch, Magner, Mahon, Marvin, Ind. Marvin, Ind. Marvin, N. Y. McAleer,	McCall, McCleary, Min McCreary, Ky. McDannold, McDannold, McBannold, McGann, McKaig, McNagny, Meiklejohn, Mercer, Meyer, Mongomery, Moon, Morse, Mutchler, Oates, O'Nell, Mass. O'uthwaite, Paschal, Patterson, Payne, Paynter, Paynter, Paynter, Paynter, Pearson, Pendleton, W. Phillips, Pigott, Powers, Pigott, Powers, Price, Randall, Ray, Rayner, Reed, Ray, Rayner, Reed, Reelly,

Reyburn, Richards, Ohio Ritchie, Rusk, Russell, Conn. Ryan, Schermerhorn, Settle, Shaw,	Sherman, Sickles, Sipe, Smith, Somers, Sperry, Springer, Stevens, Stole, C. W.	Stone, W. A. Stone, Ky. Storer, Talbott, Md. Thomas, Tracey, Tucker, Turner, Van Voorhis, N. 3	Wanger, Warner, Washington, Waugh, Wells, Wheeler, Ill. Wilson, W. Va Wolverton, V. Woomer.
	NOT	VOTING-68	

COMMON TO 1	Dented C. 11.	A SETT A CONTESTED TAY	A. W OULLION.
	NOT V	OTING-08.	
Abbott, Bartholdt, Bowtelle, Bowers, Cal. Brattan, Breckinridge, I Burrows, Caminetti, Childs, Clarke, Ala. Coffern, Coun, Cousins, Dalzell, Dolliver, Ellis, Ky. Enloe,	Funk, Gardner, Gest, Gillett, Mass. Goodnight, Cy. Graham, Grosvenor, Hager, Hare, Hatch, Hayes, Heiner, Henderson, Ill. Hepburn, Hicks, Hooker, Miss. Hullek,	Hull. Lacey, Lawson, Lester, Loud, Murray, Newlands, Northway, O'Ferrall, Pa. Page, Pendleton, Tex. Perkins, Pickler, Robinson, Pa. Russell, Ga. Scranton,	Simpson, Stephenson, Strong, Tawney, Taylor, Tenn. Updegraff, Van Voorhis, Ol Wadsworth, Walker, Weadock, Wever, White, Wilson, Ohio Wise, Woodard. Wright, Mass. Wright, Pa.

So the motion of Mr. BLAND was rejected. Mr. ENLOE. Has the gentleman from Maine [Mr. BOUTELLE]

The SPEAKER pro tempore (Mr. DOCKERY). He has not. Mr. ENLOE. I am paired with the gentleman from Maine. If he were present I should vote in the affirmative.

The following pairs were announced:

Until further notice:

Mr. McMillin with Mr. Burrows

Mr. Simpson with Mr. GILLETT of Massachusetts. Mr. Enloe with Mr. Boutelle.

Mr. RUSSELL of Georgia with Mr. BARTHOLDT.

Mr. O'FERRALL with Mr. HEPBURN. Mr. GOODNIGHT with Mr. STEPHENSON.

Mr. Conn with Mr. Childs. Mr. Page with Mr. Pickler.

Mr. COFFEEN with Mr. LACEY. Mr. Breckingidge of Kentucky with Mr. O'NEILL of Pennsylvania.

Mr. LESTER with Mr. NORTHWAY

Mr. Lawson with Mr. Taylor of Tennessee. . Mr. Clarke of Alabama with Mr. Hager. Mr. Abbott with Mr. Walker.

Mr. ABBOTT WITH Mr. WALKER.
On the silver question:
Mr. PENDLETON of Texas with Mr. NEILL. Mr. PENDLETON
would vote against free coinage, and Mr. NEILL would vote for
free coinage.
Mr. Hare with Mr. Loud.

Mr. HAYES with Mr. Bowers of California.
Mr. Woodard with Mr. Henderson of Illinois.
Mr. HATCH with Mr. COUSINS.
Mr. BANKHEAD with Mr. GEAR. Mr. GEAR would vote for, and Mr. BANKHEAD against, unconditional repeal.

For this day: For this day:
Mr. Hooker of Mississippi with Mr. Grosvenor.
Mr. Graham with Mr. Van Voorhis of Ohio.
Mr. Ellis of Kentucky with Mr. Dalzell.
Mr. Brattan with Mr. Dolliver.
Mr. Wise with Mr. Strong.
Mr. Talbott of Maryland. Mr. Speaker, I ha

Mr. Speaker, I have just received a telegram from my colleague, Mr. BRATTAN, stating that he is too sick to be present to-day. If present he would vote "no" on the proposition of the gentleman from Missouri to recommit the bill with instructions, and would vote "aye"

on the general question.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion to

concur Mr. WILSON of West Virginia. On that I demand the yeas

and nays.

Mr. BRYAN. Will the gentleman from West Virginia yield

Mr. BRYAN. Will the gentleman from west virginia yiold to me for an explanation?

Mr. WILSON of West Virginia. How long?

Mr. BRYAN. Only three or four minutes.

Mr. WILSON of West Virginia. Certainly.

The SPEAKER. If there be no objection, the gentleman from Nebraska will be allowed to proceed for five minutes.

There was no objection: There was no objection.

Mr. BRYAN. Mr. Speaker, when this question came up today, on the motion of the gentleman from West Virginia, a demand for the previous question was made at the time the main
question was submitted. There were some of us who believed
that those in favor of the bill should take all of the responsibility,
and provide all of the means for its passage through this body.

In our opinion it is a measure fraught with infinite possibilities

In our opinion it is a measure fraught with infinite possibilities for mischief if not remedied by subsequent legislation.

We have believed it would bring to this country more of misery, as someone has said, "than war, pestilence, and famine;" and feeling impressed with the importance of the measure to our people we felt justified in exercising every parliamentary right given to us under the rules of the House to prevent its passage. We have seen those who believed with us in the Senate stand up for two months protesting against the passage of the measure and in opposition to what we consider a crime. We saw them refusing within two hours of the time when the vote was finally taken to consent to allow a vote. We saw them insisting that those who favored the measure should pass it without any that those who favored the measure should pass it without any

that those who favored the measure should pass 12 without any shadow of consent from its opponents.

This proceeding is not new. This House has time and again, on important questions, seen the minority refuse to take any part in the proceedings or aid in any manner to pass through the House measures to which they were conscientiously opposed. They have even refused to vote, so that those in favor of the manufacture might be compelled to make a quorum of their own They have even refused to vote, so that those in favor of the proposition might be compelled to make a quorum of their own members. It was our desire to compel those in favor of the bill to use every means in their power to carry out the purpose in view, so that there should be hereafter no chance for anyone to assert that we had yielded one inch in our opposition to the measure and thereby permitted it to become a law.

I made dilatory motions and intended to do so until the Committee on Rules brought in a rule, and the House adopted it, making it impossible to earry such proceedings any further. I was on my feet, and I thought in time, to make a dilatory motion when the demand for the previous question was submitted by the Chair. I found that there were too few of those who were opposed to the measure willing to join in dilatory opposition to the extent even of calling for the yeas and nays.

Realizing that there are too few of us in the opposition who are willing to longer delay a vote, we believe it is useless to carry our opposition further. If I thought that refusing to vote would

are willing to longer delay a vote, we believe it is useless to carry our opposition further. If I thought that refusing to vote would compel the friends of the measure to bring a quorum here, and that by so refusing I could prevent the passage of this bill or delay it, earrying out what I believe to be my duty to my constituents, I would gladly refuse to vote and would gladly do anything else in my power to prevent the perpetration of what I believe to be a crime against the people.

Having said this much, Mr. Speaker, and explained why I will not carry dilatory tactics further, I simply desire to add, inconclusion, that if we are right in the opposition we have made to this bill time will vindicate the correctness of our position. I hope that we are wrong. I hope that the influences back of the measure are not what we believe them to be. I hope its purposes are better than we think they are. I hope that this legislation will be far more beneficial to the people of this country than we can believe it will be. If we are right, and the bill now about to be passed produces the misfortunes which we believe will follow its enactment, I warn the people responsible for its passage that there will be a day of reckoning.

If the bill means that this country is not able to legislate for itself end rouse and some foreign nection to case it I feet and

If the bill means that this country is not able to legislate for itself and must ask some foreign nation to assist. I for one, Mr. Speaker, do not believe that the American people, when they come to speak on this question, will ever assent to such a prop-

The lines of battle are laid down, and in the next Congressional election the battle will be fought out, and unless I mistake the patriotism of the American people they will declare that the patriotism of the American people they will declare that this country is great enough and grand enough and strong enough to legislate for its own people on every question without the aid or consent of any foreign nation, either expressed or implied. You may think that you have buried the cause of bimetallism; you may eongratulate yourselves that you have laid the free coinage of silver away in a sepulchre, newly made since the election, and before the door rolled the veto stone. But, sirs, if our cause is just, as I believe it is, your labor has been in vain; no tomb was ever made so strong that it could imprison a righteous cause. Silver will yet lay aside its grave clothes and its shroud. It will yet rise, and in its rising and its reign will bless mankind. [Applause.]

bless mankind. [Applause.]
Mr. WILSON of West Virginia. Mr. Speaker, I now demand
the previous question on the motion to concur in the Senate amendments.

The yeas and nays were ordered. The question was taken; and there were -yeas 194, nays 94, not voting 65; as follows:

YEAS-104.

Adams, Alderson, Aldrich, Apsley, Avery, Babcock,

Baker, N. H. Baldwin,

Beltzhoover,

Brawley, Breckinridge, Ark. Bretz, Brickner, Brookshire.

Brown, Bunn. Bynun, Cabanies, Cadmus, Cadmus, Caldwell, Campbell, Campbell, Caruth, Catchings, Catchings, Causey, Chickering, Clancy, Cobb, Mo. Cockran, Cooper, Cooper, Cooper, Cooper, Cooper, Cooper, Cooper, Cooper, Cooper, Cornish, Covert, Crain, Covert, Crain, Cornish, Covert, Crain, Cornish, Covert, Crain, Dunnings, Curtis, N. Y. Daniels, Davey, Donovan, Draper, Dunn. Dunnh Edmunds, English, Erdmund, Everett, Fellows,	Forman, Gardner, Geary, Geissenhainer, Gillet, N. Y. Goldzier, Gorman, Gresham, Grout, Haines, Hall, Mnim. Hammond, Harnier, Haugen, Henderson, Iowa Hendrix, Hines, Hitt, Holken, N. Y. Hopkins, Ill. Houk, Ohio Houk, Tenn. Hunter, Johnson, Ind. Johnson, Ind. Johnson, N. Dak. Johnson, Ohio Joy, Kiefer, Kribbs, Lapham, Layton, Lefever, Lilly, Linton, Liste, Lockwood, Loudenslager, Lynch,	Reyburn,	Warner, Washington, Waugh, Wendock, Wells, Wheeler, Ill. White, Whiting, Wilson, W. Va. Wolverton, Woomer,
Everett, ·	Loudenslager, Lynch, Magner, Mahon, Marshall,	Reilly,	Woomer, Wright, Pa.
	7457	10 v 21	

Aitten, Alexander, Allen. Arnold, Balley, Balker, Kans. Bankhead, Bell. Colo. Bell. Tex. Blanchard, Bland, Boakner, Bown, Bown, Bown, Bown, Bown, Charles, Bown, B	Cox, Crawford, Culberson, Curtis, Kans. Davis, De Armond, Denson, Dinsmore, Dockery, Docletry, Doclittle, Ellis, Oregon Epes, Fithian, Fyan, Grady, Halner, Hall, Mo. Harris, Heard, Henderson, N. C. Hermann, Hilborn,	Hopkins, Pa. Hudson, Hudson, Hutcheson, Ikiri, Jomes, Kem, Kilgore, Kyle, Lane, Lane, Latimer, Livingston, Lucas, Maddox, Maguire, Mallory, Marsh, McCulloch, McDearmon, McKeighan, McKae, Meltiejohn, Monosy, Morgan,	Moses, Pence, Richardson, Tenn. Robbins, Robertson, La. Sayers, Shell, Stibley, Smith, Snedgrass, Stullings, Stockdale, Strath, Sweet. Talbert, S. C. Tarsney, Tate, Terry, Wheeler, Ala. Williams, Ill. Williams, Ill. Williams, Miss.

	NOT V	OTING-66.	
Abbott, Bartholdt, Bowers, Cal. Browers, Cal. Brattan, Breckinridge, Ky. Burrows, Caminetti, Childs, Clarke, Ala. Consins, Dalzell, Doliver, Ellis, Ky. Enloe,	Funk, Gear, Gear, Gillett, Mass. Goodnight, Graham, Grosvenor, Hager, Hare, Hare, Hayes, Heiner, Henderson, Ill. Hepburn, Hicks, Hooker, Miss. Hull,	Lacey, Lawson, Lester, Loud, McMillin, Murray, Neill, Newlands, Northway, O'Ferrall, O'Neill, Pa. Page, Pendleton, Tex. Perkins, Pickler, Robinson, Pa. Russell, Ga.	Simpson, Stephenson, Strong, Tawney, Taylor, Tenn. Updegraff, Van Voorhis, Ohi Wadeworth, Walker, Wever, Wison, Ohio Wise, Woodard, Wright, Mass.

So the motion to concur was agreed to.

Mr. ENLOE. I am paired with the gentleman from Maine
[Mr. BOUTELLE]. If I were not paired I would vote "no."

Mr. ALLEN. My colleague [Mr. HOOKER of Mississippi] is sick and unable to be here. If he were here he would have voted against the bill and would have voted for the recommittal

Mr. BINGHAM. Mr. Speaker, my colleague [Mr. O'NEILL of Pennsylvania] is absent and paired. If present he would vote

Mr. WILLIAM A. STONE. My colleague [Mr. HICKS] is necessarily absent. If he were here he would vote "aye" on this

Mr. CLANCY. I desire to say that my colleague [Mr. GRAHAM] is ill at his home. If he were here he would vote in favor of this

Mr. RYAN. I would like to have a verification of the vote.
The SPEAKER. The gentleman asks for a recapitulation.
The Clerk will recapitulate the names of those voting. The Clerk recapitulated the names of those voting.

The result of the vote was then announced as above recorded. On motion of Mr. WILSON of West Virginia, a motion to reconsider the last vote was laid on the table Mr. ALLEN. Mr. Speaker—

Mr. ALLEN. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman rise?
Mr. ALLEN. I rise to make a personal statement, Mr.
Speaker. Now, that this legislation has been accomplished, I
desire to thank my followers in this House and in the Senate for
the way they have stood by me in the great fight I have made
for silver. [Laughter.] That I have not triumphed has not
been for the want of faithful and devoted followers, and I could
not permit this occasion to puss without this public recognition
of my superistion of their loyalty. The President has thanked not permit this occasion to piss without this public recognition of my apreciation of their loyalty. The President has thanked the other side, and we have to-day heard the gentleman from New York [Mr. Tracey] thank them for the slight assistance they had rendered him in his leadership of the other side, and I understand Mr. Sherman is going to thank them. Now, I hope my thanks will be taken as an offset to all these others. Gentlemen, you have stood by me nobly. I made a manly fight, but we have gone down before superior numbers, and now we will make the best of it, but rest assured I will aland now we will make the best of it, but rest assured I will always remember with gratitude the way you have followed me and I am still ready to lead you. [Laughter.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had further insisted upon its amendment No. 6 to the bill (H. R. 4177) "to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes," disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Cockrell, Mr. Gorman, and Mr. Cullom as the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 591) to donate to the county of Laramie, Wyo., certain bridges on the abandoned Fort Laramie military reserva-

tion, and for other purposes; and
A joint resolution (S. R. 37) to provide for the printing of a
history and digest of the international arbitrations to which the United States was a party, and for other purposes.

EXTRA COMPENSATION OF LETTER-CARRIERS.

Mr. BINGHAM. Mr. Speaker, I desire to ask unanimous consent for the present consideration of a resolution of inquiry, which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved. That the Postmaster-General be, and is hereby, requested to inform the House of Representatives whether claims of letter-carriers for compensation for excess of eight hours service per day, under the act of May 24, 1888, as decided by the Court of Claims, March 7, 1882, are being received or can be received, adjusted, and paid, or certified to Congress for appropriation, without the intervention or services of attorneys.

Mr. McMILLIN. Mr. Speaker, let that be referred to the committee. I believe it is a resolution of that class which should receive the consideration of a committee.

Mr. BINGHAM. I would say to the gentleman from Tennes-see [Mr. McMILLIN] that this will take but a moment. Mr. McMILLIN. The resolution relates to an appropriation. It is a fiscal matter which I think should receive the consideration of the committee.

Mr. BINGHAM. If the gentleman will allow me to make a statement, I will say that I have consulted with the chairman of

the committee, who thinks the resolution a proper one.

Mr. McMILLIN. If the committee are of that opinion, it will be but short work to report the resolution back to the House. I think a resolution involving an appropriation or expenditure of money should at least receive the deliberative consideration of a

ommittee of the House.

Mr. BINGHAM. Very well, I have no objection to that.

The SPEAKER. The resolution will be referred to the Cominittee on Post-Offices and Post-Roads.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bills, fellower than the part of an act approved July 14, 1890, entitled, "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes;" when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved by the House of Representatives (the Senate concurring). That, beginning with the first day of the regular session of the Fifty-third Congress,

to wit, the first Monday in December, 1893, in lieu of being engrossed, every bill and joint resolution in each House of Congress at the stage of the consideration at which a bill or joint resolution is at present engrossed shall be printed, and such printed copy shall take the place of what is now known as, and shall be called, the engrossed bill or resolution, as the case may be, and it shall be dealt with in the same manner as engrossed bills and joint resolutions are dealt with a tpresent, and shall be sent in printed form, after passing, to the other House, and in that form shall be dealt with by that House and its officers in the same manner in which engrossed bills and joint resolutions are now dealt with.

Resolved, That when said bill or joint resolution shall have passed both Houses, it shall be printed on parchment, which printshall be in lieu of what is now known as and shall be called the enrolled bill or joint resolution, as the case may be, and shall be dealt with in the same manner in which enrolled bills and joint resolutions are now dealt with.

Resolved, That the Joint Committee on Printing is hereby charged with the duty of having the foregoing resolutions properly executed, and is empowered to take such steps as may be necessary to carry them into effect, and provide for the speedy execution of the printing herein contemplated.

PRINTING FOR COMMITTEE ON POST-OFFICE AND POST-ROADS.

Mr. HENDERSON of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on the Post-Office and Post-Roads be author-fixed to have printed and bound such papers and documents for the use of said committee as it may deem necessary in connection with subjects con-sidered by the committee during the present Congress.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. SPRINGER. I move that the House do now adjourn.
Mr. WEADOCK. Mr. Speaker—
The SPEAKER. The gentleman from Michigan [Mr. WEADOCK] wishes to submit a conference report, as the Chair understands

Mr. SPRINGER. I will withdraw my motion for that pur-

EXTENSION OF TIME TO MINING CLAIMANTS.

Mr. WEADOCK. Mr. Speaker, I submit a conference report on the bill (H. R. 3545) to amend section 2324 of the Revised Statutes of the United States, relating to mining claims.

The report of the committee of conference and the statement

of the House conferees appear in the proceedings of Tuesday.
Mr. WEADOCK. Mr. Speaker, the House bill extended the
time within which a certain amount of labor required by the statute should be performed in the year 1893. The Senate amended that by providing that the law should apply only to those States or the adjoining States where the mining claims were located. That was disagreed to, and the bill was modified so that it should exclude from its operations South Dakota. Similar statutes have been passed in regard to Alabama, Missouri, and other States relating to mining claims.

relating to mining claims.

Chapter 91 of the Supplement to the Revised Statutes, page 104, is a law passed in 1576, excluding the States of Missouri and Kansas from the provisions of the act of Congress to promote the development of the mining resources of the United Strtes, and the law was sustained by the Supreme Court of the United States in 115 United States Reports, page 403.

In 1883 Alabama was excepted from the laws relating to mineral lands (Supplement to Revised Statutes, 104). The bill, having been reported unanimously by the House Committee on Mines and Mining, passed the House: passed the Senate with

Mines and Mining, passed the House; passed the Senate with the amendment already referred to, which was changed in con-ference to the provision now reported, excepting the State of South Dakota, and the situation in the mining regions demanding prompt action. I move the previous question upon the adop-

tion of the report.

Mr. RAY. I hope the gentleman will not undertake to cut off

debate upon this question at this time.

Mr. WEADOCK. That will allow thirty minutes for debate. Mr. BLANCHARD. No; you have already had debate.
Mr. WEADOCK. How much time does the gentleman want?
Mr. RAY. I do not know that I shall want any great length

of time myself, but I think that perhaps some other gentlemen may desire to speak on the subject.

Mr. WEADOCK. Will the gentleman indicate some time he

desires!

Mr. RAY. I should not desire, as I say, any great length of time myself, but I dislike to have other members of the House

cut off if they desire to say anything on the subject.

Mr. WEADOCK. I will yield the gentlemen five minutes.

Mr. RAY. Well, I do not—

Mr. WEADOCK. Is there any other gentleman who desires

Mr. RAY. I do not desire to speak on a matter of this kind with my mouth closed in advance. If the gag rule is to be applied to me, I want it applied in the very first instance. I would Mr. RAY.

rather have it applied when I am prepared for it. If the gentheman has a measure here for adoption by this House that he is afraid to have discussed, why then apply this rule to it; but this is a matter of some considerable consequences. It is a proposition that I do not approve. The principle of it, Mr. Speaker, is wrong; and I do not believe members of this House, when they understand it, will desire to commit themselves to it. Now, I ask the gentleman to allow us to discuss it before he moves the previous question.
Mr. WEADOCK. Iyielded five minutes to the gentleman, and

I suppose he is taking his time.

Mr. RAY. No, sir; I am not taking my time.
Mr. WEADOCK. Then I yield three minutes to the gentleman from Colorado [Mr. PENCE].

Mr. RAY. Idesire to know, in the first place, whether the gentleman proposes to insist upon his motion for the previous question?

Mr. WEADOCK. I shall, unless the gentleman desires time If he does, it will be granted; if not I will press for a vote upon the previous question.

Mr. PENCE. That is certainly fair.

Mr. RAY. Do you insist on limiting me to five minutes?
Mr. WEADOCK. No; if you desire it, I will yield to you for fifteen minutes; but I would like to have a vote on the previous question.

Mr. RAY. I will state to the gentleman that I do not pro-ose and do not desire to be limited to five minutes. I do not think that I want to speak ten minutes on the subject, but I would like such time as I find necessary.

Mr. WEADOCK. I will give the gentleman ten minutes.
Mr. RAY. Will not the gentleman listen to me? I do not
think, Mr. Speaker, that I desire ten minutes, but I do not desire think, Mr. Speaker, that I desire ten minutes, out I do not desire to be cut off in the midst of what I may desire to say. I have not the slightest idea that I should occupy ten minutes. I will not make a prolonged windy speech, nor talk to occupy time. I simply desire that the gentleman will give me such time as I may find necessary in which to express my objections to this propo-

sition.

Mr. WEADOCK. I will yield the gentleman fifteen minutes.

Mr. RAY. That is satisfactory.

The SPEAKER. The gentleman from New York.

Mr. RAY. The gentleman from Colorado [Mr. Pence] desires to speak at this time, and, with the permission of the gentleman in charge of the bill, I will yield to him and reserve my

Mr. WEADOCK. I yield five minutes to the gentleman from

Colorado [Mr. Pence].

Mr. PENCE. I amgrateful to the gentleman from New York, and also to the chairman of the committee. The gentleman from New York has made a suggestion which, up to this time, has not been made by anyone; that is, that there is objection on principle to the main proposition of this bill. The purpose of the bill is to suspend the operation for this year of one section of the mining statutes. Let me make the members of the House acquainted with some facts of which probably very few of them have had knowledge until now.

The maximum extent of a mining claim in the region that has been hit so hard here to-day already is 1,500 feet in length by 300 feet in width. In round figures that is 10 acres in area. The United States statute requires that upon each unpatented mining claim there shall be performed in each calendar year by the claimant there of \$100 worth of manual labor. There is no revenue to the State from this, no revenue to the Government. It is simply a condition upon which the claimant may hold his claim. The people of the section of country in which these mining claims are located have been so prostrated since last June by the course of foreign powers, by the course of the Administration, or by the conditions that have overwhelmed them, whatever may have been the cause of those conditions, that the owners of these unpatented mining claims, by thousands, have been compelled to quit work upon their claims and seek employment elsewhere.

To-day in Colorado, under the vote of this morning, it is no

exaggeration to say that there are 10,000 horny-handed, worthy, deserving miners who are looking for the last time into the shalts where lie buried the hopes and labors of their lives, and calculating how much it will cost them to get back to their wives' people to spend the winter. Next spring they will be calculated ing upon finding employment elsewhere, with the hope that something will happen to encourage them to turn their faces again to the country where their mining claims are. The only purpose of the bill now proposed, the policy that the gentleman from New York suggests objection to, is that for this year, 1893, the operation of the law which requires claimants to perform upon their claims \$100 worth of labor—which amounts to a tax of \$10 per acre, there being about 10 acres in a claim-shall be suspended so that the men may be free to go elsewhere to find employment or sustenance for this winter; that and nothing

It simply provides that the operation of that law shall be sus-It simply provides that the operation of that law shall be suspended, not for any great length of time as was originally proposed, but for this year only, that it may be known and understood that that is the policy of the Government; and the amendment to which the gentleman from New York mainly objects, I imagine, is the exception that is made for the State of South Dakota. to that, I care not to indulge in discussion. In the five minutes allotted to me I could not. Suffice it to say, that, as I am in-formed, both the Senators and the Members from the State of South Dakota desire this exception, and feel that so far as their miners are concerned, they do not wish the operation of the statute suspended.

But, excepting in South Dakota, it is the earnest desire, prayer, and appeal, made here to-day in behalf of all the miners and mining claimants of all the mining States and Territories that this bill as recommended by the committee presided over by the gentleman from Michigan [Mr.WEADOCK] shall be passed. I hope that no trivial objection, no objection which rests upon anything in the world save a purpose to do the greatest good to the greatest number, will prompt the utterances of the gentle-man from New York, or will prompt his or any member's action in this matter

[Here the hammer fell.] Mr. WEADOCK. I yield five minutes to the gentleman from

Montana [Mr. HARTMAN.]
Mr. HARTMAN. Mr. Speaker, I desire to add a few words in support of the bill brought in here for the purpose of relieving the miners of the mining States from the requirement of doing the representative work which has been heretofore required of them by the law. I know it to be a fact that all over the inter-mountain States there are thousands and thousands of miners who are unable, by reason of the hard times now existing, to perform the requisite amount of labor to hold their claims, and I hope that this Congress, which has already visited such hard-ship upon these miners by the passage of the bill repealing the purchasing clause of the Sherman law, will not pile upon that these additional hardships by insisting on compelling them to perform this work.

I know it to be a fact that it has been requested here that South Dakota be excepted from the operation of this bill. I am advised by Representatives from that State that the reason they that position is that a large number of the owners of mining claims in that State are foreign corporations and private citizens amply able to perform the work necessary to be performed to represent their respective claims; and I presume that the statements of these Representatives who may be assumed to be best acquainted with the needs and requisites of their people should be considered in determining these questions.

But in our State the sentiment is different. I have had dozens

and dozens-yes, at least a hundred-of letters asking that this bill may be passed at the hands of Congress. The men who send this request have some of them been devoting their time and their energies for years and years to representing the claims which they now possess. If this Congress refuses to them the privilege of still holding those claims without doing the representation work which the law has required, the expenditures of many years upon many claims will have to be forfeited and the claims given up. I hope that this Congress will see its way to the passage of the bill as has been suggested by the chairman of

this committee

Mr. WEADOCK. I yield five minutes to the gentleman from South Dakota [Mr. Lucas].
Mr. Lucas. Mr. Speaker, I represent a district in which the condition of things is somewhat different from that existing in the districts of my friends from Colorado and Montana. It is my fortune to reside at the foot of the Harney Peak tin district, in which a foreign corporation, composed of English capitalists, controls twelve hundred mining claims together with the tin interests there; and it is their interest to have this law suspended as proposed by the gentleman from New York. In other parts of the Black Hills are two thousand other claims owned by foreign corporations and corporations belonging in other States. In my district a large number of citizens have claims belonging to themselves. Under the stress and paralysis of business prevailing to-day all over the country, as has been well stated by the gentleman from Colorado, these men do not know where bread and butter are to come from during the coming winter. bill be passed, as proposed by the gentleman from New York, so as to include South Dakota in its provisions, it will compel those men to abandon their homes and seek sustenance somewhere

In view of the fact that it is not irregular, that it is not unlawful, to make an exception for good reasons to the general provisions of a bill, we have asked the committee of conference

to except my State; they have done so; and I appeal to this House to-day to respect the report of the conference committee, and, inasmuch as we do not desire the passage of a bill of this kind, exempt us from its operations.

It has been said by the gentleman from New York that he has a constituent who is interested in a mining claim in that country which he is not now able to operate. I say to him that I ive more than three thousand constituents in the sume situation. I beg of this House not to depart from the report of the conference committee.

Mr. WEADOCK. I now yield to the gentleman from New

York [Mr. RAY].

Mr. RAY. Mr. Speaker, I hear the gentleman from Colorado and some other gentlemen representing Western States says the state of the control ing to us that they must have this bill passed by this House; that it must become a law, that the conference report must be adopted in order that the poor laboring men of their States may be enabled to live during the coming winter; and then I hear the Representative from South Dakota saying that it will not do to pass this bill unless South Dakota be excepted from its provisions; that if that State be included in the operation of the bill, laboring men will be turned out into a cold and pitiless world and left to starve.

Now, there has been written upon the statute books of the United States for many years a law which provides that the owners of claims of this character must perform a certain amount of work-\$100 worth of work-upon each claim each year. statute is in operation; it applies equally to all the States and to all the people of the United States having claims of this char-It is a fair and just law; but owing to the stringency of the times, owing to the circumstances over which none of us have any control, it became necessary that there should be brought into this House a general act, applying alike to all the States and all the citizens of the United States, to all people having mining claims, providing that the operation of this provision of the law should be suspended for one year. Now, it seems to me that what is good for one State is good for all the States; what is good for one locality is good for all localities.

Mr. SMITH of Arizona. If their circumstances are the same.

Mr. RAY. It seems to me that upon principle the Coagress

of the United States can not afford to go into the business of changing general statutes for the benefit of localities, saying that as to one section of the country a particular law shall re-main in force but that as to another section it shall be inoperative, thus changing the law to suit local conditions and local wishes.

Mr. SMITH of Arizona. I see the point which the gentleman is endeavoring to make; but let me ask, do not the conditions in these different localities—the mining regulations—differ?

Mr. RAY. Surely. Mr. SMITH of Arizona. Then, if the conditions are altogether different, why try to hold these several communities under the same general rule? While a thing may be very good under one set of conditions, it may be very bad under another.

Mr. RAY. Why, sir, here is a statute on this subject. It is

general in its terms, applying equally to all the States and all the people of all the States. I do not find any such varying con-ditions as the gentleman describes or pictures.

Mr. SMITH of Arizona. If the gentleman will refer to the mining laws applicable in the different localities where these mines are situated, he will see that there is a very great difference in the regulations under which mine-owners hold their

Mr. RAY. That may be; but here is a general statute as to the work that shall be performed each year on these claims. Now, the gentlemen representing South Dakota in this body and in the Senate claim that this bill should be enacted, but made applicable to Colorado and some of the other States only.

Mr. LUCAS. No, we do not claim that. Mr. RAY. Then you do not claim for a single minute that Mr. RAY.

this is a just or proper law to be enacted—
Mr. LUCAS. We do not want the law changed.
Mr. RAY. But you are satisfied that this bill shall be enacted into law if it be made applicable to all the States in the Union except South Dakots.

Mr. LUCAS. No, that is not the idea.

Mr. WILSON of Washington. Will the gentleman allow me

to interrupt him?

Mr. RAY. I have but fifteen minutes.
Mr. WILSON of Washington. I wish to correct an error into which the gentleman is falling. The mining industries of South Dakota are based on gold and tin, while in our section of the country the basis of the mining industries is silver and lead. So that there is a great difference between the conditions existing in the two localities.

Mr. RAY. Well, I do not know that it makes any difference

as to what the law should be, whether they are mining gold and lead, or mining gold and tin.

Mr. WILSON of Washington. But it does as a matter of jus-

Mr. Vitalian tice and equity.

Mr. LUCAS. A very material difference.

Mr. RAY. These men having these claims are working the mines as the law now requires them to do—doing a hundred dol-

lars' worth of work each year— Mr. SMITH of Arizona. What for? Mr. CLARK of Missouri. Will th Will the gentleman yield for a

Mr. RAY. I can not yield any more; my time has been nearly

Mr.CLARK of Missouri. I merely wish to ask the gentleman if those persons engaged in the mining industries of this country

ought not to be encouraged?

Mr. RAY. Certainly.

Mr. CLARK of Missouri. Well, now, if the law is fixed so that it suits the people of South Dakota and the balance of the mining country out there, why not let them have it?
Mr. LUCAS. That is it exactly.

Well, it may suit the Representatives from South Dakota who desire to strike simply at a foreign corporation which happens to own some claims in the State.

But, Mr. Speaker, I was about coming to the point of my ob-

Mr. CLARK of Missouri. Is it not safe to assume, or is the gentleman in favor of disputing the proposition, that the Representatives from South Dakota and the balance of those mining States know more about their own business than we do

Mr. RAY. Well, they may know more about it than the gentleman from Missouri knows, but I happen to know something about the facts relating to these mining claims myself; because I have a large number of gentlemen residing in my Congressional district

Mr. SMITH of Arizona. We have in ours too. Mr. LUCAS. Who happen to know a good deal about the

Mr. RAY (continuing). Who own tin mines in South Dakota. And I desire to say that they are made up of Democrats and Re-

Mr. WILSON of Washington. If the gentleman knows any-

thing about mining—
Mr. RAY. Now, gentlemen, I do hope that I will be allowed to have a little fragment of the time left to me in order to ex-

press my views on this question.

These gentlemen who happen to reside in my Congressional district, and are interested in this mining business are, as I have said, both Democrats and Republicans. It is not a political question. There is no foreign capitalist among them. They do not come from England or Germany or any other foreign country. They are American citizens. They are perfectly willing that this bill, as first proposed, should be enacted into law if they can have the benefit of it. But it does not seem right in practice or correct in principle that it should give benefits to certain sections or to classes of mine-owners in the United States because they happen to own claims in one State, and deny its benefits and privileges to another class of claimants who happen to own claims in South Dakota. All are citizens of the United States. All should come in under the general laws enacted by Congress, and should be entitled to the benefits of the general laws enacted on this subject, and if any burden is imposed on mine-owners or claimants let it apply to all alike.

have heard the representatives of the Democratic party on this floor advocate equality before the law and justice to all men so many times that I do not think you want to violate that prin-

so many times that I do not think you want to violate that principle in acting on this bill.

Mr. LUCAS. It is not a political question.

Mr. RAY. Now, I speak particularly for the men I represent. If this law is to be suspended as to claimants not residing in my State, and as to mining claims in Colorado and Nevada and other States, and is not to be suspended as to South Dakota, it is an act of inequality, and I simply ask that its provisions be made to extend to these men who own mining claims in South Dakota. If you wish to strike at these foreigners, this foreign corporation of which you make which have their place of husiness in English the state of the s of which you speak, which have their place of business in England, and perhaps the stockholders themselves reside in England, if you desire to strike at them, then make the provision in the bill in accordance with that idea; but do not impose any unnecesary hardship or restriction upon one class of our own people.

As to the citizens of the United States, I should think you would desire to let the provisions of the bill apply to all alike and operate on all alike. Because it does not is the reason I object to it in its present form. I do not advocate anything which will not ameliorate the condition of the miners in South Dakota,

Colorado, Nevada, or any other State of the Union. What I ask for is equal and exact justice, and I do not believe, sir, that the gentleman from Michigan [Mr. Weadock] who has charge of this bill will commend or approve of the principle of the bill which excepts from its operations one State of the Union and leaves it to operate in all the others.

This, Mr. Speaker, is the reason why I am opposed to this amendment, as suggested. I can not act otherwise and be just

to the people whom I represent, than to do what I can to oppose the adoption of this conference report.

The gentleman, it seems to me, should not say that because gentlemen from South Dakota state that they want their State excepted that therefore we will except them. Supposing the representatives of some other State should come in and say, "Except us from the provisions of this bill," would you except

Will you have a law upon the statute books which operates in one-half of the States of the Union, but which is inoperative in the other half of the States of the Union? Is that the kind of legislation we desire upon the statute books? Is that Democratic doctrine? When you come to adopt your tariff bill are registation we desire upon the statute books? Is that Democratic doctrine? When you come to adopt your tariff bill are you going to adopt one that shall be so framed as to suit the fancy of Massachusetts—

Mr. WILSON of Washington. Yes; that is exactly what they

are going to do.

Mr. RAY (continuing). A tariff to suit the fancy of California, and so go around and have it operative in a portion of the States, and not operative in the other States?

Mr. WILSON of Washington. That is what they are going to do to please New York, Connecticut, and Massachusetts, and let the West go.

Mr. RAY. O!no; nothing of the kind. I believe in general

laws that shall apply to all our people. I believe in the American flag; and when it floats I wantit to protect all the people. I believe in the legislation of the Congress of the United States; but when we legislate, we should legislate for all the people, and pass those laws and only those laws which shall be applicable to all alike, which shall give benefit to all the people, or impose hunders upon all the people similarly situated, equally and give burdens upon all the people similarly situated, equally and alike.

Mr. BOATNER. How would a New York law that was to
operate all over the United States suit the gentleman?

Mr. RAY. I do not advocate the adoption of a New York law to operate all over the United States, or in any section of

the nation except New York.

Mr. BOATNER. A law that would suit New York people?

Mr. RAY. But I do believe that the laws of the United States should be so framed that they will operate everywhere within the boundaries of the United States uniformly and justly.

[Here the hammer fell.]
Mr. WEADOCK. Mr. Speaker, if this was intended to remain
permanently upon the statute books it might be a question

hether or not one particular State should be exempted But that question, I submit, is not before the House. This is a bill intended to give relief to the miners in a large portion of the country; but the situation in South Dakota is such that those people would be benefited by the exemption of their State from the provisions of this bill. That is all there is to the matter. It is a temporary suspension of the statute requirement in favor of those who need the protection of the laws, and it seems to me it has been sufficiently discussed in the House.

I do submit that the Senators and Representatives from South Dakota are at least equally as well prepared to represent the wishes of their State, and to know the conditions of their people, as is the gentleman from New York [Mr. RAY].

It is impossible, perhaps, to pass any law which will not tem-

porarily inconvenience someone, but it seems to me that as a relief measure, calculated to meet the state of facts which unfortunately exists in that country, this bill ought to pass. I move the previous question upon the adoption of the report.

Mr. SMITH of Arizona. This bill simply gives relief to those

who want it.

Mr. WEADOCK. Yes. I now move the previous question upon the adoption of the report. The previous question was ordered.

The SPEAKER. The question is upon agreeing to the con-

ference report. The question being taken, the Speaker announced that the ayes seemed to have it.

On a division [demanded by Mr. RAY], there were—ayes 134,

Mr. RAY. No quorum.
Mr. WEADOCK. I call for the yeas and nays.
The yeas and nays were ordered.
Mr. HOLMAN. I wish to make a suggestion to my friend Mr. HOLMAN. I wish to make a suggestion to my friend from Michigan [Mr. WEADOCK]. There is probably no quorum present in the House at this time. This bill will come up as Richards, Ohio

unfinished business in the morning. I suggest to the gentleman

that we adjourn.
Several MEMBERS. Oh, no.
The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and there were—yeas 199, nays 3, not

voting 151; as follows:

YEAS-199.

Davis. Layton.

Althern,	De Armond,	Lefever,	Richardson, Mich
Alderson,	De Forest,	Lilly,	Richardson, Tenn
Alexander,	Denson,	Livingston,	Ryan,
Allen,		Lockwood,	Corose
Avery,	Dingley,		Sayers.
Babcock,	Dinsmore,	Loudenslager,	Schermerhorn,
Dailoy.	Dockery,	Lucas,	Settle.
Balcor, K. A.D.S.	Doolittle,	Lynch,	Shell,
Baker, N. H.	Dunn.	Maddox,	Sibley.
Baldwin,	Dunphy,	Maguire,	Sickles,
Bankhead,	Edmunds,	Mahon,	Sipe.
Barnes,	Ellis, Oregon	Mallory,	Srodgrass,
Doutlott.	English,	Marsh,	Somers,
Bartlett,	Epes,	Marshall,	Sperry,
Barwig,	Everett,	Martin, Ind.	Springer,
Bell, Colo.	Fellows,	McAleer,	Stallings,
Bell, Tex.	Fithian,	McCall,	Stevens,
Black, Ga.	Filminn,	MCCCOLL,	Stevens,
Black, Ill.	Fletcher,	McCleary, Minn.	Stockdale, Stone, C. W.
Blair,	Funston,	McCreary, Ky.	Stone, U. W.
Bland,	Fyan,	McCulloch.	Stone, W. A.
Boatner.	Gardner,	McDannold,	Stone, Ky.
Boen,	Geary,	McDowell,	Storer,
Branch,	Geissenhainer,	McEttrick,	Strait,
Bretz,	Grady,	McKaig,	Sweet,
Brickner,	Grout,	McKeighan,	Talbert, S. C.
Broderick,	Hainer,	McLaurin,	Talbott, Md.
Brookshire,	Haines.	McRae.	Tarsney,
	Hall, Minn.	Meiklejohn,	Tate.
Brosius,	Hammond,		Taylor, Ind.
Bryan,		Montgomery, Moon,	Terry.
Bunn,	Harris,	Moone,	Torry,
Cabaniss,	Hartman,	Morse,	Thomas,
Cadmus,	Heard,	Mutchler,	Tracey,
Caldwell,	Hitt,	Neill,	Turner,
Capehart,	Holman,	Oates.	Turpin,
Clancy.	Hooker, N. Y.	O'Neil, Mass.	Tyler,
Clark, Mo.	Hopkins, Pa.	Outhwaite,	Wanger,
Cobb, Ala.	Houk, Ohio	Paschal,	Warner,
Cockrell,	Houk, Tenn.	Patterson,	Waugh,
Cogswell,	Hudson,	Pendleton, Tex.	Weadock.
Cooper, Fla.	Hunter,	Pendleton, W. V.	
Cooper, Pad	Hutcheson,	Phillips,	Wheeler, Ala.
Cooper, Ind.		Pigott.	Wheeler, Ill.
Cooper, Tex.	Ikirt,	Post,	White,
Cooper, Wis.	Johnson, N. Dak.	Post	W Hilliam
Covert,	Kem.	Powers,	Whiting,
Cox,	Kiefer,	Price,	Williams, Miss.
Crawford,	Kilgore,	Randall,	Wilson, Wash.
Culberson,	Kribbs,	Rayner,	Wilson, W. Va.
Curtis, Kans.	Kyle,	Reed,	Wolverton,
Daniels,	Lapham,	Reilly,	Woomer.
Davey,	Latimer.	Reyburn,	

NAYS-8

cran	tot
C	ran

NOT VOTING-151

Abbott, Adams, Aldrioh, Apsley, Arnold, Bartholdt, Belden, Belten, Beltzhoover, Berry, Bingham, Blanchard, Boutelle, Bowers, Cal. Brautan, Brawley, Breckinridge, Ark, Breckinridge, Ky. Brown, Burnes, Burnes, Burnes, Burnes, Burnon, Caminetti, Campbell, Camnon, Hi. Caruth, Catchings, Cansey, Chickering, Childa, Clarke, Ala. Coob, Mo. Coockran,	Gear, Gillet, N. Y. Gillett, Mass. Goldzier, Goodnight, Gorman, Grabam, Grabam, Gresham, Greswenor, Hager, Hall, Mo. Harer, Harter, Hatch, Haugen, Hayes,	Hendrix, Hepburn, Hermann, Hicks, Hilborn, Hines, Hooker, Miss, Hopkins, Ill. Hulick, Hulick, Hulick, Hulick, Hulick, Lound, Lane, Lawson, Lacey, Lane, Lawson, Lester, Linton, Lisle, Loud, Magner, Marvin, N. Y. McDearmon, McMaillin, McNagny, Mercer, Mercer, Meredith, Meyer, Milliken, Money, Morgan, Money, Morgan, Moses,	O'Neill, Pa. Page, Paynter, Pearson, Pence, Perkins, Pickler, Ritchie, Robbins, Robertson, La. Robinson, Pa. Russell, Conn. Russell, Ga. Shaw, Sherman, Simpson, Strong, Swanson, Tawney, Taylor, Tenn. Tucker, Updegraff, Van Voorhis, N. Y Van Voorhis, N. Y Van Voorhis, N. Y Van Voorhis, N. Walker, Washington, Wever, Williams, Ill. Wilson, Ohio Wilse,
Cobb, Mo.	Haugen, .	Morgan,	Wilson, Ohio
Cockran, Coffeen,	Hayes, Heiner.	Moses, Murray,	Wise, Woodard,
Compton.	Henderson, Ill.	Newlands,	Wright, Mass.
Conn.	Henderson, Iowa.	Northway,	Wright, Pa.

The following additional pairs were announced:

Henderson, Iowa. Northway Henderson, N. C. O'Ferrall,

For the rest of the day:
Mr. PAYNTER with Mr. HENDERSON of Iowa.
Mr. CRAIN with Mr. RUSSELL of Connecticut.
Mr. TUCKER with Mr. WRIGHT of Pennsylvania.
Mr. ARNOLD with Mr. STORER.

Mr. BURRY with Mr. DRAPER. Mr. M. MILLIN. Mr. Speaker, I desire to inquire if a quorum has voted?

The SPEAKER pro tempore (Mr. O'NEIL of Massachusetts).

A quorum has voted.

Mr. McMILLIN. I am paired with the gentleman from Michigan [Mr. Burrows], reserving the right to vote to make a quorum. As a quorum has voted, I now ask to withdraw my

The vote of Mr. McMillin was withdrawn.
The result of the vote was then announced as above recorded.
On motion of Mr. WEADOCK, a motion to reconsider the vote by which the conference report was agreed to was laid on the

Mr. McMILLIN. I move that the House do now adjourn.
Mr. McCREARY of Kentucky. I ask the gentlem in from
Tennessee to yield to me for a moment in order that I may report two bills from the Committee on Foreign Affairs. I do not ask for any action.

Mr. McMILLIN. As it will only take a moment, I withdraw

Mr. McCREARY. I only ask that they be printed and referred to the proper Calendar.

The SPEAKER pro tempore. The bills sent up by the gentle-

man from Kentucky are private bills, and will be referred at the desk.

Mr. McMILLIN. I now move that the House adjourn.

Mr. OATES. I ask the gentleman to withhold that motion for . a while. Mr. McMILLIN. I will.

BANKRUPTCY BILL.

Mr. OATES. We have had seven days of debate on the bankruptcy bill. I want an order made to limit general debate upon it, so that it can be concluded to-morrow. I think that three hours more will be enough, and if there is no objection to be made I trust that order will be made now, limiting general debate to three hours

Mr. BRETZ. Unless I am allowed a portion of that time I will have to object.

The SPEAKER pro tempore. The Chair understands that the request can not be granted except by unanimous consent.

Mr. KILGORE. I demand the regular order.

Mr. OATES. I give notice that I shall insist upon limiting

general debate so as to conclude it to morrow. Of course there will be debate under the five-minute rule afterwards, with the right to offer amendments. Mr. BAILEY. If the gentleman will withdraw his motion to

adjourn for a moment we can possibly agree upon a time for

limiting general debate.

The SPEAKER pro tempore. The regular order has been demanded, and the question is on the motion of the geutleman from Tennessee that the House do now adjourn. Before submitting that motion the Chair will lay before the House the permitting that motion the Chair will lay before the House the permitting that motion the Chair will lay before the House the permitting that motion the Chair will lay before the House the permitting that motion the Chair will lay before the House the permitted that the company of the compa sonal request of a member.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Morse, for one week, on account of important business.

The motion to adjourn was then agreed to; and accordingly

(at 4 o'clock and 10 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were

chart class 2 of kins Affi, private him and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. McCREARY of Kentucky, from the Committee on Foreign Affairs: The bill (H. R. 2688) for the relief of George W. Barnes. (Report No. 157.)

Also, the bill (H. R. 4209) for the relief of the securities of John S. Bradford. (Report No. 158.)

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:
By Mr. HOOKER of New York: A bill (H. R. 4321) to provide a life-saving station at or near Dunkirk, on the coast of Lake
Erie, in the State of New York—to the Committee on Interstate

and Foreign Commerce.

By Mr. MILLIKEN: A bill (H. R. 4322) granting the use of certain land to the town of Castine, Me., for a public park—to the Committee ou Military Affairs.

By Mr. WARNER: A bill (H. R. 4323) to provide for appeals

from the police court of the District of Columbia-to the Comthe District of Columbia.

By Mr. MEREDITH: A bill (H. R. 4324) to provide a building site for the National Conservatory of Music of America—to the

committee on Public Buildings and Grounds.

By Mr. SPERRY: A bill (H. R. 4325) to authorize the construction of an addition to the public building at Hartford, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Indiana: A bill (H. R. 4326) to subject to State taxation national-bank notes and United States Treasury

notes—to the Committee on Banking and Currency.

By Mr. BINGHAM: A resolution calling upon the Postmaster-General for certain information relating to pay of letter-carriers to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following

titles were presented and referred as follows: By Mr. CAPEHART: A bill (H. R. 4327) granting relief to West Virginia State troops—to the Committee on War Claims. By Mr. CURTIS of New York: A bill (H. R. 4328) for the re-

lief of William B. Chapman, George W. Street, John W. Hoes, Emmet C. Tuthill, and Joseph H. Curtis—to the Committee on

Military Affairs.

By Mr. DE FOREST: A bill (H. R. 4329) for the relief of Charles T. Russel—to the Committee on Claims.

By Mr. HUDSON: A bill (H. R. 4530) for the relief of Henry F. Hicks, postmaster at Cambridge, Kans.—to the Committee on Claims. Claims

By Mr. JOY: A bill (H. R. 4331) for the relief of Hiram K.

Hazlett—to the Committee on Claims. By Mr. MARVIN of New York: A bill (H. R. 4332) to reimburse John Waller, former postmaster at Monticello, N. Y., for moneys expended in carrying the mails—to the Committee on

By Mr. PAYNE: A bill (H. R. 4333) to increase the pension of Heman F. Robinson—to the Committee on Invalid Pensions. By Mr. RANDALL: A bill (H. R. 4334) for the relief of Capt.

Francis A. Beuter—to the Committee on War Claims.
Also, a bill (H. R. 4335) for the relief of Ellen Wright, hospital

nurse -to the Committee on Invalid Pensions.

Also, a bill (H. R. 4336) for the relief of Mrs. Jane Falls, widow of William Falls—to the Committee on War Claims.

By Mr. RICHARDSON of Michigan: A bill (H. R. 4337) providing an appropriation for the improvement of Grand River from Grand Rapids to Grand Haven, in the State of Michigan-

from Grand Rapids to Grand Haven, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. STORER: A bill (H. R. 4338) granting a pension to Theodore Elchlepp, late of Company I, Seventh Regiment United States Infantry—to the Committee on Pensions.

By Mr. WARNER (by request): A bill (H. R. 4339) for the relief of Emile M. Blum, late commissioner general, and James M. Seymour, jr., late assistant commissioner to Barcelona Exposition—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and pa-

pers were laid on the Clerk's desk and referred as follows:

By Mr. BLAIR: Petition of a mass meeting of citizens of Marlboro, N. H., without distinction of party or religious denomina-tion, praying for the suppression of the liquor traffic with the people of the world-to the Committee on Alcoholic heathen Liquor Traffic.

By Mr. CATCHINGS: Resolution adopted by the Cotton Ex-By Mr. CATCHINGS: Resolution adopted by the Cotton Exchange of Greenville, Miss., praying that the tariff on all manufactured cotton goods be repealed; if not this, for some protection against the free admission of all foreign-grown cottons—to the Committee on Ways and Means.

By Mr. DE FOREST: Papers in case of George Thompson, to accompany House bill 4315—to the Committee on Pensions.

By Mr. HOLMAN: Protest of the chief of the Choctaw Nation against the passage of House bill 299—to the Committee on Indian Affairs.

dian Affairs.

By Mr. MOON: Petition of the Annual Conference of the Methodist Episcopal Church of Michigan, composed of over 300 ministers, representing over 45,000 members, praying for the repeal of the Geary law—to the Committee on Foreign Affairs.

By Mr. RUSSELL of Connecticut: Resolutions from Central Labor Union, of Hartford, Conn., in favor of day work, under direction of Supervising Architect, instead of contract work, in all work on the contemplated new Government Printing Office—to the Committee on Appropriations.

SENATE.

THURSDAY, November 2, 1893.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. TELLER presented memorials of the Denver (Colo.) Typographical Union, and of the Denver (Colo.) Trades Assembly, remonstrating against the building of a new Government Printing Office by contract; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Denver (Colo.) Chamber of Commerce, praying that steamers between Mexican and Central or South American ports on the western coast of the United States, be required to stop for mail at San Diego, Cal.; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 823) to authorize the Missouri River Power Company of Montana to construct a dam across the Missouri

River, reported it without amendment.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (S. 1139) to amend an act of Congress approved May 12, 1890, granting to the Aransas Pass Harbor Company the

right to improve Aransas Pass, reported it with an amendment.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 132) making an appropriation to enlarge the military post of Fort Meade, near the city of Sturgis, in the State of South Dakota, to report it adversely. I desire to call the attention of the Senator from South

versely. I desire to call the attention of the Senator from South Dakota [Mr. PETTIGREW] to the adverse report. He may want to have the bill placed on the Calendar.
Mr. PETTIGREW. I should like to have the bill go to the Calendar. I know nothing about it and would like to look into it.
The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WALTHALL from the Committee on Military Affairs.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the following bills, submitted adverse re-

ports thereon, and the bills were postponed indefinitely:

A bill (S. 146) to establish a military post at or near the city of
Pierre, Hughes County, in the State of South Dakota; and
A bill (S. 172) to establish a military post at or near the city of
Grand Forks, in Grand Forks County, in the State of North Da-

Mr. WALTHALL, from the Committee on Military Affairs, to whom were referred the following bills, reported them without

amendment, and submitted reports thereon:
A bill (S. 810) authorizing the Secretary of War to donate a certain cannon to the Naval Veteran Association of Baltimore,

A bill (S. 1045) authorizing the Secretary of War to donate four obsolete gun carriages to the city of Marshalltown, Iowa.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States relating to mining claims.

The message also announced that the House had passed a joint resolution (H. Res. 53) to remit the duties on ammunition for naval ordnance imported by the Secretary of the Navy; in which it requested the concurrence of the Senate.

REMISSION OF DUTIES ON WORLD'S FAIR EXHIBITS.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. Res. 22) to amend the act approved February 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition, to restate the description of the committee of the control of the articles intended for the World's Columbian Exposition, to report it back with an amendment, accompanied by a report which I will ask to have printed, and I ask for the present consideration of the joint resolution. It has received the unanimous approval of every member of the committee now in the city and of some members who are absent. It is necessary to act upon the measure this morning in order to have it take effect.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. Let it be read for information.
Mr. MORRILL. I will state that the whole of the joint resolution is stricken out except the last clause of the last section, which permits the new museum at Chicago to accept of any giff that may be made to it or to make any purchases that it may please to make.

Mr. CULLOM. Let the last clause be read by the Secretary. The VICE-PRESIDENT. The Secretary will read as indi-

The Secretary read as follows:

That all foreign exhibits at such Fair acquired by contribution or purchase by the Columbian Museum of Chicago for its own use shall be wholly released from all customs duties.

Mr. CULLOM. I merely desire to say that in the other body there was no objection to this provision while there was objection to other portions of the joint resolution. This measure is thought to be only fair to those parties in Chicago who are undertiking to establish a great museum, and I hope there will be no objection to its adoption.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection the Senate as in Committee of the

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Finance was to strike out all from the word "permit," in line 9, to the word "that," in line 46; so as to make the joint resolution read:

46; so as to make the joint resolution read:

**Resolved, 46., That the act approved April 25, 1890, entitled "An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by holding an international exhibition of arts, industries, manufactures, and the product of the soil, mine, and sea, in the city of Chicago, in the State of Illinois," be, and the same is hereby, amended so as to permit all foreign exhibits at such Fair acquired by contribution or purchase by the Columbian Museum of Chicago for its own use, shall be wholly released from all customs duties.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. MORRILL. I move that the Senate request a conference
with the House of Representatives on the joint resolution and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferes on the part of the Senate, and Mr. Morrill, Mr. Harris, and Mr. McPherson were appointed.

DONATION OF ABANDONED CANNON.

Mr. MANDERSON. I am directed by the Committee on Military Affairs to report back favorably the joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the national encampment of the Grand Army of the Republic at Pittsburg, Pa., in 1894; and I am instructed by the committee to ask unanimous consent that the joint resolution may be now considered. There is no possible objection to it.

By unanimous consent the Senate, as in Committee of the

Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

passed.

DETAIL OF ARMY OFFICERS TO COLLEGES.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3571) to increase the number of officers of the Army to be detailed to colleges, to report it favorably, with an amendment. I am also directed by the committee to ask unanimous consent that the bill be now considered. I think there can be no possible objection

By unanimous consent the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendment of the Committee on Military Affairs was, in line 8, after the words "United States," to insert:

And no officer shall be thus detailed who has not had five years' service in the Army, and no detail to such duty shall extend for more than four years; and officers on the retired list of the Army may, upon their own application, be detailed to such duty, and when so detailed shall receive the full pay of their rank.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CALL. I ask the Senator from Nebraska, who reported the bill, what is the number added to the detail?

Mr. MANDERSON. The bill proposes an addition of twenty-five to the number now allowed by law. The amendment proposed by the committee simply requires that any officer of the Army who is detailed to one of these institutions shall have had five year's souries with his command and that he shall have five years' service with his command, and that no detail shall extend beyond four years, and it gives the privilege to the President to take officers from the retired list within that number who, when on such duty, shall receive the pay of their rank.

Mr. STEWART. Do I understand that this is a bill to regulate the number of effects when the state of th

late the number of officers who are assigned to educational insti-

Mr. MANDERSON. The bill increases the number.

Mr. STEWART. How many? Mr. MANDERSON. It increases the number 25.

The amendment was ordered to be engrossed and the bill to be

read a third time.

The bill was read the third time, and passed.

Mr. MANDERSON, from the Committee on Military Affairs, to whom were referred the following bill and joint resolution, reported them adversely, and they were thereupon postponed indefinitely: A bill (S. 1079) to increase the number of officers of the Army

A bin (S. 1913) to be detailed to colleges; and
A joint resolution (H. Res. 61) authorizing the President to detail from the Army an officer to discharge the duties of commandant at the University of the State of Alabama.

W. W. ROLLINS.

Mr. HARRIS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 2821) for the relief of W. W. Rollins, late collector fifth district, North Carolina, for value of stamps destroyed by fire at Winston, N. C., on November 13, 1892, to report it back without amendment. It is a bill of a single paragraph. I am also directed to ask unanimous consent that it be now considered. Let it be read for information.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the accounts of W. W. Rollins, late collector of internal revenue for the fifth collection district of North Carolina, with the sum of \$1,565.04, being value of tobacco stamps destroyed by fire at the stamp office in Winston, N. C., on the night of November 13, 1892.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRIS. Some two or three weeks ago I reported a Senate bill of precisely the same purport and it was placed on the Calendar. I move that the bill (S.874) for the relief of W. W. Rollins, collector of internal revenue for the fifth collection district of North Carolina, be indefinitely postponed.

The motion was agreed to

The motion was agreed to.

RAILROAD IN INDIAN AND OKLAHOMA TERRITORIES.

Mr. ALLEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 1021) to grant the right of way to the Kansas, Oklahoma Central and Southwestern

right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes, to report it with sundry amendments, and to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Indian Affairs was, in section 1, line 9, after the word "Territory," to insert "including lands that have been allotted to Indians in severalty or reserved for Indian purposes;" so as to read:

That the Kansas, Oklahoma Central and Southwestern Railway Company

reserved for Indian purposes;" so as to read:
That the Kansas, Oklahoma Central and Southwestern Railway Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory and Oklahoma Territory, including lands that have been allotted to Indians in severality or reserved for Indian purposes, beginning at any point to be selected by said railway company on the south line of the State of Kansas, in the county of Montgomery, on the south line of section numbered 13 or section numbered 14, township numbered 35, range numbered 13 cast of the sixth principal meridian, or on the south line of section numbered 13 or section numbered 14, township numbered 35, range life astor the sixth principal meridian, and running thence by the most practicable route through the Indian Territory to the west line thereof, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 3, to strike out "Territory" and insert "Territories."

The amendment was agreed to.

The next amendment was, in section 3, line 2, after the word "occupants," to insert "by allotment under any law of the United States or agreement with the Indians or;" so as to read:

That before said railway shall be constructed through any lands held by individual occupants by allotment under any law of the United States or agreement with the Indians or according to the laws, customs, and usages of any tribe of the Indians, nations, or tribes through which it may be constructed, full and complete compensation shall be made to such occupant for all property to be taken or damage done by reason of the construction of said railway.

The amendment was agreed to.

The next amendment was, in section 3, line 12, after the word belongs," to insert "or in the case of an allottee or by his duly authorized guardian or representative;" so as to read:

In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President of the United States, one by the chief of the nation to which such occupant belongs, or in case of an allottee or by his duly authorized guardian or representative; and one by said railway company, who, before entering upon

the duties of their appointment, shall take and subscribe, before a district judge, clerk of a court, or United States commissioner, an each that they will falthfully and impartially discharge the duties of their appointment, which caths duly certified shall be returned with their award to, and filed with, the Secretary of the Interior within sixty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member, after due notice, and upon the failure of either party to make such appointment within, thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the United States court for the first judicial division at Muscogee, Indian Territory, or by the judge of the United States court which has jurisdiction over said Indian reservation, etc.

The amendment was agreed to.

The next amendment was in section 9, line 3, before the word "years," to strike out "four" and insert "three;" so as to read:

That the said railway company shall build at least 100 miles of its railway in said Territories within three years after the passage of this act, and complete the main line of the same within two years thereafter, or the right herein granted shall be forfeited as to that portion not built.

Mr. HOAR. There are different prints of the bill. I should

Mr. HOAR. There are different prints of the child like to ask to what section the 1 st amendment is?

The VICE-PRESIDENT. The Secretary will indicate.

The SECRETARY. In section 9, line 3, strike out the word "four" and insert the word "three."

Mr. ALLEN. The amendment makes it conform to bills of

like nature which have been passed heretofore.

The amendment was agreed to.

Mr. HOAR. I wish to call attention to the provision for an appeal. Suppose there be a judgment for the defendant, a person having set up an unfounded claim for title, or in any other way set up a claim for d m ges when there are none, still the oosts are to be against the appellant. If there is a judgment of the referees in favor of the claimant, the railroad company ap-peal and prevail on the appeal, and if the judgment of the court shall be for the same or a less sum than the award of the referees, then the costs shall be adjudged against the appellant, that the prevailing party under the provision of the bill in the case I have supposed will be compelled to pay the costs. Is that the purpose of the Sen tor who has charge of the bill?

Mr. ALLEN. My attention has not been called to that branch of the case, but I suppose that would be just. I will state that the bill is in accordance with the bills which have heretofore been passed granting right of way over Indian reservations. It is almost identical in langua e with the Rock Island bill and

other bills of that kind. Mr. HOAR. I suggest after the word "appellant," in line 53 of the print of the bill I have, in the third section, very near the end, to add:

Unless the judgment of the court shall be for the railroad company, in which case the costs shall be against the claimant.

Mr. ALLEN. I do not think there can be any objection to that

Mr. HOAR. The word "appellant" occurs just before the semicolon, towards the close of the third section in the print of the bill I have.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. After the word "appellant," in line 53, section 3, of the printed bill, insert:

Unless the judgment of the court shall be for the railroad company, in which case the costs shall be against the claimant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAM REVENUE CUTTER.

Mr. FRYE. I am instructed by the Committee on Commerce to report back favorably without amendment the bill (H. R. 3297) providing for the construction of a steam revenue cutter for se vice on the Great Lakes. I am also instructed by the committee to ask for the present consideration of the bill.

By unanimous consent the bill was considered as in Committee

of the Whole. It proposes to appropriate \$175,000 for the construction of a steam revenue cutter of the first class for service on the Great Lakes.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

Mr. FRYE. I am instructed by the Committee on Commerce to report back adversely the bill (S. 994) providing for the construction of a steam revenue cutter for service on the Great Lakes. As the House bill takes its place, I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 1150) for the relief of Jane Vandever, widow of William Vandever, brevet major-general,

United States Volunteers; which was read twice by its title, and referred to the Committee on Pen ions.

Mr. STEWART introduced a bill (S. 1151) to provide for the free and un imited coinage of silver; which was read twice by its title, and referred to the Committee on Finance.

WITHDRAWAL OF PAPERS.

On motion of Mr. MARTIN, it was

Ordered, That Harrison Flora be, and is hereby, authorized to withdraw from the files of the Senate, subject to the rules, all papers and documents filed by him to accompany Senate bill 26.8 at the first session of the Fiftieth Congress, and filed with Senate report 1193.

SESSION EMPLOYÉS AT MALTBY BUILDING.

Mr. GORMAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved. That the Sergeant-at-Arms be, and he hereby is, authorized to continue the present session employés at the Maitoy Building authorized under resolution of July 26, 1892, during the coming recess of Congress.

ADDITIONAL MESSENGER FOR THE SENATE.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized to employ an additional messenger at an annual salary of \$1,440, to be paid from the niscellaneous items of the contingent fund of the Senate, until otherwise provided.

PROF. SUESS ON FUTURE OF SILVER.

Mr. VOORHEES. I hold in my hand a translation of a very important work entitled The Future of Silver, by Eduard Suess, professor of geology at the University of Vienna, Austria, vice-president of the Imperial Academy of Science, member of the Austrian Parliament, etc. It is a work that the Finance Committee have investigated fully for some months back and ordered it printed for the way. dered it printed for the use of the committee. I am now instructed by the committee to report it to the Senate and ask that it be published as a miscellaneous document for the use of the Sen-I might say more as to the care and attention which have been given to it by members of the committee, but it is the unanimous opinion that it would be an exceedingly valuable document for the use of Senators. I submit it for the purpose of having it printed as a miscellaneous document.

Mr. President, one word more. We have estimated the expense of printing and it is so small that it does not come under the rule which requires it to be referred to the Committee on Printing. It can be printed for the sum of \$100, possibly a little more, possibly a little less. I underst and a proposed maximum cost of \$300 for printing has to go to the Committee on

mum cost of \$500 for printing has to go to the Committee on Printing for its approval.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana?

Mr. HILL. What is the title of the pamphlet?

Mr. VOORHEES. The Future of Silver, by Eduard Suess, professor of geology at the University of Vienna, Austria, viepresident of the Imperial Academy of Science, member of the Austrian Parliament, etc., translated by Robert Stein, United St tes Geological Survey, published by permission of the author and by the direction of the Committee on Finance. Senate of the United States. Prof. Suess is well known in the circles of finance. United States. Prof. Suess is well known in the circles of financial investigation.

Mr. HILL. I do not know that I have any objection to such a

resolution, but we have been assured so many times by the Senator from Nevada [Mr. S. EWART] that silver would have no future, I do not know whether it will be of any particular value to

print the pamphlet. mr. VOORHEES. This is not a resolution. I will say we the Senator from New York it is a translation, translated by order of the Finance Committee. We ordered a thousand copies swinted for our own use. The Senator from Iowa [Mr. Allignated for our own use.] son!, who is not now here, when abroad gave the matter great attention, and regarded it as a very valuable work. The attention of the Senator from Nevada [Mr. Jones], who is a member of the Committee on Finance, was called to it, and his concurrence given. So I feel fully justified in having it treated with the respect I propose.

Mr. PASCO. May I ask the Senator from Indiana how many

copies are to be printed under the rule?
Mr. VOORHEES. The usual number.
Mr. STEWART. Mr. President, I regret that the Senator from New York [Mr. HILL] did not pay more attention to the

few observations I made during the recent debate.

Mr. HILL. A few observations, does the Senator say?

Mr. STEWART. I frequently declared that the act would utterly demonetize silver in this country, but I frequently asserted that silver would not die here, that the war had just commenced; and my belief that it will not die is founded to some extent upon the fact that I see now we shall be able to separate

the sheep from the goats, and it will be difficult in the future fight for Senators to straddle the issue and be for and against giv r. I think in the next fight we shall have only those talking for silver who are on our side. If we can eliminate those who talk for silver and vote for monometallism, we shall be less embarrassed, and will probably be able to prosecute the fight with more success than we have done while embarrassed with the position of Senators occupying both sides of the question. Mr. HILL. If the publication of this pamphlet will give the

Senator from Nevada any more information upon the subject than he has, I think it very import at that it should be published. It will also enable him. I suppose, to speak more at length upon the subject hereafter than he has done during the

present session. I think the pamphlet ought to be published.
The VICE-PRESIDENT. Is there objection to the request of
the Senator from Indiana? The Chair hears none, and it is so ordered.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL submitted the following report:

Mr. COUK RELL Sublitudes the following reposit.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 6 to the bill (H. R. 4177) " to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 18-4, and for other purposes," having met, after full and free conference have been unable to agree.

F. M. COCKRELL.
A. P. GORMAN.
S. M. CULLOM,
Managers on the part of the Senate.

JOSEPH D. SAYERS, L. F. LIVINGSTON, J. G. CANNON, Managers on the part of the House.

Mr. COCKRELL. I move that the Senate still further insist upon its amendment numbered 6, disagreed to by the House of Representatives.

The motion was agreed to.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 53) to remit the duties on ammunition for naval ordnance imported by the Secretary of the Navy was read twice by its title and referred to the Committee on Finance.

RELIEF OF SUFFERERS FROM RECENT CYCLONE.

Mr. GRAY. Mr. President—
Mr. HOAR. If the Senator from Delaware will kindly give me his attention a moment, I gave notice yesterday that I desired to day to call up the bill (S. 1149) to relieve the sufferers from the recent cyclone on and near the sea islands by the coast of South Carolina and Georgia. I hope, as the Senator's bill will come up in regular order very soon, he will allow mo to make my motion before calling up the Chinese bill.

Mr. GRAY. I took the floor to bring up the unfinished busi-

Mr. HOAR. I know. My appeal is to the Senator to allow me to make the motion of which I gave notice yesterday, to take up the bill for the relief of the sufferers by the recent cyclone. Mr. GRAY. Does the Senator suppose that his bill will lead to discussion?

Mr. HOAR. If it goes to the end of the morning hour the

Senator's bill will come up of course then.

Mr. GRAY. I think there will be an opportunity for the
Senator from Massachusetts to bring the matter up before the

Mr. HOAR. It is a very pressing matter, and I should like to have the sense of the Senate taken upon it. There are 30,000

people starving.

Mr. GRAY. The Senator will have an opportunity later in

the day.

Mr. HOAR. The Senator from Delaware has absolute control of the Senate in regard to his measure, because it is the unfinished business and comes up, as of right, at the end of the morning hour. I hope he will not also insist on displacing this matter, of which notice was given yesterday.

Mr. BUTLER. I should like to add my appeal to that of the Senator from Massachusetts.

Mr. GRAY. I yield to the Senator from Massachusetts. Mr. HOAR. I move to take up Senate bill 1149.

Mr. COCKRELL. Only under the rules, for a second reading, after which I shall object to a third reading. Let the bill be read the second time.

Mr. HOAR. It has been read the first and second times.
Mr. COCKRELL. It has not been read the second time, for I objected to the second reading yesterday.
The VICE-PRESIDENT. The bill will be read the second

The bill (S. 1149) to relieve the sufferers from the recent cyclone on and near the sea islands by the coast of South Carolina and Georgia was read the second time by its title.

Mr. COCKRELL, I object to the third reading now,

Mr. HOAR. I desire to have the rule reading now.
Arr. HOAR. I desire to have the rule read on which the Senator relies. I think it applies only to one reading.
Mr. COCKRELL. It is Rule XIV.
The VICE-PRESIDENT. Rule XIV will be read by the Sec-

retury.

The Secretary read as follows:

RULE XIV.

BILLS, JOINT RESOLUTIONS, AND RESOLUTIONS.

1. Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

2. Every bill and joint resolution shall receive three readings previous to its passage; which readings shall be on three different days, unless the Senate unanimously direct otherwise; and the Presiding Officer shall give notice at each reading whether it be the first, second, or third.

Mr. HOAR. Ishould like to have the RECORD or the Journal re d to show what took place yesterday.

The VICE-PRESIDENT. The Secretary will read the Jour-

nal entry.

The Secretary read as follows:

Mr. Hoar introduced a bill (S. 1149) to relieve the sufferers from the recent cyclone on and near the sea islands by the coast of South Carolina and Georgia; which was read and passed to a second reading.

Mr. HOAR. Then the bill had its second reading.
Mr. FRYE. No; it was passed to a second reading.
Mr. HOAR. I am very sorry that my honorable friend from
Missouri has exhausted the resources of ingenuity to prevent the Senate from exercising its opinion upon extending relief to these starving people. I will take the ruling of the Chair. I ask unanimous consent that the bill be now taken up.

The VICE-PRESIDENT. Is there objection to the request

of the Senator from Massachusetts? Mr. COCKRELL. I ob ect.

The VICE-PRESIDENT. There is objection.
Mr. HOAR. I will take the ruling of the Chair.
The VICE-PRESIDENT. The Chair thinks that under Rule

XIV the bill must go over for a day.

Mr. HOAR. I think so, too; but I wanted the ruling of the

The VICE-PRESIDENT. The Chair thinks that is clear under the rule

Mr. GORMAN. I think this bill, and all bills of like character, ought to be referred to the Committee on Appropriations. I move that the bill be referred to the Committee on Appropriations.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maryland.

Mr. HOAR. Is the motion in order?

The VICE-PRESIDENT. The Chair thinks the motion is in regard to it. Mr. HOAR. If the bill is before the Senate for a motion to refer, it is before the Senate to vote down the motion to refer and proceed to its consideration.

Mr. COCKRELL. The rule expressly provides that after a

second reading a motion to refer is in order.

Mr. HOAR. And the second reading has taken place? Mr. HOAR. And the second reading has taken pince?
Mr. COCKRELL. The second reading has just taken place,
and the third reading has been objected to at this time, but the question of reference comes on the second and before the third reading.

Mr. HOAR. Let the motion be made, and I will proceed to

debate it. Let us have a division upon it.

Mr. GORMAN. I make the motion, Mr. President.
The VICE-PRESIDENT. The question is on the motion of
the Senator from Maryland, to refer the bill to the Committee on Appropriations.

Mr. HOAR. Mr. President, I hope that reference will not be

made.

I quite concur with the honorable Senator from Maryland [Mr. GORMAN] in the belief that generally such measures should be referred to an appropriate committee; but this is a measure of very pressing necessity. Some thirty thousand people are starv-ing to death, and the facts are reported from a source upon which the Committee on Appropriations would implicitly rely. Red Cross Society, a humane instrumentality of which the me-morialist, Miss Barton, is the leader, has by its agents gone to the stricken locality, and appealed to us, saying, among other things, that national aid is necessary for the relief of a calamity prevailing on such a large scale, and that it is impossible for private benevolence to relieve it. The statement is made that I pound of bacon and a peck of hominy are the only rations on which families of five or six persons are subsisting and supporting life for seven days.

That information comes from a source which no member of the Committee on Appropriations and no Senator will question for a moment, and the delay to another session of Congress, and to another meeting of the committee involves starvation on a huge scale, a case like that of the famine in Ireland, extending over 145 miles, nearly as great as the dimensions of the whole island of Ireland in some directions, from sea to sea. If Senators have constitutional objections to such a measure they, of course, should act upon them; but why this measure of relief should encounter all the ingenuities of parliamentary obstruction, I can not understand. I should think the Senator from Missouri, if he did not agree to our power to take this action, would at least be glad if Senators who thought differently could act upon it.

I have no interest in this question other than that of every American citizen. The people who are suffering are our fellow-citizens; the lady who is the president of this great national and international organization of the Red Cross, which has done so much to ameliorate the horrors of war throughout the civilized world, happens to be a near neighbor and constituent of mine; there is nothing local about her sympathy or her field of work or her reputation, and I trust the honorable Senator from Maryland will allow the Senate to deal with the bill.

We have, in addition to the statement of this lady, the statement of the Senator from South Carolina [Mr. BUTLER], made on this floor yesterday, that he had personally visited the scene, if I understood him. What the Committee on Appropriations want more than the certificate of the Senator from South Carolina that he has personally visited the scene of suffering, I can

Mr. GORMAN. Mr. President, I think a bill of this character should be referred to a standing committee in accordance with the custom of the Senate. I am in full sympathy with the Senator from Massachusetts and should be delighted to relieve these people and all others who are suffering, whether from floods, cyclones, want of labor, or whatever it may be, but it appears to me—and I think that has been the almost universal custom of the Senate where we have made donations for the relief of distress in the past—that such bills should be referred to that this bill should go to the Committee on Appropriations. It is

the only safe way to legislate on these matters.

We all feel as does the Senator from Massachusetts on this subject, and I appreciate his motives in coming here and asking for this relief. I have no doubt there is distress in the particular section referred to in the bill I also appreciate the earnestness of the distinguished Senator from South Carolina in front of me [Mr. Butler] in his appeal for these people. At the same time I think we had better act deliberately and only after consideration by a committee of the body, which is charged specially with looking to the total amount of appropriations by this Congress, which is becoming a matter of great concern to the peo-

ple. I therefore insist on my motion.

Mr. CALL. Mr. President, as I understand the pending bill, it asks for a very limited amount of money, an amount which can not embarrass the Government very seriously. Since I have been in the Senate there have been repeated appropriations of this character for the relief of people who have suffered from a great calamity, notably the sufferers from the overflow of the Ohio River and of the Mississippi River, for the relief of the sufferers from the epidemic in Florida a few years ago, and I think also in the case of Memphis. There can, therefore, be no reason in the precedents which have been established why this

reason in the precedents which have been established why this appropriation should not be made.

According to my idea of the duty of Government and of its powers under our Constitution, wherever there is a great public calamity which is beyond the reach of private charity, it is a duty upon the part of the Government to extend its aid to the relief of its own people. This is, according to all the evidence which has been furnished to us, a calamity of that nature, from which many thousands of people are suffering, and it is within the power of the Government, and the Government alone, to furnish relief. It can be done consistently, with advantage to the public, and with the increase of the resources of the country in enabling these people to again resort to their agriculture and to become self-supporting and contribute something to the general wealth of the country.

wealth of the country.

But, Mr. President, beyond that, we are informed that there is a vast amount of suffering in the country for the want of employment; that this winter will see hundreds of thousands of people destitute of employment, and dangerous to the public peace and the public interest because of their enforced idleness.

I desire this appropriation to be made, and I want this Congress to remain here and consider measures which will afford relief to the hundreds of thousands of people who will be left without the means of subsistence this winter. I am in favor of the bill of the Senator from Massachusetts, and of its immediate consideration.

consideration.

Mr. STEWART. Mr. President, I have always been in favor of extending relief to the unfortunate to the full extent of the con-

stitutional power of the United States. This bill provides for relieving the suffering from a cyclone, which was a force of nature, which deprived a few persons of their property and means of support; but when we enter upon this class of legislation we ought to reflect that there has recently been a legislative cyclone, which has been much more far-reaching in its effects, and has not only temporarily deprived a few people of employment and the means of livelihood, but has doomed to starvation and beggary millions of our fellow-citizens, who are to-day beginning for bread, and who in the coming winter must suffer untold misery. If this bill shall become a law, it will furnish a precedent for the appropriation of many millions of dollars if other cases equally worthy are to be provided for.

There are seven States and Territories in this Union which contain towns, villages, and hamlets where there is no employment, no means of obtaining bread and clothing, and the winter is approaching. The localities where that distress exists are in the mountains, far removed from the centers of civilization and far removed from benevolent societies which can afford relief; but Congress has been deaf to their appeals, and it is now proposed to extend charity to a few persons who are living where there are large communities and where aid can be readily extended.

Not only that, but there are thousands, perhaps hundreds of thousands, of workingmen who have been thrown out of employment throughout the land by reason of an inadequate supply of money to keep enterprise in progress. They will also put in a claim for relief during the coming winter. This ruin and distress does not stop with the miners and with the workmen, but it is rapidly extending to the farmers and producers, who, under the system of contraction ordained by the legislation of this session, will be reduced to such poverty that they will be unable to feed and educate their children.

and educate their children.

I am not sorry that the Senator from Massachusetts by this bill has called to the attention of the Senate the suffering and distress in one quarter in order that some realizing sense may be had of the universal suffering which the legislation in these halls has inflicted upon the people of the United States.

The suffering people in this country do not expect any sympathy from the class who have obtained so much advantage by recent legislation. They know full well that the money-changers in the money centers care nothing for the producing classes, that their only anxiety is to obtain by strategy or by fraud or by any other means an unearned increment for themselves. They have been successful. We find, after twenty-five years of peace and abundant harvests, more suffering, more despair in this country than has existed in any period of our history. We know full well that it did not come from natural causes. We know full well that the owners of accumulated capital have revolutionized the financial system of the world, departed from the teachings of the fathers, and deprived the people of money with which to transact business and conduct enterprise, and that the policy which has wrought this evil is revolution—revolution of the financial system of the world. While that revolution is insisted upon, while the greed of avarice controls legislation and administration, there can be no hope of relief with the consent of the

money power.

But I predict here and now that the people of the United States will assert their manhood and demand the restoration of the money of the Constitution and the independence of the coordinate departments of the Government; they will demand a legislative policy for this Government; they will demand that the people of this country shall dictate the policy to their chosen representatives, and that there shall be no interference with the legislative by the executive department. They will repudiate the Executive policy of this Government. The issue is broad; it is plain. The legislative power has been absorbed by the Executive. The command went forth, and the world understands that the Executive passed the law which you have recorded on the statute books, and not the legislative department. The legislative department was unable to cross a "t" or dot an "i." It was unable to compromise or to change the legislation which had been decreed by the Executive.

Executive policy and Executive control of the legislative func-

Executive policy and Executive control of the legislative functions of this Government, when in the interest of a moneyed class, is a menace to free government, is a menace to the liberties of the people which can not be tolerated. It has filled every house in the producing regions with gloom and despair. Millions to-day are starving for bread in this country of bounteous harvests, and the Executive tyranny, in carrying out the policy of the gold trust, is deaf to their complaint. The President is surrounded by influences hostile to the people, and is deaf to their growns of misery. They can not reach him.

their groans of misery. They can not reach him.

I am glad that this question of suffering and starvation is to be discussed. I hope the bill will be referred to the Committee on Finance, and that they will consider to what extent it is pos-

sible for Congress to extend relief to the sufferers, who must starve during the coming winter, not on account of cyclones of nature, but on account of cyclones of legislation, dictated and

carried through by speculative authority.

Mr. McPHERSON. Mr. President, it seems to me that this is a question which appeals not alone to our sympathies, but to our humanity. I am told that 2,000 deaths have been occasioned by reason of this visitation of Providence on the coast of the Atlantic seaboard. I have been also shown a paper this morning from the State of Louisania, in which it is stated that 1,800 deaths have occurred there by reason of the same cyclone, that, in fact, there has been there a greater mortality and loss of life

than has been occasioned by any battle in modern times.

Nearly 4,000 of these poor people have been deprived of their lives, but, in addition to that, here are their families left without the means of support, left homeless, their homes devastated and torn away, and they themselves left without food and without clothing, and the Legislatures of both those States not in session.

There is in those localities no organized element of the people which is able to afford the relief for which the honorable Senator from Massachusetts now asks. I see in a paper handed me by the Senator from Louisiana a statement of the organizations which have formed and of the amounts which have been sub-scribed and contributed by generous people, and it is said that the misery is still appalling; that it is impossible to get a suffi-cient amount of means to relieve the distress.

Mr. President, it seems to me that the Congress of the United States, considering its past record and history in these matters, would be culpable if it did not afford such relief to these distressed people as is needed. This is a subject which will not and can not wait; it is one which should not be postponed. Those people are in this suffering condition, and if the Congress of the United States, which has the power and the means to afford relief, does not come to their assistance, it is something which I think will plague and torment us in the future.

think will plague and torment us in the future.

I care not what may be the amount of money which the Congress of the United States must appropriate to pay its obligations, whether it be great or small in amount, surely in a case of this kind, where the appeal is made directly to the humanity of Congress, the people of this country will think very strangely of an act which sends this bill to a committee. I should infinitely prefer to see the bill amended by making a larger appropriation of money appears to sever the whole two towns one of the contract priation of money, enough to cover the whole territory over which the cyclone passed; but let it not be said that the Con-gress of the United States, at a time when such distress prevails amongst these people, when the Legislatures of the States are not in session, and when no organized element of the people is sufficient to meet the case by contributions, left those people to

Mr. ALLEN. I should like to ask the Senator from New Jer-

sey a question, with his permission.

Mr. McPHERSON. Certainly.

Mr. ALLEN. Is the Senator willing to vote for some measure to relieve the distress of the people of the West whose cal-

lamity was produced by his own vote the other day?

Mr. McPHERSON. I am not aware, Mr. President, that I have cast any vote which has produced distress anywhere. If it shall appear that by any action of mine I have distressed any people in any part of this country, I shall make the most liberal contribution I can afford out of my own pocket to relieve them. In addition to that, I shall always vote for an appropriation by

Congress to relieve the distresses of any people in the United States of America wherever they may be found.

These poor people are not responsible or to blame for what has overtaken them. Here is a cyclone passing over a section of country, which is perhaps least able to look after the distress occasioned by this visitation. If it had happened in the more northern parts of the country, where there are larger cities, and a larger number of people from whom to obtain contributions it larger number of people from whom to obtain contributions, it would rest entirely upon a different ground; but many of these people are helpless, entirely helpless; and shall it be said that the Congress of the United States, in the time of their great distress, has turned its face away from them because there was too little money in the Treasury of the United States to relieve them?

No, no, Mr. President, let it not be said that this Senate has taken any such course as that. Whether the bill be constitutional or unconstitutional it is something which appeals to our humanity. Certainly if the appropriation proposed is not a constitution. constitutional appropriation of money, it is one which the Congress of the United States has gone outside of the Constitution more than twenty times to make since I have been a member of this body, and I am willing to do it again. Mr. PEFFER. Mr. President, there is another principle in-

volved in the proposition before us besides the one of mere charity. I would not under any circumstances desire to be placed in the attitude of refusing to tender support where it is needed; but there is a great difference between paying out one's own money to the suffering poorand paying out the money of other men. The money which is in the Treasury, out of which we should be compelled to make this appropriation, belongs to the people of the United States; it is not ours, and we have no legal authority to use it for any purpose other than a public purpose. When-ever we depart from that line we are at sea, and there can be no

There are men and women in Florida, I am told, there are men and women in Louisiana, there are men and women even in my own State, if the dispatches published yesterday and this morning may be relied upon, and people in other portions of the country, who are in great trouble and want at this hour. Instead of the factories starting up, as we were advised they would do a few days ago, instead of the business of the country everywhere reviving and commerce taking on new life, we find that the reverse is being proved, that the predictions which the silver men, if I may so class them, made in the Senate are proved to be true

Mr. HOAR. Mr. President, I should like to inquire of the Senator from Kansas, with his leave, who made any such statement on the floor of the Senate?

Mr. PEFFER. Mr. President, I do not feel like undertaking now to enumerate them all, for I might possibly make a mistake and put my finger on one or two who did not make such a statement. I do not know that the Senator from Massachusetts did, for the reason, I think greatly, that he did not take part in the discussion, except here and there to interject a question during that debate

Mr. HOAR. If the Senator from Kansas will pardon me, I made, early in the debate on the silver question, a careful, thorough, and elaborate speech, occupying a couple of hours, I think, to state my views on the question; and, so far as I know, with the exception of one or two Senators, every Senator who spoke in favor of repeal utterly and emphatically disclaimed at-tributing the present financial condition to the existence of the

law which was sought to be repealed. There were two or three Senators of whom the Senator statement is true, and that is all.

Mr. PEFFER. I believe what the Senator from Massachusetts says in his last remark is true, that every Senator, with one or two exceptions-so far as I remember there was but one, and that was the senior Senator from New Jersey [Mr. McPherson]—disclaimed all belief, and all sympathy with the belief expressed in the message of the President, that the Sherman law had anything whatever to do with the bringing on of the troubles that confronted us. That was true. On the other hand, every Senator in favor of repeal, in order to be consistent with himself and with his new and changed position, was compelled to say that he believed that the repeal of the Sherman law would bring prosperity to the country.

I know that in several instances-I cannot locate them exactly just now, but other Senators perhaps can while I am talking Senators were distinct in their prediction that in a little while, as soon as the news was given to the country that the repeal bill had passed, commerce would revive and everything would revive again. I have not the words exactly as given, but substintially.

But, Mr. President, I was saying that while that prediction is not being fulfilled and, on the other hand, that our prediction is, the conditions of the country are going to grow worse and worse continually until we have changed our financial methods, revolutionized them completely, and adopted a new and better system. If that be the case, we are going to be besieged every day, and every week, and every month to afford relief to people in come part of the country. We cannot afford that relief adopted the some part of the country. We cannot afford that relief adequately, except upon altogether a different plan, and it is that plan to which I have risen to call the attention of the Senate.

We can lawfully put men who are out of employment to work.

The Government has authority to construct public buildings, the Government has authority to construct railways, to build ships, to bring water upon arid lands, to open waterways, to clean out harbors, to do a thousand and one different things that clean out harbors, to do a thousand and one different things that the people of the country need to have done. If the Senator from Massachusetts will introduce a bill here, designate some species of public employment at which these people may be properly set to work, I shall cheerfully support it, and vote for an appropriation to employ the people; but to donate money to persons, to give it out of the public Treasury, is altogether another thing. other thing

I believe in the doctrine of the Government employing people who are out of work, and I expect before I conclude my term of service in this body to bring that subject before the attention of the Senate and of the country, by way of constructing new freight railway lines, by opening water channels, by straightening, or,

at least, to a large extent, straightening the Mississippi River by opening other outlets so as to avoid the trouble coming from the overflow, and to build railway lines upon either side of the river in order that, while we are protecting the roadbed of the line, we are also protecting the people from the ravages of the river—these and other things. I mention them merely in this broken way for the purpose of calling attention to the great fact that the Government has the authority to employ men in that way, or in some such way, but in posterior.

way, or in some such way, but in no other.

Mr. President, we have no right whatever to appropriate public funds for private uses. That is the principle involved in the pending bill. I hope the bill will be referred to the Committee pending bill. on Appropriations, that the committee will give it great care and great consideration, and that in their report, when they do re-

port, they will give us something substantial upon which to act.

Mr. CAFFERY. Mr. President, I quite agree with the view
expressed by the distinguished Senator from Mussachusetts [Mr.
HOAR] that the Senate itself, without the intervention of a committee, should examine into the necessity of governmental aid in cases of great public calamity. My own State has been the re-cipient of governmental bounty, and it does not lie in the mouths of its Senators to put any kind of obstruction in the way of aid to

My own State has lately been visited by a hurricane of unprecedented severity. Two thousand and eight persons actually lost their lives by that calamity, and the survivors in the stricken district are absolutely bereft of the means of livelihood. Whilst my State has not made any denur depend on the Carnett Carnett. my State has not made any demand upon the General Government for aid, it is appropriately and properly a case where governmental aid should be extended.

The cyclone which visited the coast of the Carolinas, in behalf of whose sufferers the pending bill has been introduced, was one of unprecedented severity. The people living upon the sea coast of the Southern States, except in large planting districts, are generally poor. The storm not only destroyed life, but it destroyed the means of livelihood to the survivors. I mean to say that a matter of this kind, which appeals to the humanity of the whole of the United States, ought to be passed upon in the Senate

without the interposition of a committee.

At the proper time my colleague [Mr. White of Louisiana] will prepare an amendment to this bill in behalf of the sufferers

Mr. CALL. Does not the pending bill apply to Louisiana? Mr. CAFFERY. I think not. I ask the Senator from Massachusets whether the pending bill is for any other than the sufferers from the Carolina cyclone?

Mr. HOAR. The appeal comes from the Carolinas, from Georgia, and the mainland near the sea islands.

Mr. McPHERSON. Why not make an appropriation, say, of \$100,000, to be applied to all the localities which have suffered from the ovelence.

from the cyclone?

Mr. HOAR. I am myself very willing to do that, if any Senator thinks that is well.

Mr. CAFFERY. I will state that I have personal knowledge

of the locality visited by the cyclone in Louisiana. It is a low-

lying country-Mr. HOAR. If the motion for the reference of the pending bill be voted down, I shall accept any amendment which the Senator from Louisiana may propose, supported by a statement like that he is now making on his personal knowledge, as the provisions of the bill as they stand have been supported by the

personal authority of the Senator from South Carolina.

Mr. CAFFERY. I have not visited the scene of the disaster, but I know the locality so well, that taking the newspaper reports, the authentic reports of the disaster, I can very well gauge

the calamity. Mr. HOAR. I should be very willing to accept the Senator's

assurance.

Mr. CAFFERY. Those people are mostly fishermen, engaged in the oyster and fishing business. The loss of life was appalling, extending into the thousands. Their water craft, their fish nets, and all the appliances they have with which to make a living were destroyed; and although in that State there has been organized charity in behalf of these sufferers, yet there remains a great deal of distress. The Legislature is not in session, and, therefore, no appropriation can be made by that body. Though the acutest suffering has been assuaged by the gratuities Though the acutest suffering has been assuaged by the gratuities and gifts of benevolent individuals through organized charities, yet a great deal remains to be done, and a great deal of suffering appeals to the common humanity of the whole United States for relief.

for relief.

I shall be very glad to see the Senate take cognizance of this matter without the intervention of a committee.

Mr. GRAY. I move that the Senate proceed to the consideration of House bill 3687, the Chinese bill, so called.

Mr. HOAR. I hope we shall first get some disposition of the other bill which has been pending.

Mr. GRAY. If there can be a vote on it, I am willing to yield.

Mr. GORMAN. Let us vote on the motion to refer.

Mr. GRAY. I yield simply for a vote.

The VICE-PRESIDENT. The Chair understands the Senator from Delaware to withdraw his motion. The question, then, tor from Delaware to withdrawhis motion. The question, then, is on the motion of the Senator from Maryland [Mr. GORMAN], to refer the bill which has been pending to the Committee on Appropriations. [Putting the question.] The ayes appear to

Mr. HOAR. I call for a division.

The question being put, the ayes were 12.

Mr. GORMAN. I trust the Senator from Massachusetts will

Mr. GORMAN. I trust the Senator from Massachusetts will not ask for any further count.

Mr. MANDERSON. I hope the demand for a division will be withdrawn. It is evident what the result will be if it is persisted in. In that case I doubt much whether we could even act upon the resolution for final adjournment.

Mr. HOAR. I think there is no doubt about it.

Mr. ALLEN, I desire to suggest the want of a quorum at this time.

The VICE-PRESIDENT. The Secretary will call the roll.
Mr. ALLEN. On the suggestion of the Senator from Maryland [Mr. GORMAN] I withdraw the call.
The VICE-PRESIDENT. The call is withdrawn.
Mr. DOLPH. I rise to a parliamentary drugiry. Can a suggestion of the want of a quorum has withdrawn?

gestion of the want of a quorum be withdrawn?

Mr. GORMAN and others. Oh, yes.

The VICE-PRESIDENT. The Chair thinks the call can be

withdrawn by unanimous consent.

Mr. GORMAN. I suggest to the Senator from Massachusetts that he do not insist on a division.

Mr. HOAR. It strikes me that it is a little hard that all the instrumentalities and ingenuities of parliamentary law should be directed against the poor people to whom the bill in my charge applies, that the Senate can not have a vote on it, and that we are asked to go on without a quorum, and to act in regard to mitters of the greatest importance. I think it is pretty hard, and this is the first time in the history of the Senate, within my recollection, when the question of the reading of a bill on three separate days has been raised.

Mr. COCKRELL. I have myself raised it on several occa-

Mr. HOAR. I do not remember any other case. It is very well known to many members of the Senate that it is a rule seldom, if ever, invoked. I speak with the profoundest respect to the Senator who insists on the application of the rule; but why we should be appealed to to give up everything we think ought to be done, and allow the Senate, with much less than a quorum, to pass upon the important matter which will soon come before the Senate, which is a new aggravation concerning our relations with a foreign government, and against the opinions of many of us, I do not think is quite fair.

If Senators are willing to allow this measure to go over until a later hour, if a majority of Senators present are willing to do that, without raising a parliamentary objection and sending it to the Committee on Appropriations, who will not deal with it in time, of course I shall not object. I do not want to force the opinion of a minority upon the majority. If there be a majority of the Senate who think that the bill which I have introduced is improper legislation, let them say so, and I shall acquiesce; but I shall not acquiesce to have these parliamentary weapons sharply cut the thread of this measure, and stand by and say, "Oh, well; a half dozen Senators may deal with important legislation on any other measure which they desire to pass." To that I am opposed. You may have your rules about dealing with a question of a quorum and go clear down, and I will agree to it; draw your own rule so that it shall be applied to measures which Senators may bring up during the rest of this session, and I will be bound by it; but I do not want one rule applied to me and another rule applied to everybody else.

I think my friend from Maryland, who is the soul of justice in dealing with such things as this, will admit that I am right.

Mr. GORMAN. I wish to assure the Senator from Massachusetts that I have no desire in the world on this or any other matters. If Senators are willing to allow this measure to go over until

setts that I have no desire in the world on this or any other matter of logislation to violate the rule, or to postpone the consideration of the Senator's bill; but I should feel compelled to make the motion I have made in this case with regard to any appropriation which came along in the closing hours of the session. Measures of this kind ought not to be rushed through. Of course we are appealed to constantly on all sides to make these appropriations. I confess that I have voted for them. There are particular cases which have come up where it would have

been impossible for me to have voted against them.

I wish to say to my distinguished friend from New Jersey
[Mr. MoPHERSON] that, as a rule, I think it is bad policy on the
part of Congress to make appropriations for suffering in any

locality. We have seen in our country, and all over the world, in the last three years an epidemic which has been more fatal than any which has ever been known to mankind. Thousands of people in this country have died and become disabled from la grippe. We have seen epidemics of yellow fever, and it has been now raging in one section of the country during the presbeen now raging in one section of the country during the present season. Appeals have constantly come to us from such localities. I should like very much to be able to respond to them. I (sel about the matter as kindly as the Senator from New Jersey and the Senator from Massachusetts do, and in extreme sey and the Senator From Massachusetts do, and in extreme cases, as I have said, I have voted for appropriations. But I never voted, so far as I can remember, for a bill or resolution of that kind, which had not gone to a committee of this body and been considered, and well considered by it.

and been considered, and well considered by it.

Mr. HOAR. May I interrupt the Senator from Maryland one

moment, not to interfere with what he is saying?
Mr. GORMAN. I yield to the Senator with great pleasure.
Mr. HOAR. I am aware that at 2 o'clock, now two minutes hence, the morning hour will end, and the bill of the Senator from Delaware [Mr. GRAY] will come up as a matter of right. I shall make no objection to its being considered at 2 o'clock.

Mr. GORMAN. I have only to say to the Senator from Massachusetts that I am perfectly content that the sense of the Senate shall be taken on his bill as well as the other, when we shall be in a condition to do so, as I think we shall be a little later in the

Mr. HOAR. That is all I desire.

Mr. GORMAN. But I say to the Senator that the vote can not be taken upon it now. I am content, however, that during the day the sense of the Senate shall be taken on the Senator's bill.

Mr. HOAR. If the sense of the Senate can be taken on the

measure I shall be entirely satisfied.

Mr. GORMAN. The vote can be taken on the reference of the bill to the Committee of Appropriations, which will be a test

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business,

the title of which will be stated. The SECRETARY. A bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed a resolution authorizing the President of the Senate and Speaker of the House to close the present session by adjourning their respective Houses on the 3d day of November, present, at 3 o'clock p. m.; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims; and it was thereupon signed by the Vice-Pres-

FINAL ADJOURNMENT.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Secretary read as follows:

The Secretary read as follows:

Resolved by the Senate and House of Representatives, That the President of
the Senate and Speaker of the House of Representatives be authorized to
close the present session by adjourning their respective Houses on the 3d
day of November, present, at 3 o'clock p. m.

The VICE-PRESIDENT. The Chair inquires what disposition the Senate desires to make of the resolution?

Mr. GORMAN. I suggest that the resolution be referred to

the Committee on Appropriations.

The VICE-PRESIDENT. Without objection, that reference will be made.

W. H. WARD.

Mr. KYLE. I ask unanimous consent of the Senate for the present consideration of the bill (S. 45) for the relief of W. H. Ward, to which I am sure there will be no objection whatever, and which will occasion no debate

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 45) for the relief of W. H. Ward. The preamble recites that an act of Congress approved March 3, 1883, referred to the Court of Claims the petition and claims of William Henry Ward (formerly of Auburn, N. Y., and also of Monongahela City, Pa., but now of Alexandria, Va.), against the United States for a shell molding machine, and also for the intringement and use of his bullet week in a state of the interpretation. fringement and use of his bullet machine patents. It is objected that two of the claims are debarred judicial consideration in con-

sequence of existing statutes, therefore the bill proposes to empower the Court of Claims to examine all the claims of W. H. Ward set forth in his petition, notwithstanding the sections of the Revised Statutes referred to in the preamble, and when the facts have been found by the court, to render such judgment thereon as law and equity warrant, without reference to the stat-

utes of limitation or other acts or statutes to the contrary.

Mr. DOLPH. From what committee is the bill reported?

The VICE-PRESIDENT. From the Committee on Patents.

Mr. KYLE. I will state to the Senator from Oregon that the bill merely proposes to send the claim to the Court of Claims.

Mr. PLATT. The bill has been passed two or three times

heretofore by the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

COURTS IN IDAHO AND WYOMING.

Mr. DUBOIS. I ask the unanimous consent of the Senate to consider at this time the bill (H. R. 2002) to amend an act entitled "An act to provide the times and places for holding terms of United States courts in the States of Idaho and Wyoming," approved July 5, 1892. It will not take more than two or three minutes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Sen te without amendment, ordered to a third reading, read the third time, and passed.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. GORMAN. I ask unamimous consent to report from the Committee on Printing with amendments the concurrent resolution of the House of Representatives with reference to the distribution of the Congressional Record. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the

By unanimous consent, the Senate proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be directed to turnish to each Representative and Delegate 22 additional copies of the Congressional Records, of which number 8 copies shall be sent. I each to su in public or school libraries as shall be designated by each Representative and Delegate.

That the remainder of this number, 14 copies, he shall furnish to each Representative and Delegate during the extraordinary session of the Fifty-third Congress.

third Congress.

The amendments of the Committee on Printing were, in line 4, after the word "Delegate," to strike out "twenty-two" and insert "fifteen;" and after the word "RECORD," in line 5, to strike out all down to and including the word "extraordinary," in the last line, and to insert "during the first;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be directed to furnish to each Representative and Delegate is additional copies of the Congressional Record during the first session of the Fifty-third Congress.

Mr. GORMAN. The object of this resolution is to give to the members of the other House the same number of copies of the CONGRESSIONAL RECORD that Senators receive, 37 in all. A proposed to be amended it applies only to the present session.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota.

The message also announced that the House had passed the

following bills; in which it requested the concurrence of the

A bill (H. R. 299) to extend the time for the construction of the railway of the Choctaw Coal and Railway Campany; and A bill (H. R. 4015) in aid of the World's Fair Prize Winners' Exposition to be held at New York City.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon

had signed the following enrolled this, and they were distributed as signed by the Vice-President:

A bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes; and

A bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims.

HOUSE BILLS REFERRED.

The bill (H. R. 299) to extend the time for the construction of the railway of the Choctaw Coal and Railway Company was read twice by its title, and referred to the Committee on Indian Af-

The bill (H. R. 4015) in aid of the World's Fair Prize Winners' Exposition to be held at New York City was read twice by its title, and referred to the Committee on Finance.

CHINESE EXCLUSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, the pending question being on the amendment of Mr. SQUIRE.

the amendment of Mr. SQUIRE.

Mr. DAVIS. Mr. President, I submitted yesterday an amendment to the pending bill. With a desire to perfect the amendment I send to the desk a supplement to that amendment, which

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. Add to the amendment of Mr. DAVIS: That that certain act entitled "An act to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, "approved July 5, 1884, be, and the same is hereby, reënacted, and that such act thus reënacted shall continue in force until the expiration of ten years after the passage of this act.

Mr. DAVIS. Mr. President, it is certainly unfortunate for every interest involved in the pending bill that its final consider-ation or even its discussion should be pressed at the present time. It is perfectly manifest that full discussion can not now be had It is very doubtful whether it can be passed in the pres ent state of the attendance of the Senate. It is a momentous and far-reaching measure, one which has appealed to the conscience of the country and excited everywhere a great deal of comment.

We have just passed through a long and strenuous debate upon one single subject. We have enacted the most important financial legislation that Congress has ever passed. The public mind and the minds of Senators have been strained under the tension of this extraordinary session. Both sides of the gold and silver shield have been repeatedly struck by champions here and elsewhere, and the country has resounded with the clangor. We are approaching the end of the session. The time of adjournment is fixed, and I repeat, that to bring forward a measure of this importance, involving public duty and personal right to the extent that it does, is most unfortunate, because it can not result in adequate debate or full deliberation.

Mr. President, our relations with the Empire of China have for many years been of the most perplexing character. The treaty commonly known as the Burlingame treaty, negotiated in 1868, was concluded at a time in our history when the American can people had the most effusive ideas in regard to the equality of individuals and the parity of the personal elements of which nations are composed. We were then going through the experiment of adopting the constitutional amendments whereby we introduced as an operative factor into our body politic a race generically different from our own; and we are now endeavoring to

adjust that experiment to existing and permanent conditions.

The Burlingame treaty was considered to be a great act of diplomacy. It was thought that it would be followed by consequences of wide philanthropy and universal brotherhood. Its immediate results were, no doubt, most beneficial to the Pacific States. A new influx of laborers poured the efforts of their industry into every situation demanding employment. They built the Central Pacific Railroad. They opened in California its fields of wheat, its orchards and vineyards. But time went on and it was discovered (and nobody I know of entirely dissents from this view) that probably the whole experiment was of an undesirable and doubtful character.

Mr. President, I do not wish to be for a moment misapprehended in regard to my own position, if that is of any importance to anybody but myself. I am as much opposed as my friend from California [Mr. Perkins] to the immigration of Chinese labor-I do not want to see this element grow in our country. wish to see it steadily diminished in efficacy and in numbers until it shall cease to exist. But what I object to, and concerning which I have the clearest convictions of my duty, is the manner in which it is proposed to depopulate the country of those peo-

As I have said, the Burlingame treaty became unsatisfactory: and it was proposed about the year 1880 by this Government that and it was proposed about the year 1880 by this Government that the vast and generous terms of that convention, by which Chinese were permitted to come to this country ad libitum, should be modified by treaty stipulations of a new and restricted character. Accordingly the treaty of 1880 was concluded between the two governments, which in substance provided (I shall not attempt to state statutes or treaties literally) that whenever in the opinion of the United States injurious effects are threatened or caused by the coming of Chinese laborers to the United States, or their residence therein such coming or residence may be required. their residence therein, such coming or residence may be regulated, limited, or suspended, but not absolutely prohibited; that the limitation or suspension shall be reasonable and shall apply only to laborers, and immigrants shall not be subject to personal

That is the essence of that treaty so far maltreatment or abuse. as the immigration of laborers is concerned.

Within four years after its ratification, and in the due course of legislation two acts of Congress were passed, the act of 1882 and the act of 1884, designed to carry into effect the stipulation of the convention to which I have just alluded. Without going into that legislation with any degree of particularity (for, as I have said, it is not my purpose to do so at any stage of this discussion) it must be sufficient to say that those statutes, by an elaborate system of registration and certificates, plainly sufficient, I think, and certainly sufficient when supplemented by such regulations as the Treasury Department had full authority to make, were adequate to carry out the treaty stipulations and to prevent the evil which was to be apprehended. But that, Mr. President, was not deemed sufficient. Other

treaty stipulations were demanded on the part of our Government. Accordingly in the year 1888 another convention still more retaking was concluded between the Empire of China and the United States. In anticipation of the ratification of that treaty the act of September 13, 1888, was passed by Congress, concerning which it is sufficient to say that substantially the terms of that treaty were written into the act for the purpose of making it efficacious and operative. But while this was being done we were on the eve of another Presidential election, and that conscienceless party spirit, concerning which neither the Democratic nor the Republican party has any particular right to re-proach the other, was put at work to bid for political support in the Pacific States.

Accordingly, early in October, 1888, what is commonly known as the Scott bill was passed, by which, in abrogation of the terms of the treaty of 1880, the right of the Chinese to come into this country was very much limited, and certificates, some twenty country was very much limited, and certificates, some twenty thousand in number, I have been told, which were outstanding under the operations of the treaty of 1880 and the act of 1882 and the act of 1884, held by thousands of people who had gone to China under the sanctity of that legislation and that treaty, were absolutely canceled and nullified. The Senate Committee on Foreign Relations wrote the words of the Scott act into the treaty, when it had it under consideration and added to the treaty which had been negotiated those stringent and violative provisions, and in that shape it was advised and consented to by the Senate. Those modifications were telegraphed to China, where the convention was being considered; the treaty broke down, and it never has been heard of since.

Mr. DOLPH. Will the Senator allow me to make a suggest tion? I do not think the amendments made by the Senate in the treaty of 1888 were at all material or that China ever signified that they would not be satisfactory to the Chinese Government. They were satisfactory to the Chinese minister here as a matter of fact. I do not understand that the treaty of 1888 was ever rejected by the Chinese Government. It had not been acted upon at the time the Scott act was passed, and of course it would not be acted upon after the passage of that act. The act of September 13, 1888, was to take effect only when the Chinese Government ratified the treaty of 1888, but before the Chinese Government had acted upon it, or our Government was notified that they had rejected or disapproved or refused to ratify the treaty, the Scott act approved October 1, 1888, was passed, and of course after that the treaty fell; but I think it failed on account of the Scott act, and not on account of any obnoxious provisions added to the treaty of 1888.

Mr. DAVIS. Mr. President, I think I speak advisedly upon this subject. A large part of the information from which I have spoken as to the fate of the negotiations of 1888 was derived from some remarks made by the Senator from Alabama [Mr. Morgan], now chairman of the Committee on Foreign Relations, in 1892,

in this body, when the act of 1892 was under consideration.

Mr. DOLPH. It is a fact nevertheless.

Mr. DAVIS. I beg not to be interrupted. My view is entirely immaterial to the line of my thought and discussion.

Mr. DOLPH. Very well

Mr. DAVIS. In that state of things, another Presidential canvass supervening, the act of 1892 was passed, of which, or of some portions of which, the pending measure is an amendment. Now, distinctly stating my position in this matter, it is this, and such are the object and scope of the amendments I have sent to the desk; I am in favor of carrying out the provisions of the treaty of 1880. I wish to restore to operation the act of 1884, amendatory of the act of 1882, and I am opposed, upon what I conceive to be the highest considerations, to any of the legislation which has been enacted since that time and which is now oper-I am especially opposed to the act of 1892, the amendment to which is now before us for consideration, and it is that act and its practical operations to which I intend to direct the greater portion of my remarks.

Up to a certain time, namely, up to the time when the obnoxlous legislation to which I have alluded became operative, the
policy of this country through its statutes in the execution of
the treaty was to regulate, control, and prevent the coming into
this country of those Chinese who were not entitled to come; but,
in abrogation of the treaty, in amendment and repeal of those
statutes enacted to carry it out, that purpose has been enlarged,
so that, say what you may of the devices and pretexts and glosses
to which this legislation has been subjected, the actual object is
to drive from this country by a system of legislation, which is
the scandal and disgrace of our time, those who came here by
our invitation, and whose right to remain here is guaranteed not
only by treaty obligations, but by statutes efficacious and in force

up to a recent time.

The act of 1892, the most stringent and the most advanced legislation to that end, and which I shall analyze at some length hereafter, with all of its prohibitory and severe provisions, its processes without law, its total disregard of personal security, liberty, or right, has been declared to be constitutional by the Supreme Court of the United States. Against that decision I have no argument to make. It is the declared and established law. I shall not be led to discuss its soundness, for no discussion here can impair its validity. It is declarative of the powers of this Government in a field in which it has not trodden for nearly one hundred years. I may be permitted to say that the decision of the court took the great majority of the profession of this country, so far as I can learn, by surprise.

But, Mr. President, the decision of the Supreme Court of the

But, Mr. President, the decision of the Supreme Court of the United States simply declares the law and the limitations of the Constitution. It says what may or may not be done. That tribunal outlines no policy, and its conclusion upon the validity of a statute is not even a monition to Congress as to the proper method of exercising its political and administrative powers within their unquestioned limits. That court has decided that there resides in the other departments of the Government a power vast, ill defined, susceptible of abuse, liable to be perverted to purposes of passion. For that very reason I call for a revision of the statutes by which that political and administrative power has been put into operation.

The Supreme Court of the United States in substance has de-

The Supreme Court of the United States in substance has decided that, so far as the Chinese in this country are concerned, the question of their disposition, remaining here, deportation, exile, banishment, punishment, whatever you may call it, is entirely and exclusively a matter of political administration; that nosanction of personal right—such personal rights as are enjoyed by us—can be invoked by them in the courts for their protection.

Formerly there was a vague and general idea concerning the execution of this law, that somewhere, somehow, by certiorari, writ of error, habeas corpus, or in some way, rights abused, or rights misused, or wrongs perpetrated, could be rectified by the courts in proceedings under this statute. But that is not to be. Hence, since the judiciary has closed its doors to this class of people, especially to those who have been invited to come here and are in this country under the charter and letters-patent of a treaty of the United States with their Government, if we wish to get rid of them by administrative and executive procedure we should do it by methods warranted by humanity, and the more so because the power which has been vested in the political department of this Government is so irresponsible and uncontrollable.

I wish to call attention to the provisions of the act of May 5, 1892, and of the amendment now pending to that act for the purpose of emphasizing in a more particular way the objections which I think are valid against the expediency of this legislalation. My objections, in my opinion, are stronger for the simple reason that the political powers granted by the statute have been decided to be absolutely uncontrollable by the judiciary, and are vested entirely in the unregulated discretion of the executive officers of the Government. Take the second section of the act of 1892:

That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China—

"When convicted or adjudged." Note the judicial phraseology as to matters which have been held not to be judicial—unless he or they shall make it appear to the justice, judge, or commis-

unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country.

Here is a man brought before a judge, magistrate, or commissioner. He is charged with the offense of being unlawfully in this country. Every presumption with which the common law surrounds an accused person, that he is innocent until he is proven guilty, is studiously by statute taken away. He-must make it appear to the magistrate that he is a citizen of another country,

in which case he shall be deported to that country. Then notice what follows:

Provided, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

Now, I have to say generally in respect to that proviso that we have undertaken to deport Chinese to other countries than China, with which we have treaty stipulations, giving to their citizens the right to come and go and live here upon the same terms that we have given the most favored nation. In case a Chinese happens to be a citizen of another country than China, we have undertaken to deport him to that country of which he may claim and prove himself to be a citizen. In the anxiety to get rid of these people the framers of the legislation of 1892, while they repudinted our treaty obligations with China, were not careful of our obligations to other countries. Absolute is the provision that when the Chinese is convicted and adjudged to be unlawfully here, when by treaty with Great Britain he had a right to be here, if he was a subject of that country, he shall be deported to Great Britain, or such other country of which he may be a subject, raising at once questions between us and other nations with whom we have no interest or desire to be entangled in any such controversy.

But the proviso adds an iniquity to that to which I have just called the attention of the Senate. It provides in substance that if the other country of which the Chinese has established himself to be a citizen lays any tax or head money upon him, he shall be deported—where? Not to the country to which he owes allegiance, but he shall be deported to China, a realm which he has abjured; that he shall be banished to the country from which he originally came. What will be the effect? Great Britain acquired Hongkong in 1841. It is an island off the coast of China, and contains about 25 square miles. It has about 220,000 people. Every Chinese born in Hongkong since the acquisition of that island by the British Government is a subject of Great Britain, and it is said (I know not with how much accuracy, though to a certain degree it must be true) that a large part of the Chinese immigration to the United States has come from Hongkong, so that in this respect we deal, or propose to deal, not only with the Empire of China, but with Great Britain or other countries with whom Chinese may have, and doubtless have, assumed the relations of citizenship.

Passing on to section 3:

That any Chinese person or person of Chinese descent arrested under the provision of this act or the acts hereby extended shall be adjudged—

Note the judicial phraseology-

to be unlawfully within the United States, unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

Now, that measure of proof applies not only to deportation proceedings but to criminal proceedings, strictly defined to be such in the body of the act, whereby sentence is to follow judicial proceedings. Whoever heard, whoever saw, in any other legislation than this, that a man accused of that which is in substance a crime, of which he must be convicted by some process or other, shall be adjudged guilty unless he shall affirmatively prove by a prependerance of testimony sufficient to remove the legal presumption of guilt, that he is an innocent man? There is no such law elsewhere in Christendom, and it would disgrace Morocco.

SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.

Mr. WHITE of California. The Senator is aware, I presume, that that section has been declared invalid. That section has been eliminated from the act.

Mr. DAVIS. I am carrying out my argument to show the animus of this legislation. The animus with which the act was drawn was that under section 3, when a Chinese person was accused he must prove his innocence, and if he did not prove it he should be imprisoned for one year at hard labor and afterwards be deported to the place from whence he came.

be deported to the place from whence he came.

Mr. DOLPH. Imprisoned not exceeding one year. He might
not be imprisoned for an hour.

Mr. DAVIS. Not exceeding one year. Section 5 provides:

That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no ball shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

Mr. President, we have all been brought up to consider, whether as to ourselves to the manner born, or as to aliens or denizens, that the great shield of the writ of habeas corpus was always over all. So dear is personal liberty in our political con-

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ceptions that the distinction of the right to that writ had never been drawn as against an alien prior to this legislation. Here

he is seized, arrested, detained.

Mr. DOLPH. No; that is while still aboard ship.

Mr. DAVIS. While still aboard ship, but he is detained there; he can not get off; he is restrained of the liberty of his person; he can not have the benefit of the writ of habeas corpus, even to enable him to go ashore and prepare for his defense. But what is the use of particularizing and stigmatizing in detail a deprivation by a statute of rights so comprehensive and disgraceful

I now come to an examination of section 6, and the proposed amendment under present consideration, which mainly is con-cerned with the substantial reënactment (with some few immaterial variations) of section 6 of the act of 1892. Bear in mind that the treaty of 1880 had provided that certain laborers who were here at a certain time should be permitted to remain in this country; that its whole scope, and all that was asked then, was to restrict the further indux of immigrants of that character. Bearing all that in mind, let us consider the provision of the proposed amendment. It is nearly identical with section 6 in the statute of 1892:

SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States, at the time of the passage of this act, and who were en-titled to remain in the United States—

Mr. PLATT. Who are entitled to remain?
Mr. DAVIS. "Who were entitled to remain in the United
States" before the passage of the act to which this is an amend-

Mr. PLATT. Who does the Senator understand were entitled

to remain:

Mr. DAVIS. That enters into a branch of detail I do not care to be questioned about just now, but I merely ask the attention of the Senate to the general fact that unblushingly and avowedly the act proposes to proceed against people who up to a certain time were entitled to remain within this country. It shall be the duty of such Chinese laborers "to apply to the collector of internal revenue of their respective districts, within six months

after the passage of this act, for a certificate of residence."

His duty is to apply to the collector. I pause to remark, in criticism of that particular provision, that nowhere within the compass of this amendment, or of any legislation of which it is amendatory, is it made the duty of the collector to give the Chinese person a certificate. At the very beginning of this proceeding an inferior executive officer of the United States is to be applied to. His discretion merely is to be applied to? His judgment is final. There is no appeal in case of his refusal to grant a certificate, however the Chinese may be prepared to show clearly his right to be here; and with the state of feeling in those parts of the country which assert themselves to be most deeply affected and injured by the presence of this population, I ask, taking into account the average performances of human nature, what kind of a show the Chinese is going to have with the collector to whom he applies? Suppose he does apply. "I will not grant your certificate." Then he passes, abandoning all hope under all of the penal provisions of the law, and can not possibly reinstate himself.

Mr. GRAY. I ask the Senator from Minnesota, if he will permit me, whether, notwithstanding the looseness of the framing of the original Ge ry act, so-called, he does not think that there is an implication of duty arising from the structure of the section upon the co lector to give the certificate when it is applied for?

Mr. DAVIS. It is enough for my purpose to say that I do not believe such a discretion ought to be confided to the collector. Mr. GRAY. I do not think so either. I only ask the Senator if he does not think there is an implication of duty.

Mr. DAVIS. Certainly my esteemed friend thinks so; but what I am talking about is the logical consequence. Supposing the implied duty of which the Senator speaks and which may exist here is not performed, where is the remedy for the Chinese, however clear his claim may be?

Mr. GRAV. There is a remedy of mandamus. I should think

Mr. GRAY. There is a remedy of mandamus, I should think, where there is a duty implied.

Mr. DAVIS. I am talking about the practical working of this business. Mandamus can not control or overrule the exercise of discretionary power by any public officer. I am trying to convince the Senate that this is a matter which ought not to be precipitately or inconsiderately decided; and that this whole ques ion ought to be again referred to the Committee on For-eign Relations with a view that some legislation adequate to the subject, and at the same time just, can be formulated—

and any Chinese laborer, within the limits of the United States, who shall neglect fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged—

Note the judicial and forensic language again-

to be unlawfully within the United States, and may be arrested by any United States customs official—

Whoever he may be-

ctor of internal revenue or his deputies, United States marshal or his

Consider for a moment, Mr. President, such legislation as this, applicable to 106,000 people, in the enjoyment of the right to personal liberty and domicile in the midst of a hostile race, by as solemn a tre ity as this Government ever concluded, by which as solemn a treaty as this Government ever concluded, by which they are turned over to be taken bodily in a mun-hunt by any one of the officers or their numerous deputies, of the character described in the sentence which I have just read. What a source of abuse! What a weapon of violence! What an instrument of extortion and oppression and bribery!

Any wandering deputy marshal, or collector, or anybody who can be called an official in the United States customs department anywhere in this country can lay his hand upon a human

can be called an ordered in the Critical States customs department anywhere in this country, can lay his hand upon a human being without a warrant or precept. No court surpervises him, no controlling authority holds the reins over him. It is a matter entirely between the man-hunter and his victim. If he lets him go for a consideration there is nobody in particular to call him

to account.

This, be it ever remembered, is not a judicial proceeding. This is the exercise of political power, and to exercise this political power we propose to vest in a body of people in no way connected with the courts (at least two-thirds of them are not), a power which if it were invoked in Great Britain to-day in regard to any person, subject, or denizen, within the island, would shake the foundation of that Government so that it would topple to its

When people are to be deprived of their liberty, when they are to be detained, when they are to be convicted, when they are to suffer the extreme punishment of banishment, and that through the action of a judge, as in this case, although he acts not judicially but politically, all experience shows, and all civilized legislation provides, that to authorize one man to arrest another he ought to have a warrant for that arrest and detention. other he ought to have a warrant for that arrest and detention. It is under the seal of the court. The hand of the court is upon its officer. He must produce his man before the judge, or magistra e, or court which issues the warrant. For any irregularity in the arrest the prisoner can make complaint. But here is no warrant at a.l. The mere fact that a man is a Chin se authorizes any one of these deputies or officials to demand his certificate, and if he does not immediately show it, to lay hands upon him and dispose of him in the manner which I shall indicate.

Mr. PALMER. Will the Senator from Minnesota allow me to supplement his remark? It is not necessary that the man should even be a Chinese. It would be quite sufficient that these

to supplement his remark? It is not necessary that the man should even be a Chinese. It would be quite sufficient that these

irresponsible officers supposed him to be one.

Mr. DAVIS. That is probably true.

Mr. WHITE of California. Would the judge deport him then?

Mr. DAVIS. Now, after the kidnaping proceeding this follows: The apprehended man is-

to be taken before a United States judge What judge? Where? Of the district where the man is seized? Naturally so, but the statute does not say so. A Chinese person seized in Oregon can be taken to California and vice versa, or he can be taken to the city of New York-

nose duty it shall be to order that he be deported from the United States provided in this act and in the act to which this is an amendment, unless shall establish clearly—

Note the burden of proof—
to the satisfaction of said judge, that by reason of accident, si-kness, or
other unavoidable cause, he has been unable to procure his certificate, and
to the satisfaction of said United States judge, and by at least one credible
witness other than Chinese, that he was a resident of the United States on
the 5th of May, 1992.

I was very much pleased to hear the criticisms of the venerable Senator from Illinois [Mr. Palmer] on this subject.

Section 6 of the act of 1892 provides that there should be "one credible white witness." The thing has been transformed but has not been materially changed in the eye of justice in the amendment which I hold in my hand. He must establish it—

By at least one credible witness other than Chinese

Little by little all civilized nations have adopted an axiomatic law of evidence that the testimony of any man can be heard when it is given under the sanctions and ceremonies of his religion, or upon his conscience if he has no religious belief respecting the sanctity of an oath. All experience, all philo-sophic jurisprudence here where the common law obtains, and sophic jurisprudence here where the common law obtains, and elsewhere in countries where the civil law prevails, has settled down upon the conclusion that the objections to a witness go only to his credibility. All systems of law will hear his story; will weigh the facts and circumst inces; will confront him with other witnesses; will measure his story by other competent evidence. But under this statute the Chinese can not be heard for the purpose of establishing his most inestimable rights. He

can not establish by the testimeny of one Chinese witness, or ten or twenty Chinese witnesses, that he has complied or is entitled to comply with the provisions of this law.

Now, it may be, it naturally would be among this peculiar people, that the only sources of proof which must thus be furnished clearly to the satisfaction of the judge are among their own people. They are not to be heard for the purpose of plenary proof, or heard at all. The accused may have drifted to New York or to St. Paul, having a companion there who has known him, when there is not a white man within 2,000 or 4,000 miles who could give the least attestation concerning him.

could give the least attestation concerning him.

He is seized in New York or in St. Paul; he is taken before a
United States judge, brought there without a warrant, by an underling without any authority except his official connection with another department than that concerned in the administration of justice; and in such case as that which I have supposed the Chinese is utterly remediless by the simple automatic operation of a law, and he immediately goes under the yoke of the penal provisions of this statute.

and if upon the hearing it shall appear that he is so entitled to a certifi-cate it shall be granted upon his paying the cost.

That is a touch of meanness which speaks for itself,

Should it appear that said Chinaman had procured a certificate, which has been lost or destroyed—

Mr. PLATT. What cost?
Mr. DAVIS. It does not say what cost. The question forcibly illustrates the powers of oppression of which this act is suscep-

Now, about this Chinese testimony, which I was about to depart from without suggesting another consideration which had occurred to me. Here is a Chinese person before a judge, deprived perchance of the only testimony by which he can establish his right. The scene is a United States court room. The right. proceedings of a criminal trial are suspended for a moment to enable the judge to cease to be a judge and to perform this act of political administration. It is over. The trial of a person, white man or Chinese, accused of felony gainst a law of the United States is resumed, and this same Chinese, whose testimony and the bystanders of his nationality whose testimony has been rejected by the judge in his capacity of a political administrator by the force of this statute, happen to know all about the crime of the culprit who is upon trial. The United States law puts these same Chinese witnesses into the box to prove the allegation of an indictment in a trial against a white man. The testimony is received, and if it is credible, conviction and sentence of imprisonment, or perhaps of death, fol-Who will say that this statute was not designed for oppression, that it was not written by a cumning hand for the pur-pose of making possible and lawful a perverted and cruel use of political power. It takes a man cunningly beyond the reach of the protection of the courts, and turns him over to the tender mercies of what little he can get out of such provisions as this:

He shall be detained and judgment sustended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court. And any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, destring such certificate as evidence of such right, may apply for and receive the same without charge.

Then follows section 2, containing certain definitions as to lacerers. I do not know that I have any particular fault with that definition, but as to merchants I will read:

The term "merchant," as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant. ness as such merchant

One would naturally suppose that the vocation of a man who had been a merchant in the ordinary sense of the word, is something which the community in which he deals could testify to; but there is one particular provision in this definition concerning which I speak with considerable diffidence, namely, that he must do business in his own name. My reading has informed me, and conversation has instructed me, that of all people in the world the Chinese are an associative people in their business operations; that they have carried the ideas of companies and corporations and associations to a degree of refinement and perfection to which we have not approached, and yet under this provision, as to all the men who may belong to an association of that character who have pooled their stocks, capital, and profits as merchants and importers, invited to this country by treaty and confirmed by statute, they are absolutely deprived of the right of enjoying those business relations and can not exempt thems: lves from the punitory and pursuing clauses of this act, which follows them into every portion of this land and makes them liable to have the hand of numerous officials placed upon them without precept, warrant, or authority of law except as derived from this statute.

Mr. PLATT. He can not cut his own wood. Mr. DAVIS. The Senator from Connecticut remarks that he can not cut his own wood except it is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country merchant, he shall establish by the testimony of two credible with other than Chinese the fact that he conducted such business as here fore defined for at least one year before his departure from the Un States, and that during such year he was not engaged in the perform of any manual labor, except such as was necessary in the conduct o business as such merchant, and in default of such proof shall be relianding.

This whole proposed law is ex post facto, if that term can be applied to a proceeding which is not judicial, but political and administrative. Penalties are enacted which had no existence whatever in common law, statute law, or in legal contemplation of any kind, until the act of 1892 called them into being, and they deprive the Chinese of a legal status which was perfectly unas-

How is this class of offenses contrived and created under the general right of the Government to say what it shall do with aliens in its midst, concerning which the Supreme Court has settled the doctrine for the present, at least? A man is required to do something which he was never required to do before, to register, to take out a certificate. He does not do it. His reference to suprements the fusal creates the crime. It creates the crime, and the crime produces the penalty.

I find it hard to use language accurately here; bu after all has been said and done it results that this crime an.. this penalty are not justiciable matters; they are matters of possical and executive concern. After the studious use of judicial and forensic language thoughout this statute, and the invocation into this arena (for it is not a forum) of United Stat s judges for its execution, we are told, and told conclusively by the Supreme Court of the United States, that it is not a judicial, is not a criminal, is not a penal proceeding at all, but that all these consequences, from arrest down to conviction and execution of the sentence, are purely matters of political administration.

Such order of deportation shall be executed by the United States marshal of the district within which such order is .nade, and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall re-nain in the custody of the United States marshal, and shall not be admitted to bail.

I was going to say he might want to appeal. He can not apreal. The proceeding is not judicial. It is political and administrative. He might want to give bail, but he can not do it. That is cutoff. B ill is judicial. Political administration knows it not. Even while invoking the interposition of the superior officers of the Treasury or of the President of the United States the Chinese merchant who has come to this country must be dehe can not be admitted to bail.

Mr. GRAY. He can have a writ of habeas corpus, though.
Mr. DAVIS. I am not so certain about anything good in this
et. I should want to examine it closely before I concede even that point to a gentleman so frank as my friend from Delaware.

Mr. GRAY. I am trying to find something good in it. Mr. DAVIS. The provision of the bill is:

Mr. DAVIS. The provision of the online:
The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence, and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Chinaman makes application.
Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury.

That is a matter of detail. I do not think it particular oppressive. I have a repugnance to culling upon any man within the protection of the law for his photograph to be filed away as a basis for a possible criminal prosecution or even for his protec-We call such collections of photographs in civilized and

Mr. PERKINS. They were at the World's Fair.
Mr. DAVIS. Yes, I have no doubt. We invited the Chinese to the World's Fair. China came with the meekness she has always shown, even when we tried to abrogate the treaty, and in the face of all this scandalous legislation she shamed us by a magnificent exhibition.

Mr. PERKINS: They had to have their photographs, though. Mr. DAVIS. I do not recollect any statute to that effect. Mr. PERKINS. It was a regulation.

Mr. DAVIS. I donot recollect any statute of the United States to that effect.
Mr. WHITE of California. There is no statute

Mr. DAVIS. Now, Mr. President, from the decision of the Supreme Court of the United States respecting the action of the judge in executing this statute, it plainly follows that such action by him is not judicial but is political and administrative. He does not proceed upon precept, complaint, indiciment, or by jury, or in court. No judicial record is made of his action. A United States judge is attempted to be transformed into a politi-

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cal, executive, administrative officer. He is translated to a separate department of the Government. If I were a United States judge I would say "These duties which you have attempted to impose upon me are not judicial, and I shall not perform them." This Government has no power or authority by statute to impose duties of that character upon a judge without his consent. I would rather have been one of those French officials who issued lettres de cachet under Louis XIV. I would rather have been one of those self-constituted judges who sat at the entrance of the prisons during the massacres of the French Revolution and adjudged the emancipated captive to life or death as they chose. My friend, the Senator from Connecticut [Mr. HAWLEY], refers me to the fugitive-slave law; but there was judicial process, there was warrant, there was habeas corpus, there was a court and a judge acting judicially. The iniquity of that law was that there judge acting judicially. o trial by jury, and it convulsed the conscience of this coun-How did Judge Lacombe, the United States circuit judge in the city of New York, dispose of a case of this kind under the act of 1892? He performed the administrative and political duties of his judicial office, but finding that, owing to the imperfections of the act of 1892, no particular officer was authorized to deport the Chinese person and no funds provided for this purpose, he issued an order, ironical, though perhaps not so intended, I think I can state its substance correctly), that this Chinese can go; he is set at large, to be deported when the United States

furnishes the instrumentality for that purpose.

Mr. President, it was nearly one hundred years ago when the only precedent for this legislation found a place on our statute During the Administration of John Adams, and in the year 1798, three alien acts were passed, the material part of which was that the President of the United States was given the power to deport any alien who it could be reasonably apprehended was guilty, or intended to be guilty, of treasonable practices or was undesirable as a denizen. It was a war measure, and nobody attempted to justify it by any other pretext. It was designed for "war in procinct," to use the words of Milton. The frigates of the United States had been engaged in battle with the frigates of the French Directory in the West Indian waters, and the privateers of France, under letters of marque and reprisal, were carrying American cargoes into ports for condemnation prize. Three of our envoys who had been at Paris in the endeavor to adjust our very difficult relations with that peculiar government, had been subjected to importunities for money as a bribe by emmissaries of Barras, the voluptuary, and of Talleyrand, that cynical and diplomatic peculator, and they had returned to this country. The people rose in indignation, and Congress granted to the President of the United States the power conferred by the alien acts of 1798. What was the result? The nation rose in protest against the statute. It swept the Republican party (so called) of that day from power, and it gave to their opponents

an uninterrupted ascendancy for over twenty years.

In vain John Adams, from his place as President, and from his retirement, protested and proclaimed that the statute was justifiable as a war measure, and justifiable on that ground alone. It produced opinions which have been cardinal as doctrines of constitutional law for many of our most advanced thinkers and constitutional law for many of our most advanced timkers and statesmen; and I shall beg permission to read what James Madison said. It is refreshing to hear how clearly his voice speaks, as if attuned to-day, from across the interval of nearly a hundred years, respecting this act, designed as a measure of protection at that time. Mr. Madison wrote:

years, respecting this act, designed as a measure of protection at that time. Mr. Madison wrote:

With respect to alien enemies, no doubt has been intimated as to the Federal authority over them: the Constitution having expressly delegated to Congress the power to declare war against any nation, and, of course, to treat it and all its members as enemies. With respect to aliens who are not enemies, but members as enemies. With respect to aliens who are not enemies, but members of nations in peace and amity with the United States, the power assumed by the act of Congress is denied to be constitutional; and it is accordingly against this act that the protest of the General Assembly is expressly and exclusively directed. (Ibid., 554).

Were it admitted, as is contended, that the "act concerning aliens" has for its object, not a penal, but a preventive justice, it would still remain to be proved that it comes within the constitutional power of the Federal legislature, and, if within its power, that the legislature has exercised it in a constitutional manner. * * But it can never be admitted that the removal of aliens, suthorized by the act, is to be considered, not as punishment for an offense, but as a measure of precuation and prevention.

If the banishment of an alien from a country into which he has been invited as the asylum most auspicious to his happiness—a country where he may have formed the most tender connections; where he may have invested his entire property, and acquired property of the real and permanent as well as the movable and temporary kind; where he enjoys, under the laws, a greater share of the blessings of personal security and personal interty than he can elsewhere hope for; * * if a banishment of this sort be not a punishment, and among the severest of punishments, it would be difficult to imagine a doom to which the name can be applied. And, if it be a punishment, it will remain to be inquired whether it can be constitutionally inflicted, on mere suspicion, by the single will of the executi

they owe on one hand a temporary obedience they are entitled in return to their protection and advantage. If aliens had no rights under the Constitution, they might not only be banished, but even capitally punished without a jury or the other incidents to a fair trial. But so far has a contrary principle been carried in every part of the United States, that except on charges of treason an alien has, besides all the common privileges, the special one of being tried by a jury of which one-half may be also aliens. It is said, further, that, by the law and practice of nations, aliens may be removed, at discretion, for offenses against the law of nations; that to be dangerous to the peace of society is, in aliens, one of those offenses.

The distinction between alien enemies and alien friends is a clear and conclusive answer to this argument. Alien enemies are under the law of nations, and liable to be punished for offenses against it. Alien friends, except in the single case of public ministers, are under the municipal law, and must be tried and punished according to that law only. (Ibid., 556.)

But I need not read further.

Now, Mr. President, it may be said that the Supreme Court of the United States has overruled some of the constitutional positions thus taken by Mr. Madison; but if it has, it has simply defined our powers; it has not extended them. Because the Supreme Court of the United States has said that there is a region of power limitless in extent open to us, we are not bound to enter All things may be lawful to us, but all things are not expedient. Therefore I say, inasmuch as this matter is not judicial, that if we are to proceed at all under this our political, administrative, and executive power to use these terrible instrumentalities of abuse by irresponsible persons, which this law so amply confers upon them, such instrumentalities should be regulated by a statute bringing them within and under judicial con-

The Supreme Court has decided that in no event and under no existing legislation can the Chinese at any stage in the proceeding, whether initiative or as they goon or finally, be brought within the protection of the judiciary. I have no doubt that it is general opinion of the profession when the act of 1892 was I have no doubt that it was the that somewhere in the course of the proceedings the judiciary could lawfully intervene, as it now seems it can not. Hence I am anxious to see this legislation changed in some way so that if immigration from China to this country is to cease (and I confess it seems to me very desirable that it shall) this country shall not scandalize and disgrace itself by such political, arbitrary, and administrative processes as this legislation has been held to war-

If a Chinese can be deported, any other aliens can be deported, coming here under the sanction of whatever treaty, however The country was greatly excited two years ago by the performances of the Mafia at New Orleans, and it was charged and believed that a secret society dedicated to assassination wis in our midst. Its members were aliens. Nobody proposed to de-Nobody has ever proposed to deport the Italian laport them. borers because, like the Chinese, they come here expecting to return home. They take their wages back with them; they do return home. not pretend to assimilate with our people.

Mr. GRAY. We do not want the Chinese to assimilate

Mr. DAVIS. Nobody does; and we do not want that kind of

Italians to assimilate.

Mr. President, if the Chinese can be made amenable to such discipline as this by refusing to register, they can be made amenable for any other refusal that may result from an astutely framed statute. This being a political matter, a matter of administration, the United States can pass a law that any Chinaman who refuses to conform to the ordinances of San Francisco shall be deported, or that any Chinese person over 45 years of age shall be deported. There is no limitation; the power of this Government is absolute over these people politically and administratively, because the law is a justification unto itself and can not be judicially executed.

Again, if you can proceed, under the decision of the Supreme

Court, against all the Chinese in this country, you can proceed, as this act does, in some respects, against a certain class. If you can do that, you can proceed against one Chinese by special legislation of this character. You can enact that certain men, supposed to be members of the Six Companies, shall be deported. If any one should establish a Chinese newspaper in this counand it was not agreeable, you can enact that any man establishing and editing a Chinese newspaper shall be deported; or any other act or omission, however innocent, however indif-ferent in the general current of political or social concerns, can be made the standard, and, the law being a justification unto itself, and the merest instrumentality of the executive power of the Government, the Chinese against whom the blow is directed

can be deported.

Mr. GRAY. May I ask the Senator from Minnesota whether he thinks that the judgment of the Supreme Court in the late he thinks that the judgment of the Supreme Court in the late case in which they were called upon to deliver an opinion goes to the extent which he has described?

Mr. DAVIS. I think it does.
Mr. GRAY. In asserting the power of the United States?
Mr. DAVIS. I think it does. There were three writs of

habeas corpus, presenting nearly every phase of the question, it

Mr. GRAY. I agree with the Senator from Minnesota that the obligations of the Constitution of the United States rest just as heavily upon us as Senators as they do upon the Supreme Court; that the Supreme Court may mark out the area into which legislative power may extend, in their opinion, but it does not relieve the judgment of an individual Senator from the duty of deciding for himself in any given case as to what the Constitution means.

Mr. DAVIS. The Senator from Delaware has expressed my opinion in the most precise and apt manner. That is precisely my view, and upon that I stand, although I differ from the Senator in the argument I am making against this whole body of legislation.

More than that can be done. As I said, if all can be deported, classes can, a dozen can, one can. Unquestionably a statute could be passed ordering the deportation under this decision of every Chinese who, after a period of six months, should be found living within a city of 6,000 people, or within the city of San Francisco, which has been the most complaining, and perhaps justly so, upon this question. The complaint is not, as I understand it, that the Chinese through the country, in the orange groves, the vineyards, and wheat fields and mines are an unmixed evil, but it is their conglomeration in the great city of the coast, at the Golden Gate, that is objected to.

We might under the compendious and universal power which the Supreme Court has confirmed in Congress, pass an act that all Chinese found living in San Francisco shall be subject to deportation. There would be sense and humanity in that, if controlled by judicial processes. It would drive that idle class back home or out into the surrounding country, where, I am informed, laborers of that class are much to be desired and are not too plen-

Mr. WHITE of California. The Senator is mistaken in that

regard.

Mr. DAVIS. Mr. President, there is no nation on the continent of Europe, however feeble, that we would ever have enacted this legislation against, however undesirable their laboring people as immigrants. Our conscience would not have permitted it, to say nothing of the fear of reprisal or retribution from the other nation. We have a general idea, unhappily too prevalent, that we need not deal with the Chinese upon the same footing of equal binding force and obligation, to say nothing of equality of right, that we deal with other people. Yet, Mr. President, we can not imagine that a nation like China is going to restforever quietly under these inflictions. She has protested against this legislation from the beginning.

Suppose she should treat our missionaries, those Christian

Suppose she should treat our missionaries, those Christian men and women who have erected the cross of the Redeemer throughout that Empire, as we have treated and propose to treat her subjects in this country. The voice of the entire American people would be for war.

China is the most ancient empire in the world. She contains one-fifth of the human race. She was in her prime when the phalanx of the Macedonian stood upon the banks of the Indus, and she saw the Roman Empire fade like an "insubstantial pageant" and "leave not a rack behind." And it is not improbable that she will survive the most stable governments of to-day as mere ephemera in the experience of her existence. Yet, old and colossal and impenetrable as she has hitherto been, that vast reservoir of wealth, that swarming hive of population has, since the opium war, been slowly yielding to the advances of civilization and throwing open that great market to the world. Yet we, perhaps from passion, perhaps in part to carry out an ill-founded desire, are jeopardizing that commerce for which not only there, but elsewhere, we have been looking intently for many years, trying to build up our American shipping and then to reëstablish and extend our commercial relations with all

the countries of the world.

Can anyone suppose that, with legislation of this character, enforced in this way, the American merchant or the American marine are to have eventually their share in that immense and rapidly growing commerce?

Great Britain has no trouble of that kind. She enacts no laws of this character against the Chinese. They go up into British North America and settle there, subject only to head money. I do not know that they have enacted any hostile laws, though I think Australia has.

Mr. WHITE of California. All countries have, except the Fiji Islands.

Mr. DAVIS. I say that the Dominion of Canada has not enacted exclusion laws against the Chinese. Is it not worth while to consider whether means can not be adopted to preserve a good understanding between us and the Chinese Empire, complaisant and yielding as it has always been on this subject of immigra-

tion. China does not want its people to come here. It disapproves it. To our objections to their coming among us, the Chinese Empire has always responded according to our desire. As my friend, the junior Senator from California [Mr. Perkins], said in his very interesting speech of yesterday, their bones are not even permitted to remain here. They are sent back.

are not even permitted to remain here. They are sent back. What is that commerce? In 1891 the imports into China, reduced as nearly as I can reduce them to our money, amounted to \$167,500,000, and the exports were \$101,000,000 in round numbers. I mean from all over the globe. Of this Great Britain had by far the largest part, but the authority which I consulted states that the United States comes next. It is a growing commerce. The needs of that innumerable horde of people, when they get to needing what we have to give them, will increase more and more every year, for civilization creates wants which will extend enormously.

The Chinese Government has granted a concession to its own subjects to build a railroad from a city on the coast to Peking, over 1,000 miles, and a railroad is now being constructed from the north coast of the Empire to the boundary line between it and Russia.

Every indication of that kind tends to show that in the slow process of time—and events have always been slow to that people—great advantages are destined to come to the civilized world. Why, then, provoke antagonism? Why build up a wall higher and more impregnable than the Chinese wall was in the old time before the Tartar invasion?

Mr. President, no country in Europe has such legislation as that against which I speak. Deportations of peoples have not been unknown in history, but they have been infrequent. The Spaniards expelled the Moors from Spain. History has written her lines of reprobation over that atrocity, and Spain has never recovered from it to this day. The edict of Nantes was revoked, and the best and most industrious people in France fled from that kingdom and built up great industries in England; many of them came to South Carolina and formed some of the choicest blood in that State. Russia has expelled the Jews, and how the moral sentiment of the civilized world has risen against the deed! It has provoked the protest of the religious press, the indignation of every tolerant man, and it has unlocked the coffers of charity. The President of the United States saw fit to give to Congress in his message an expression of his disapproval, and he voiced the sentiment of this country. Yet all the time this was going on, we have been legislating and insisting with Pharisaical self-righteousness in regard to the Chinese precisely in the manner in which the autocrat of Russia has been proceeding against the Jews, and for which we reprobated him.

Upon the table of the Secretary lie the protests of some of the best elements of this country, and among them the protests of faculties of universities. We may say in a cynical way, "we shall not regard them; they are not minding their business; they would best attend to their own concerns;" but I tell you that there is a voice in this country which will not be stilled, but which will be heard. We can not afford, no party can afford—and I speak now from no party standpoint whatever—no party can afford to ignore or treat with silent contempt, or pass by such protests as these. That was tried in the days of slavery. It failed, and if public sentiment ever awakens upon this subject we shall not then attempt by these devices and tricks of legislation to accomplish that indirectly which we would not dare to attempt directly.

Opposed as I am to Chinese immigration, wishing to see this evil remedied, let me call attention to another fact.

What is this Mongolian horde that will overrun this country like the hordes of Ghengis Khan? The United States has 65,000,000 people. How many Chinese are there in the United States? One hundred and six thousand according to the last census. There is not a thousand difference between the number who were here in 1890, according to the census, and the number here in 1880. In 1880 the Chinese population of San Francisco was 25,000 in round numbers; in 1890, it was 21,000—a falling off of 4,000. By natural processes this matter is being settled.

Mr. President, I have taken more time than I intended, but the subject is one of large proportions and of infinite complexity the more it is considered.

This is a very small part of the case in opposition to the system of legislation now protested against. Much more might be said of it. Opposed as I am to Chinese immigration, wishing to see the contact of that people with ours cease as soon as possible, I do desire to see expelled from our statute books this flagitious and ferocious legislation which it is proposed to continue and make more efficacious by the amendment to the act of 1892, now under consideration.

Mr. WHITE of California. Mr. President, I will state that I desire to address the Senate quite briefly upon the pending bill,

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and if there is any other Senator who desires to speak I shall yield to him. I scarcely desire to speak twice, and I propose when I make my remarks to answer such objections as may be m do. I think the Senator from Florida [Mr. Call.] desired to address the Senate upon the subject.

Mr. CALL. Mr. President, it was my purpose to submit a few brief observations to the Senate upon this bill which proposes to amend the act of 1892, which has been reported from the Committee on Foreign Relations.

I have always opposed legislation against the Chinese in the form and manner which it has been proposed. Certainly it may be said that every community has a right to protect itself against

be said that every community has a right to protect itself against any class of people who have not acquired a right of residence amongst them. Whatever may be the motives which actuate a community, the right of self-preservation demands that they shall exclude from their midst those who, not being citizens, not belonging to that community, have not the same rights of residence there. In that sense the people of California or of any other State would have a right to protect themselves, in accordance with the constitutional obligations imposed upon them.

Therefore, in our relations with the Chinese Government, in my judgment, the treaty provision should be so made that a community might be exempted from the obligation of receiving the Chinese or any other class of people; but that the relations of a great country with another and a most important portion of the population of the globe should be regulated entirely by the consideration that particular localities and small portions of the entire population of the country, and a very limited part of its public interest, its commercial interests should be the controlling element in establishing the relations of one country with another important commercial country is a proposition which can not be maintained. Nor can it be, in my judgment, logically and properly defended that six to seven hundred millions of the people of the globe are so demoralized in character, so destitute of virtue and of the characteristies which belong to the improvement of mankind, as to be unworthy of relations, social, political, literary, and commercial with other parts of the globe.

To suppose that the people of Caina, constituting a vast portion of the population of the globe, antedating in civilization every other people, antedating, not by years, but by decades of years, and not by decades of years, but by decades of centuries, every other people, have not within them and within their civil polity and their commercial relations and their industrial relations, something which is cap ble of improvement, something from which we can derive advantage—a people from whom we have learned every art, every science; who have taught us in agriculture the cultivation and the origin of many of those fruits and vegetables upon which we now find our subsistence—to suppose that the relations of this country with that vast population are to be decided upon the proposition that a hundred or two hundred thousand Chinese who have come to this country have brought with them vicious habits and propensities, have introduced alow order of vice, and that contamination must result to every community from them, is an entirely illogical proposition which can not be true.

The Creator is not at fault that He should have created this vast portion of the human race as we decide in these arguments and propositions. Mr. President, there is no foundation in the assertion of this proposition.

Admit it as a fact that these people who have come over here have been vicious, that they have introduced vice, is that a reason why we should have no proper commercial relations with 700,000,000 people—for the population of China is variously estimated at from 350,000,000 to 700,000,000? Do we not know that there must be some great principle of life in a vast population of this character, adhering together for hundreds upon hundreds of years, and containing within themselves the original propositions and principles of almost every invention and every industrial improvement and science?

But, Mr. President, I acquiesce in the proposition that there may be an excess of population in any particular locality; that there may be an excess of labor; and that the community where it exists should be protected from it. I admit that the Chinese are not a people similar to ourselves any more than the African race who were brought over here and have been amongst us for many years. The physical differences between them are no greater, and yet we should not be willing to introduce from Africa or from China a vast population of this kind to intermix with our own.

Admit that to be true, and admit it to be true that we should establish such treaty arrangements as will prevent that result. is there any need in p oviding under the Constitution of the United States that we should make a treaty with China by which such classes of Chinese should be permitted to come to the United States, in such numbers and under such restrictions as might be proper, but not be permitted, under this treaty regu-

lation, to reside in the State which objected to their residence and whose laws forbade at? The Constitution of the United States, in providing that up to a certain period of time the migration of persons admitted by any State should not be prohibited, asserts by clear implication that after that period o time the State may admit or prohibit, if Congress does not forbid it, the migration or immigration of such persons into their midst as they see fit.

So the Constitution is clear that a treaty may be made with China by which the State of California would be entirely protected from the immigration of any Chinese for residence or any other purpose. A treaty might be made by which the Chinese inhabitants of California might be deported under proper conditions and with proper reservations as to their rights. I take it that the Chinese Government would not make objection to a reasonable provision protecting the rights of Chinese residents here; but everywhere, since I have been here, and this legislation has been proposed and enacted, the most severe and proscriptive provisions have been inserted in these treaties in relation to the Chinese upon the assumption that they were utterly unfit for any kind of relation or any kind of contact with our people, that they serve no useful industrial purpose, that they undermine the existing labor and pursuits and industries of our people, that they have attained a degree of economy in 1 bor and subsistence which enables them to take the place of all our people.

Mr. President, I do not entertain any of these ideas. I believe if there is anything in government, it ought to be sufficient to correct the vices of people; if there be anything in the power of legislation, it ought to be sufficient to represe those vicious practices in California and elsewhere; and I think the int oduction of this kind of labor devoted to proper purposes, limited by treaty regulation, with these Chinese admitted under some provision by which they could be identified in pursuits which are needed in this country, might be very useful. I see the vast region of the Mississippi River, which needs to be leveed, which needs to be protected from the floods which come every year: I perceive the vast waste of rich fields in the Southern States left uncultivated; I can see additional means of transportation needed throughout this whole country.

portation needed throughout this whole country.

Why, in our enactments, should not some view be had to these necessities? Why should we not in our treaty regulations with China consider that there may be means provided which are neither harsh nor un ust nor cruel, by which the migration from that country to this might be regulated, limited, and prohibited at times if necessary? I can see a reason why not.

at times if necessary? I can see no reason why not.

If these Chinese are so prolific and they so overflow our country, and are so ingenious that they find their entrance into our country, it seems to me they might be utilized.

The economies of a country must be based upon some permanent and established foundation. As I said before, it is true that there may be an excess of 1 bor, there may be an excess of population in particular localities, and to that end and for the country it will be wise to legislate for the prevention of the one and for the removal of the other; but you can not establish an economy of industry, of legislation, of policy upon that which may be and must be a mere local and isolated fact or condition. The public economies of industry demand that wherever labor can be employed and made efficient it is a beneficent contribution to the human race. A proper division of labor in every country must result to the advantage of the country; and there are employments for labor in our own country without interfering with the great mass of American labor, which, wisely directed, would make use of a large portion of the immigration which would

naturally come here.

But these are considerations foreign to the pending bill. The law which has been passed in reference to the Chinese was, in my opinion, a violation of our treaty obligations; it was in violation of all the principles of our jurisprudence; it denied a fair trial and it plue of the liberty of these people in the hunds of any and every individual who should occupy some subordinate executive position. It permit ed a collector of customs to say that a man was a Chinaman and to turn him back from the ports of our country, without inquiry, in defiance of whatever the fact might be. In all those respects it was a violation of our solemn treaty obligations and a violation of the established course of jurisprudence in all civilized countries.

But what then? We have now an amendment reported here. For what purpose? To relieve a specific difficulty, a difficulty of which the Chinese Government complains, a difficulty which embarrasses the Administration.

I desire to say here, for one, that I take no part in the criticisms upon the Executive and upon his Administration. I expect it to be a distinguished Administration, and that it will yield to this country the relief which is demanded upon various subjects requiring reform and change. I do not agree with the Senator

from Nevada [Mr. STEWART] in the estimate which he has put upon the Executive. I think the President is a great and distinguished leader of thought, and that he will concur in the wise economies which may be decided upon by a majority of the American people: but to enable the Administration to conduct the foreign relations of this country, we must aid it by such amendment of the laws as will be satisfactory and at the same

The Chinese Government complain of these harsh features. They assert their willingness to cooperate with this Government in carrying out whatever policy may be adopted by the American people; but they ask that it shall be done with due regard to diplomatic forms, to established principles of international jurisprudence, with a proper respect for them, and with proper kindness to their subjects. That is a reasonable demand. The law as itstands does not afford to them the protection which it ought. The law viol test he treaty obligations which have been made with China. The pending amendment proposes in a small degree to remove that. It proposes to allow an extension of six months' time to comply with the hard, arbitrary, and harsh features of the old law.

For myself I should prefer the amendment proposed by the Senator from Massachusetts [Mr. HOAR]. I should prefer to have an entire change in the cnaracter and nature of those provisions; I should prefer negotiations made anew with the Government of China to carry out the established will of the American people in these respects with moderation, with fairness, with justice, with a consideration for the antiquity, the civilization, and the future development of this large portion of the human race.

I concur in the criticisms which have been made on our former legislation in this regard; but what shall we do? Shall we stand here and allow this greatevil to continue—the continued deportation of these people for the nonexecution of the law which would be unsatisfactory to all? Therefore I acquiesce in the amendment and shall give to it my support; but I desire in my place in the Senate to say, as I have said before, that, whenever an opportunity is afforded to me, I shall give my vote for a change in the

character of this legislation.

I am in favor of the widest and broadest commercial relations with China. Here we have a great interest which we have been discussing for years; we have mines of silver, we have great mineral productions, we have a commerce which may be widely extended with this great population of from three hundred and fifty to six or seven hundred million people, as the case may be. Shall we disregard the uses which may be made of these great commercial incrests to our advantage? When great contentions upon the questions of currency, finance, and silver are being conducted, there is a market worthy of our consideration. Shall we ignore the fact and treat these people so as to cut off our commercial relations with them or so as to give to other nations the advantage of them.

It seems to me there is no force in the argument that the question of the in luence of a few hundred thousand Chinese in particular localities of our country shall determine the great question of our commerce al relations with six or seven hundred million people who unquestionably are great producers and great consumers, and who constitute a great factor in the commercial relations of the whole world.

For that reason, while I shall support this amendment, for myself I protest against the conclusions which are presented here, that on account of the vicious propensities of a small portion of this people, they are unfit for any relations with us.

Mr. WHITE. Mr. President, I shall detain the Senate but a

Mr. WHITE. Mr. President, I shall detain the Senate but a few moments with reference to the pending measure, as I deem it essential, if we desire to transact any business at all concerning it, that the matter should be brought to a head at once.

I have listened to all of the arguments made by the distinguished Senators who have addressed themselves to this bill, and I have heard many things regarding the Chinese which I never heard before. Perhaps this is because I know something about the race, while Senators who have furnished the information have never been brought in contact with those of whom they have treated.

A gentleman was once asked whether he had ever seen the Allegheny Mountains. He replied: "Why, sir: of course I have. Did not I work for the contractor who built them?" There are remarks made here with relation to the Chinese which give me the impression that Senators who have addressed us upon the subject, while acting innocently, have nevertheless committed themselves without full knowledge or correct advice.

themselves without full knowledge or correct advice.

I do not intend to describe the condition of the Chinese. This has been done here so often by those thoroughly competent for the task that I should deem it an intimation that Senators were unable to appreciate facts when presented plainly, if I endeavored to travel over the ground again.

It is admitted that the people of California have succeeded in obtaining a major portion of this undesirable element. The Chinese have come to us. We have them. We who are side by side with them, who move among them, who necessarily learn something about them, are told by Senators who have had no such opportunity, who view them from afar, that they constitute an immigration that is rather valuable, and that after all they are a desirable people to cultivate.

In Harper's Weekly, of date July 23, and in another number of the same weekly dated July 30, 1870, I find illustrations accompanied by an article in which we are informed that a certain gentieman, Mr. Sampson, residing in North Adams, Mass., who was conducting a boot and shoe business in that enterprising locality, found himself unable, or at least unwilling, to pay to his white employes the sums which they demanded: he accordingly sent an agent to California and imported a number of Chinese operatives.

The pictures to which I allude illustrate the Mongolians at work in a Massachusetts shoe shop. But, Mr. President, it turned out in a very few days that there was a commotion in that good old Commonwealth, and the Chinamen who had been thus imported found it well to leave at a speed much greater than that displayed at the time of their advent.

than that displayed at the time of their advent.

Hence, I may be permitted to remark that unless there has been a change of opinion the gentlemen who regard the Chinamen as advantageous for California do not regard them as very desirable for themselves.

In the city of San Francisco there are congregated an immense number of Chinese. The Senator from Minnesota [Mr. Davis], who so ably and eloquently championed their cause here, has stated that he has witnessed transactions or sights in that locality of a horrible character. Indeed no one can visit the place without being made aware that a Chinaman differs from any one ever before brought within the scope of his observation.

The Senator also referred to the circumstance that Chinamen send their countrymen's bones to Asia, thus indicating, I suppose, a belief that this country is scurcely good enough to hold the relicts. No special objection is made to the deport tion of Chinamen's bones, but the people of California prefir that the Chinaman should go to China before he has reached a state where it is in possible to transport more than a portion of his being.

is inpossible to transport more than a portion of his being.

In this connection, and as illustrative of Chinese habits, I might mention the fact that some years ago an officer was walking upon his beat on Dapont street. San Francisco, when he detected a peculiar odor permeating the atmosphere. While he was tolerably familiar with the flavor of the effluvia of Chinatown, as he had been in the habit of taking care of that somewhat singular locality, yet there was something unusual about this, something differing from the ordinary. He procured on of his associates to accompany him, and entering an adjacent Chinese dwelling and, passing three or four stories underground, they came to a room beneath the sidewalk wherein the air was

unendurably corrupt.

There they found a great caldron in which there were bodies of deceased Chinamen, and these were being boiled for the purpose of extracting the bones for shipment. The chef who seemed to preside over the operation smiled as the officers entered, and explained to them quite fully that this was by far the most approved method of preparing the proposed consignment. Of course the institution was suppressed as a nuisance.

Mr. President, Senators have probably heard of highbinders. A highbinder, as we understand the matter, is an individual whose business it is to murder for hire. Commotions in Chinese society caused by highbinder warfare are not infrequent. Such a contest simply means that conflicting associations of those whose business is assassination have determined to settle in blood issues arising as the result of their nefarious trade. In San Franciscoit is common knowledge that the highbinder executes the edicts and commands of his employer. A highbinder is occasionally caught after he has killed some one, and upon conviction is hanged. His shirt of mail, suspended as a trophy in the police department, indicates that he was an individual of considerable enterprise and that he possessed the inventive genius which is so greatly admired by his American advocates.

We have sought to deal with the Chinese in a humane manner. We have done our best to shield them from violence. Charges to the contrary are baseless; and while we have been criticised because of our attitude towards the Chinese, the fact remains that they prefer to stay in California rather than to go anywhere else. With all our faults they enjoy residence with us. They have no confidence that they will be well and profitably received in the bosoms of those who loudly demand unrestricted immigration and who appear to consult Chinese convenience rather than the interests of our own race.

Mr. President, it has been said that the legislation proposed here is peculiar. So it is peculiar, because it deals with a peculiar subject and a peculiar people. It deals with a race differing from all others in essential particulars. The Senator from Minnesota eloquently referred to the antiquity of the Chinese Empire and spoke of its ancient greatness. He prophesied that it will stand when existing empires, republics, and dynasties have passed from the earth. Perhaps this may prove true; but the Chinese Empire of to-day is not a model of progression. On the contrary, it presents the worst features of modern society. It is incapable of absorbing knowledge and oblivious to the demands of enlightenment. enlightenment.

Born in a State where Chinamen have been from the time of the organization of the government; witnessing them and their conduct as a boy, as a man, in a professional and in other capacities, I am thoroughly familiar with their habits, with their capabilities, and their moral status. When Senators condemn this bill because it discredits the Chinaman as a witness, they forget that such a rule merely recognizes the existence of a characteristic, to disregard which would be to assert that it is impossible for this Government to maintain or enforce its laws. Never—and I say it unqualifiedly—never have I known a Chinaman whom I would believe under oath in a matter in which he was interested. Can that be said of any other class or of any other people? It is not for me to philosophize, to analyze the Chinese disposition, or to seek to draw from their history anything accounting for these deficiencies. I am speaking of things as they exist. This clause is essential to the efficiency of the measure.

So true is it, Mr. President, that a Chinaman can not be be-lieved on oath, that when to tell the truth in a court of justice would be beneficial to him it is often almost impossible to induce him to fully declare it because he does not believe that there can be any association of rectitude with his interests. Chinaman is presented before a judge or a jury, and there is no testimony explanatory of his declarations, it is often impossible to reach a satisfactory conclusion. It is generally difficult to discern which of two contesting Mongolians approaches to the truth. They have absolutely no conception of their duties in this regard

When acting in an official capacity upon a certain occasion I was called into court to attend to the public interest in a small case. A battery charge was involved. The prosecutor and the defendant were Chinamen. The former's face was discolored, showing evidence of injurious contact. He had been somewhat disfigured. He claimed that a member of another company, a was had. As prosecuting officer I introduced the complaining Chinaman and six other Chinese witnesses. The defendant's counsel asked each of them to which company he belonged, and each swore that he was a member of the company of the prosecuting witness. Then came the defendant and he introduced and the company of the prosecuting witness. six Chinese witnesses; each of whom was a member of the com-pany to which the defendant belonged, and each swore absolutely and positively that defendant was not present when the assault was said to have taken place, though the other seven witnesses had testified emphatically that defendant committed the battery.

I mention this as illustrating the proposition that a Chinaman will swear according to the interest and orders of his company. If there is litigation among Chinamen, and there are 75 Chinese witnesses upon one side and 75 Chinese witnesses upon the other side, upon investigation you will find that all the plaintiff's witnesses belong to one company and that all the defendant's witnesses recognize another company. Their habits and customs are not such as to make them either valuable or tolerable resi-

dents of any civilized community.

Upon another occasion I was called upon to prosecute a Chinaman for the murder of another Chinaman. I succeeded in procuring a conviction. The court believed that there had been an error in the trial, some misruling upon a question connected with the testimony, and a new trial was granted. When the time for the new trial approached I visited the China-

man representing the company to which the decedent had pertained, and told him that I desired the witnesses who had been present at the former trial to appear once more in court as witnesses. He shook his head and said that they could not be found. I said "Where are they?" He did not know. I pressed him,

and he advised me to dismiss the case. After considerable interrogation I arrived at this state of facts: The Chinaman who had been killed was a member of the company which the man with whom I was conversing represented, and the Chinaman who did the killing was a member of another company: and the two companies came together and appraised the dead Chinaman at \$1,000, and had passed the money and the receipts. fore the witnesses could no longer be found.

Is it for a class of people to whom this is an every-day and monotonous transaction that we are asked to sacrifice the wishes and the comfort of the citizens of the American Republic?

Mr. President, I am as charitable and kind-hearted, I trust, as any man who is within this Chamber or elsewhere. I would as quickly, I hope, as any one else put myself out to alleviate suffering and perform those duties which charity enjoins upon a But I am confronted with a situation that threatens Christian. ruin to my own people; and when I am called upon to choose between them and an alien race incapable of virtue and unappreciative of vice, then I stand by my own hearthstone and guard my own home.

Senators who know but little of these things say much to the senators who know but ittill of these things say much to the effect that we have been disregarding a treaty. Mr. President, the Chinese Government has never in good faith attempted to stand by its treaty. When it appeared to this Government and to the Congress of the United States that the treaty that had been adopted and ratified in 1880 needed revision, there was an effort made by us to accomplish such revision. As stated in the very able message of Mr. Cleveland, presented to this body when he was formerly President of the United States, this Government, through its commissioners, prepared a treaty which was acceptable to the Chinese minister here, and which every one supposed would be ratified. This proposed engagement was submitted to the Chinese Government, and there it rested for a period of about six months without any action whatever.

Our minister repeatedly and urgently called the attention of the Imperial Government to the pendency of that treaty, to the demand upon the part of the citizens of the United States that it should be acted on. No response whatever was given. Thereupon Mr. Cleveland signed the act of 1888 and sent to Congress the message to which I have referred upon another occasion.

To the Congress:

I have this day approved House bill No. 11,336, supplementary to an actentitled "An act to execute treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

It seems to me that some suggestions and recommendations may properly accompany my approval of this bill.

Its object is to more effectually accomplish by legislation the exclusion from this country of Chinese laborers.

The experiment of blending the social habits and mutual race idiosyncrasies of the Chinese laboring classes with those of the great body of the people of the United States has been proved by the experience of twenty years, and ever since the Burlingame treaty of 1868, to be in every sense unwise, impolitic, and injurious to both nations. With the lapse of time the necessity for its abandonment has grown in force, until those having in charge the government of the respective countries have resolved to modify and sufficiently abrogate all those features of prior conventional arrangements which permitted the coming of Chinese laborers to the United States.

In modification of prior conventions the treaty of November 17, 1880, was concluded, whereby, in the first article thereof, it was agreed that the United States should at will regulate, Himit, or suspend the coming of Chinese laborers to the United States, but not absolutely prohibit it; and under this article an act of Congress approved on May 6, 1882 (see volume 22, page 58, Statutes at Large), and amended July 5, 1884 (volume 23, page 115, Statutes at Large), and amended July 5, 1884 (volume 23, page 165, Statutes at Large), and are regulated the going and coming of Chinese laborers to the United States, and regulated the going and coming of such Chinese laborers as were at that time in the United States.

It was, however, soon made evident that the mercenary greed of the parties who were trading in the labor of this class of the Chinese population was proving too strong for the just execution of the law, and that the virnal defeat of the object and

defeat of the object and intent of both law and treaty was being fraiddlenly accomplished by false pretense and perjury, contrary to the expressed will of both Governments.

To such an extent has the successful violation of the treaty and the laws enacted for its execution progressed that the courts in the Pacific States have been for some time past overwhelmed by the examination of cases of Chines laborers who are charged with having entered our ports under frauduent certificates of return or seek to establish by perjury the claim of prior residence.

laborers who are charged with having entered our ports under fraudulent certificates of return or seek to establish by perjury the claim of prior residence.

Such demonstration of the inoperative and inefficient condition of the treaty and law has produced deep-seated and increasing discontent among the people of the United States, and especially with those resident on the Pacific coast. This has induced me to omit no effort to find an effectual remely for the evils complained of, and to answer the earnest popular demand for the absolute exclusion of Chinese laborers having objects and purposes unlike our own, and wholly disconnected with American citizenship.

Aided by the presence in this country of able and intelligent diplomatic and consular officers of the Chinese Government, and the representations made from time to time by our minister in China under the instructions of the Department of State, the actual condition of public sentiment and the status of affairs in the United States has been fully appreciated by that Government, and in August. 1886, our minister at Peking received from the Chinese foreign office a communication announcing that China, of her own accord, proposed to establish a system of strict and absolute prohibition of her laborer, under heavy penalties, from coming to the United States, and likewise to prohibit the return to the United States of any Chinese laborer who had at any time gone back to China. "in order" (in the words of the communication "that the Chinese laborers may gradually be reduced in number and causes of danger averted and lives preserved."

This view of the Chinese Government, so completely in harmony with that of the United States, was by my direction speedily formulated in a treaty draft between the two nations, embodying the propositions so presented by the Chinese foreign office.

The deliberations, frequent oral discussions, and correspondence on the general questions that ensued have been fully communicated by me to the Senate at the present session, and, as co

Being submitted for the advice and consent of the Senate, its confirmation, on the rib day of May least, was accompanied by two amendments, which that body infearited upon it was a companied by two amendments, which that body infearited upon it as the control of the control o

EXECUTIVE MANSION, October 1, 1889.

In that message the President tersely states ample reasons for the belief that China had absolutely refused to enter into any stipulation with us at att. She stood without action, inert and impassive, determined to do nothing that we wished her to do, de-

fiant and morose. It is true that a treaty is an obligation, binding at least in the forum of the national conscience; but it is not a fact that a nation is bound to stand by a treaty forever, and to see its own interests and the interests which it was organized to

conserve sacrificed upon the altar of sentimentality.

When China refused to reasonably modify this treaty; when her people, in violation of the terms of a preceding compact were constantly coming to this country, intruding upon shores upon which it was not lawful for them to tread. When Chinese offiwhich it was not lawful for them to tread. When Chinese offi-cials aided and abetted these transactions, then I assert the time had come when it was but justice to our own citizens to enact such laws as might be deemed adequate for our defense. this condition of affairs the statutes mentioned were passed-

lawfully, justly, and properly.

No doubt exists of the power of the Congress of the United States to legislate notwithstanding a treaty. It is true that the power should be rarely exercised. It is a fact, Mr. President, that we should under all circumstances endeavor to adhere to the engagements which we may have made. But there are times, as every writer upon such subjects concedes, when a nation is justified in paying no further attention to a treaty. One of these occasions, recognized by all authorities upon international law, is disclosed when one party violates the terms of a treaty. behavior warrants the other party in regarding the contract terminated.

The principal object of the legislation which is now sought to be enacted here, and of the legislation which we have heretofore adopted, has been to prevent the coming to this country of the Chinamen whom China herself admitted should not be per-mitted among us, but who have been allowed to come by China spite of the solemn obligations into which that nation entered. This violation of treaty stipulations by China was long anterior to the legislation of 1888, was provocative of that legislation, and made that necessary.

Therefore, Mr. President, this Government stands absolutely acquitted of the accusations made against it. It is not with good grace that these charges should be made upon this floor by Senators who themselves have participated in the enactment of the legislation which they now denounce. If Senators have done nothing worse and nothing which will more subject them to crittieism than that which they performed in voting for the legisla-tion sought by the people of the Pacific coast, they will never have occasion for sorrow or pain.

This act, Mr. President, as I have said, is justifiable where it demands testimony other than Chinese; with reference to the burden of proof it is also justifiable. It is a familiar principle that the party who has in his possession the best evidence must produce it upon demand. A Chinaman defends himself by say-ing: "You can not deport me because I have a good excuse for nonregistration." If so, he must establish that fact. It is impossible for this Government to prove the contrary at the outset. If every Chinaman in California is presumed to have registered, or if he concedes that he did not register, if he is presumed to have a good excuse for nonregistration it will be impossible for the Government ever to make a case for deportation against a Chinaman.

If, in defiance of the opinion of the Supreme Court of the If, in defiance of the opinion of the Supreme Court of the United States, you treat this as penal legislation, if you declare that it is in effect the enactment of a penal statute, and that the Chinaman is entitled to the presumption of innocence so called as to each and every proposition necessary to be established in order to justify his deportation, then he must be presumed to be a person exempt from liability to deportation, and this presumption can not be reputted no matter whet the previte many her

tion can not be rebutted no matter what the merits may be.
When once the certificate provided for by this statute has
been given to a Chinaman he has in his pocket the very best evidence that he can have and the best evidence that exists of his right to be in the country, and he can readily supply it. There is no disgrace in the photograph requirement of this

bill. Is it a disgrace to have our photographs taken? Have not Senators at some time in their lives been proud and happy when asked for a photograph? Is it not a fact that some candidates for office occasionally send photographs about for the purpose of exhibiting their features? Is it not true throughout all the avenues of business, over which to-day travel the most enter-prising and energetic of our people, that the photograph is used by the man who wishes to make himself known?

In our daily transactions we subject ourselves to personal descriptions. I have in my pocket a railroad ticket which I bought in Los Angeles for the round trip from that city to Washington, and thence to California, and upon which ticket, by means of certain designations made by punching the ticket, I am described. I never thought of saying to the railroad corporation selling the ticket that it had no authority to so punch the same as to indicate whether I am tall or short, stout or otherwise; whether I am old or young, whether I have gray or black hair, or whether my

head is bald. Yet they took that liberty with me, and I did not feel offended; and the Chinaman, whose tender heart seems to appeal with such effect to Senators here, is the last man on earth to be insulted because he is asked to sign his name and have his personal appearance taken down.

I have spoken to many Chinamen with reference to this registration, and they have uniformly told me that they were willing to register but that their leaders had informed them or advised them not to do so. By their leaders, they refer to the Six Companies—those wonderful organizations whose exact constitution is unknown, as far as I am aware, to any of us. To-day the Chinamen in California are, in my opinion, anxious for any opportunity to register under the provisions of this bill. They do not detect any hardship.

Primarily my disposition was to oppose the granting of any extension whatever; I believed that when the Congress of the United States had enacted a measure which was approved by the Executive, and when the supreme tribunal, whose organization fitted it for a final adjudication of the issue, have held that that legislation was valid and constitutional, it should have been enforced; but I found that the temper and desires of the majority of the American people were in favor of an extension, and I have not therefore hesitated to come here and to advocate the adoption of this bill.

I doubt whether in the second section the definition of the word "laborer" is as broad as it should be. I would rather define laborer as meaning all those who are not expressly permitted to land I would rather, perhaps, amend the bill for the purpose of perfecting it in one or two respects, but I am satisfied that in these last hours of the session there is nothing to do but to pass it as it has come here.

There is a provision that the parties may go before a United States judge, and it is my opinion that there should have been added "the judge of a Territory," it having been held by the Supreme Court of the United States in the case of the United States vs. McAllister, 141 U. S., that a judge of a Territory is not a United States judge, but we shall probably be able to supplement that later on if necessity arises. Hence I have presented no amendment.

While I thoroughly agree with the Senator from Washington [Mr. Squire] that there should be an appropriation to carry out the provisions of this act, yet I do not believe it advisable to submit that amendment now, for the reason assigned with reference to the other amendments. Therefore I shall vote for the bill set at and a

Let me say to those who for whatsoever reason see fit to stand here as the advocates of those people, against whom the citizens of the State of California, regardless of party and with astounding unanimity, protest that if they defeat this bill they lead the matter standing in that State thus: To-day Chinamen are in hiding, they are in the willow patches, the marshes, and in the hills seeking to avoid the enforcement of the law which is still in effect, and if those who feel friendly disposed toward the Chinese desired to do something to relieve their present condition let me remind them, in all earnestness and with the utmost sincerity, that they should at once desist from their efforts to repeal the wise legislation upon this subject heretofore passed. The enactment now desired is an extraordinarily liberal measure. When 100,000, perhaps 200,000, members of an alien race, permitted to be within the confines of this Republic, defy our laws and boldly announce that they will not obey the statute, I think they should be well satisfied if this Government permits them an opportunity to do that which they should have done long ago.

Senators speak of the imprisonment of these Chinamen. How can a man be deported unless there is some harshness used with reference to him? The necessity of his deportation being settled by the Government, and the power conceded and affirmed by the highest tribunal which may pass upon it, there remains nothing for the Government to do but to execute its well-considered edict, and in executing it, in deporting him, if the Chinaman will not go of his own motion, if he must be compelled to go, it may be that the maxim molliter manus imposmit should apply to him, but there must be some force used, as little as may be, but he must be taken; the marshal must not be required to keep him in his parlor, but when once sentenced, when once ordered deported, then the day of grace has passed and there is nothing

"But you deny the right of habeas corpus," says somebody.
Where do we deny it? There is no appeal, says another. Is there anything wonderful with reference to the denial of an appeal? In some tribunal must be lodged the power to finally adjudicate every question. It is of no moment, constitutionally considered, whether in such a case as this the ultimate power is vested in a judge of the United States district court or the Supreme Court of the United States. In each case it is within the power of Congress, and if each one of these Chinamen were

given an opportunity to enable the Supreme Court of the United States to pass upon a simple question of fact there would arise the necessity of creating a thousand tribunals with the result that the legislation could not be enforced.

Senators speak of the danger of men being deported who should not be. What tribunal more safe than that over which a United States judge presides? If we eliminate the court, and refer to it the judge alone, nevertheless he is the same conscientious officer in whatever part of this Republic he may be. He has been selected by the President of the United States and his nomination confirmed by the Senate of the United States. The judge of a United States court has been made the arbiter with the full knowledge upon the part of Congress that in no other hands can the authority be more safely lodged; and when once a Chinaman is found unregistered, whose duty it was to register under the provisions of the act, he is subject to be deported. Then why, let me ask, should there be any further steps, any further delay, any appeal bonds, or why permit the release of one admittedly not entitled to be at large within the United States?

let me ask, should there be any further steps, any further delay, any appeal bonds, or why permit the release of one admittedly not entitled to be at large within the United States?

Some one has said an American, a white man, might be arrested under this law. Mr. President, yes, it may be that an officer of the law might take a white man and bring him before a United States judge and that the United States judge might decide him to be a Chinaman. But are we to suppose that our tribunals have become so incompetent, so foolish, so corrupt? Are we to indulge in a presumption against the officers of our Government, in whom we have ourselves lodged this power? Are we to assume that they are incapable of exercising their authority, either reasonably or honestly? There is no danger, Senators, of the abuse of power in this case. No such instance has ever arisen or will arise.

There is no disposition upon the part of the people of the State of California to misuse authority, or to ill treat Chinamen, or to do anything else than to live within the pale of the law. The people of California appealed to Congress, and not in vain, for the enactment of the measure to which this is an amendment. It was not their fault that the trouble was not settled, but it was because of the turpitude of those whose obligation it was to register; and now that they manifest a disposition to register, and while we accord them the privilege—and whether they demand it or not, it is e-rtainly a gratuity on our part—let us not he situte to incorporate in the enactment such provisions which will make it efficacious and final.

No hardship will be done. The Chinese will seek and be sought by the officers whose duty it is to register them, and they will register, placing their names and their photographs of record. No better credentials can the Chinese have to defend their right to stay within this country than the photograph and the certificate. These will constitute their protection. It will guard their interests as well as the interests of the people.

We know, notwithstanding the legislation which has been had here, that, although thousands of Chinamen have gone home, yet that population has not been reduced, and we appreciate, therefore, that the failure to reduce it under such circumstances is due necessarily to the coming into this country of Chinese who have no right whatever to be here.

The Senator from Minnesota [Mr. DAVIS] alluded to the language of the act signifying that certain Chinamen are entitled to be here, and he spoke harshly of the additional burdens imposed upon them. Shall an alien within the United States refuse to register, to give us his name if we see fit to ask it of him? Is it undue severity to solicit him to put his name of record where it may be useful to us and of benefit to him? Is there any outrage committed when going to the Republic of France the visitor finds that he must record his name? Is there anything outrageous in carrying a passport and having it inspected? Is there anything vicious in legislation which demands that when a reasonable provision is made with reference to aliens in this country that that provision shall be enforced?

This is not legislation in any manner like that to which Senators have alluded. The Jews of Russia have been expelled by an imperial order without any reference to their rights or any opportunity to perform any rational requirement giving them the privilege of remaining. The revocation of the edict of Nantes, mentioned by the Senator from Minnesota, and kindred harsh assertions of power were all peremptory mandates, unconditional and unreasonable orders inhibiting the presence of the hated individual and demanding his summary expulsion. But this nation has done no parallel act.

I am astonished that in this Chamber a Senator should rise and declare that we have enacted a law in any manner similar to those commented upon. Such statements are wholly unsupported. The power which we have invoked is the power of sovereignity. The Republic, within its own confines, guarding the welfare of hor people and discharging that trust freesived from them, and which must be well and perfectly discharged if she shall live

and command the respect of man, has simply exacted of these people to do something involving no expense, but little trouble, and no disgrace. This demand of the sovereign tolerating their presence is refused and they declare they will not comply. Then, this Government, whose laws have been repudiated and whose authority has been challenged, merely says to those who have thus defied her, "No penalty shall be indicted upon you as the consequence of your willful transgressions, except this, if you will not obey my laws you shall not live within the reach of their jurisdiction." Surely no nation can be asked to harbor those who boldly refuse to acquiesce in reasonable regulations; and no nation can be called unjust if it demands that those who so refuse shall be driven without its walls. This is all that we attempt to do. How wanton, then, are the attacks made upon the friends of this

How wanton, then, are the attacks made upon the friends of this legislation.

I know an appeal has been made to us by well-meaning and charitable and honest people, representing a portion of the Christian community of this country. But these good folks do not understand the subject. Some time ago the Senator from Oregon [Mr. Dolph] very well expressed the situation of these ladies and gentlemen, and explained their want of knowledge. I wish the light of Christianity might nenetrate the Chinese beauty and are light of Christianity might penetrate the Chinese heart and control their actions, and dictate to them the proper policy to pursue, the mode of life to follow. But in spite of all that has been said to the contrary, the efforts of our missionaries have not been a success. Of the one hundred thousand Chinamen who dwell in this country, amidst our churches and our Christain influence, and our goodness, and our piety, how many are really

Christians: Some of them go to Sunday-school, and their presence there was well explained by a Chinese interpreter with whom I was once acquainted. He came to my office and said, "I can not act longer for you or the county" (I was then a prosecuting officer, and had used him as an interpreter), "because I am going to China." "Well." I said, "Jim. will you return." He said, "No." Iremarked, "You are a Christian, are you not? I know you are a member of the the Rev. Mr. So-and-So's Sunday-school." He said, "Oh, yes: I am a Christian here." "Well," school." He said, "Oh, yes: I am a Christian here." "Well," I said, "when you get back to China, will you not be a Christian there?" "Oh, no," he responded, "you know there are not many Christians in China, but this is a Christian country, and I like to do everything here that the Christians do. I am a Christian here, but when I go back to China, of course, I shall be the same as the Chinese are there." So that his theory was that religion was a kind of state institution, which it was his duty as rather a good-natured man to follow while he was here, and especially, in consideration of observing it, he was able to get an education, enabling him to speak the English language.

ducation, enabling him to speak the English language.

In all my experience, as I have said—and I have had a good deal of it—I have never been able to find a solitary Chinaman who, in my opinion, was a bona fide Christian.

When journeying here the other day from the city of Los Angeles I met a very estimable gentleman from Massachusetts, a member of the Episcopal Church, and he told me that he had gone to school in New England many years ago with a bright young Chinaman, who had been graduated and who remained in this country and studied law for some years, and was a member this country and studied law for some years, and was a member of a Christian denomination. He went to church here very regularly. The gentleman with whom I was conversing said he heard from the Chinese student soon after his arrival in China; that there he withdrew his claim to Christianity and resumed his ancient practices and donned his antediluvian garb. the reason may be I do not pretend to state. My trust is that at some date the Almighty will enlighten these people, but I do some date the Almighty will enlighten these people, but I do not wish that my life and the lives of those whom I am here to represent shall pass away waiting, waiting, waiting for Divine interposition to make possible that policy which is advocated by the opponents of this bill. I have faith that the change will come, but I do not desire that my fellow-citizens shall be offered up as sacrifices, and unwilling ones at that, while we are pausing for the accomplishment of a miracle. It is our plain duty to leavisly a upon matters as they stand.

legislate upon matters as they stand.

I do not regard as sufficient to control our action the glowing protests of those gentlemen who, standing upon a lofty pedestal and free from the presence of the Chinese curse and speaking of the rights of man, seek to instruct California as to the propriety of her conduct. If I could present some of these distinguished gentlemen and their constituents with twenty-five or fifty thousand Chinamen, I would fold my cloak and watch with confidence that, so far as they are concerned, the problem would soon be solved, and that among them I would find my most enthusiastic allies. There is evidently a want of education upon this topic.

This is not a party question in California, or the suggestion of any clique, of any creed, or of any class of men. It is the universal judgment of an intelligent people. One hundred and fifty-four thousand votes against eight hundred upon a secret

ballot constitute an expression the like of which can not be rewith this before us, with the knowledge which we of the coast

ss, we, the representatives of that section, appeal to the Senate and to Congress, to those who occupy a common vantage ground, we appeal to them to do that justice which we should do if we were in their position; to treat us as brethren entitled to

their active cooperation in our struggle of self-defense.

Senators refer to the possible conduct of China in relation to our missionaries. She will not, Mr. President, take any course our missionaries. She will not, Mr. Fresident, take any course differing from that already adopted because of this measure. I am willing, speaking for myself, that she should ask our missionaries in China to register and present their photographs. What an outrage would thus be perpetrated on the missionary who has gone forth prepared to die, ready to be tied to the stake or sliced by the well-known Chinese slicing process? Would he not be willing to stipulate that in lieu of the dangers which he supposed he wight meet he should be called upon to sign his supposed he might meet, he should be called upon to sign his

name and give a photograph?
We hear that there is danger that China may retaliate, and we are told "Do unto others as you would have others do unto you." Yes, Mr. President, let China require every American within her walls to register and present his photograph, and I do not believe one will be found to object. Our missionaries will not defy the law of China, and China will, in that event, have done to them just as we are doing to her subjects, and no American will be silly enough to protest against the regulation.

Mr. DOLPH. Will the Senator allow me to ask him if it is

not true that every American citizen in China is compelled to

not true that every American citizen in China is compelled to register in some manner?

Mr. WHITE of California. Undoubtedly.

Mr. DOLPH. And are not American citizens obliged to take out some evidence of their right to stay there?

Mr. WHITE of California. I understand so; but I am speaking of the special provisions of the pending bill. My understanding is, though I am not prepared to give the terms of the order, that much more stringent measures are enforced in China than here

in that regard.

The Chinamen at the World's Fair, one of whose certificates I have in my pocket, have not found it very difficult to register and present their photographs. I hold in my hand Mr. Wee Hay's card and his photograph and the various tickets appended thereto. He is an actor, a professional man, and he has not objected to furnishing his photograph so far as I have heard. In fact there is not, as I said before, a single Chinamen in the State

of California who on personal grounds objects to this proposition.

Mr. President, I shall not detain the Senate further. I have made these remarks because it has seemed to me that opposing Senators have not presented this question upon its real merits, and that they have misconceived the attitude of California and of the inhabitants of that State. It appears to me that if Senators resided on the Pacific coast for even a brief period their sentiments would be identical with those of their own flesh and blood who, brought into immediate contact with this repellant influence, have made the demands which I am attempting to enforce. The legislation proposed is wise, necessary, just. The criticisms which I have sought to answer are the outcome of a total misapprehension of the matter, and the disasters suggested will prove entirely imaginative.

will prove entirely imaginative.

Mr. CALL, Mr. President, I do not wish to make any speech.

I merely wish to make an explanatory remark. I wish to say for myself that I am perfectly willing to vote for a law which will allow the State of California to prohibit any Chinamen from living in the State and deporting every one of those there, with reasonable limitations as to the protection of property and the light of power. rights of person.

Mr. WHITE of California. Does the Senator think that can

be done now? Mr. CALL.

I do. Mr. WHITE of California. I am afraid it would not stand.

We have tried that.

Mr. CALL. I wish to read section 9 of Article I of the Constitution of the United States, which provides as follows:

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808.

That clearly recognizes the authority of Congress to prohibit the migration or importation of persons admitted by the States after that period of time. It also recognizes, with equal clearness, the power of the States after that time to permit the mi-gration or prohibit it, Congress not exercising its power. Why can not the State of California, if it is so anxious to prohibit any Chinaman from ever landing upon her soil, procure an enactment by Congress allowing the State of California to prohibit the migration of persons into that State? That clause of the Constitution clearly recognizes the power. Why can they not

ask for a treaty with China which shall permit Chinamen of certain classes to come here, but not to enter into the States prohibiting their immigration or residence? I can see no reason

My principal object in rising, however, was to say that, in my judgment, this is not a question which concerns California alone. It is perfectly feasible that California shall protect herself entirely from Chinese immigration and residence here, as I have shown, but it is to be considered, not that these 350,000,000 people, or perhaps five or six hundred million people, shall be judged in regard to their entire character by a few thousand vicious people of that country in the city of San Francisco, and their whole past and future history condemned because less than fifty thousand people in the State of California, or anywhere else, exhibit vices of the most abandoned and depraved nature.

I wish to ask that an extract from a book written by George F. Seward, late United States minister to China, on the subject of Chinese character may be incorporated in my remarks. The extract referred to is as follows:

Henevolence and good faith, which are quite subordinate in the heathen systems of the West, in that of China, are each promoted to the leadership of a grand division. In fact, the whole tone of Chinese morals, as exhibited in the names and order of their cardinal virtues, is quite consonant with the spirit of Christianity. Benevolence leads the way in prompting to positive efforts for the good of others; justice follows to regulate its actions; wisdom sheds her light over both; good faith imparts the stability necessary to success; politeness, or a sense of propriety, by bringing the whole conduct into harmony with the fitness of things, completes the radiant circle.

In the year 1800 the whole population of the State was 379,994. That of the Chinese was 34,933.

The Chinese population then was something less than 1 in 10, while their part of the whole number of criminals was about 1 in 18.

In the year 1870-71 the whole number of prisoners was 860, including of the Chinese 118.

In 1870 the population was 560,247, including of the Chinese 49,310. Their proportion of population was then about 1 in 11, and of criminals about 1 in $7\frac{1}{2}$.

Their proportion of population was then about 1 in 11, and of criminals about 1 in 73.

Taking the table of the State's insane asylum, we find that in 1860 there were 7 Chinese inmates out of 248, and in 1870, 13 out of 562. The difference in the percentage in this direction is so great as to occasion surprise, more particularly when one remembers that the absence of women among the Chinese has a direct and positive tendency to increase forms of vice which occasion insanity.

With one further citation I shall close this chapter. Mr. Edward J. Armstrong testified that he had examined the records of the district court of the fourth district of California, at San Francisco, and that the total number of cases in that court, up to date, had been 28,824. Out of this great mass of trials he found that there were twenty-nine actions in which the Chinese were defendants, in which they were sued for breach of contract, or debt, or on promissory notes; for the foreclosure of a mortgage, one; damages for assault, one; and for malpractice there were two.

Mr. Cready

Mr. GRAY. Mr. President, I do not rise to add a word to what has been said upon this question, but to express the wish that, in view of the exigency which seems to me and to many of us to be upon the Government of the United States in dealing with these people, that we may now have a vote. I want, as one who agrees with much which has been said on this subject by the Senator from Minnesota [Mr. DAVIS], to have this bill passed in order that those unfortunate persons of the Chinese race in-carcerated in San Francisco may be relieved from pains and confinement, and that thousands of others may be prevented.

Mr. SQUIRE. Mr. President, on reflection, after listening to the statements of the Senators from California, not only those expressed on the floor of the Senate but in private conversation, feeling it to be important that the pending bill shall pass in its present form rather than that no bill shall be passed at this series of the bedy and of the sion, and understanding the situation of this body and of the other as to the numbers who can be relied upon to be present, I have concluded not to press my amendment at this time, but to offer it as a separate bill for future legislation.

I do not intend to discuss the subject at length, but I desire to say at this point that I deem this to be a very serious matter, and simply wish to explain the reasons why I take this position.

The Chinese in the State of California and other parks of the

The Chinese in the State of California and other parts of the Pacific coast are now in hiding, and we ought to provide the means whereby they may come out of their hiding places, and may register, as I am told they are likely to do in large numbers. If this object can be obtained, I am willing to have the bill passed in its present form; but I think it is very seriously to the disadvantage of the efficacy of the law and the dignity of the Government that no appropriation has been made or will be made in ment that no appropriation has been made or will be made in this bill for carrying out the purposes and intent of the law. I think it is beneath the dignity of the Government to undertake to depend solely upon the voluntary act of the Chinese in coming to register. I believe if we had appropriated the amount of \$100,000 in the pending bill, we should show by such legislation that the Government of the United States means business; that it has the power thought to deport from 1,000 to 1,500 or 2,000 that the power thereby to deport from 1,000 to 1,500 or 2,000 Chinese; and in that way we should so terrify them that there would be no delay in their coming forward to register and comply with the other requirements of the law. In this respect it is important that we should have a deterrent of that character.

But, as I said before, realizing the great importance of pass

ing the bill in its present form and recognizing the appeal of other Senators from the Pacific coast, I have concluded not to

press the amendment, and therefore withdraw it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Washington is withdrawn. The question recurs upon the amendment proposed by the Senator from Massachusetts [Mr. Hoar] to strike out all after section 1 of the bill.

The amendment was rejected.
The VICE-PRESIDENT. The question recurs upon the amendment proposed by the Senator from Minnesota [Mr. DAVIS].

The amendment was rejected.

The VICE-PRESIDENT. The question recurs upon the amendment proposed by the Senator from Massachusetts [Mr.

HOAR] as a substitute for the bill.

Mr. DOLPH. The amendment of the Senator from Massachusetts appears to be put in parts. I supposed it was to strike out all after the enacting clause and insert a substitute.

Mr. HOAR. If the Senator will pardon me, I have moved a substitute for the bill. It is a substitute which was prepared by a gentleman whose memorial has been printed by the Senate, who represents the missionary association, and who also understands very well the desire and opinion of the Chinese, I think. While his amendment preserves the policy of the existing law, which would not as an original policy be accepted by me, its imply provides for a method of identification and extension of time which shall not be disagreeable or humiliating to the Chinese

It is quite as efficient in my judgment as the original bill. That was proposed as a substitute. The other amendment which I proposed was to strike out a portion of the bill in the nature of an amendment, to perfect it. The two matters are entirely separate; because, under the well-known parliamentary cust most handle and the separate when there is a substitute for an entire measure both the Senate, when there is a substitute for an entire measure both it and the measure are considered as original propositions, and amendments may be offered and made as far as the second degree to either

The VICE-PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Massachusetts in the nature of a substitute. [Putting the question.] The noes appear to have it.

Mr. HOAR. I ask for a division.

The Senate proceeded to divide, and the ayes were four.

Mr. HOAR. I withdraw the call for a division.

The VICE-PRESIDENT. The call is withdrawn. The amendment is rejected. The bill is still in the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AID TO COMMON SCHOOLS IN CALIFORNIA.

Mr. WHITE of California. I have a request to make of the Senate, and I trust there will be no objection when I state the matter. I believe I have not objected to any similar favor. I desire to call up and have passed Senate bill 460, which was reported favorably from the Committee on Public Lands on the 4th of September. It is a bill granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in that State. As the matter stands California is the only one of the public-land States which has not had such legislation. A similar bill in the same words was passed at the last session of the last Congress by this body, and it has been favorably re-ported in three Congresses in the other House. I think there can be no objection to it.

can be no objection to it.

Mr. CULLOM. Has such a bill passed the other House?

Mr. WHITE of California. No, sir; it has been reported favorably, I say, for three Congresses in the other House. It passed the Senate in the last Congress, but was not considered in the House of Representatives, owing to want of time.

Mr. HIGGINS. Will the Senator again state the object of the

Mr. WHITE of California. It is a bill granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in that State. California is the only public land State regarding which similar legislation has not been passed. There are, I think, twelve or thirteen States concerning which the same action has been taken. The Committee on Public Lands has reported the bill unanimously at the present session as at other sessions.

Mr. HOAR. It was reported by a committee of the Scnate at the present session?

WHITE of California. Yes, sir; by the Committee on Public Lands, of which the Senator from Arkansas [Mr. BERRY]

The VICE-PRESIDENT. Is there objection to the request of the Senator from California for the present consideration of the bill indicated by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 460) granting to the State of California 5 per cent of the net proceeds of the cash gales of public lands in said State, which was read, as follows:

sales of public lands in said State, which was read, as follows:

Be it enacted, dc., That there be, and is hereby, granted to the State of California 5 per cent of the net proceeds of the cash sales of the public lands which have been heretofore made by the United States since the admission of said State, or may hereafter be made in said State, to aid in the support of the public or common schools of said State; and the sum of money necessary to pay said 5 per cent to said State is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLERS ON INDIAN LANDS IN SOUTH DAKOTA

SETTLERS ON INDIAN LANDS IN SOUTH DAKOTA.

Mr. PETTIGREW. I ask the unanimous consent of the Senate to consider at this time the bill (S. 131) making an appropriation to pay the damages resulting to the persons who went upon the Crow Creek and Winnebego Indian Reservation, in the State of South Dakota, between the 17th day of February and the 27th day of April, 1885. The bill was reported unanimously from the Committee on Indian Affairs.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole. The bill will

before the Senate as in Committee of the Whole. The bill will

be read.

The Secretary read the bill.

Mr. PETTIGREW. A similar bill passed the Senate at the last session of the last Congress. It has been recommended by the Interior Department, and is unanimously reported from the Committee on Indian Affairs after thorough consideration. desire to have read at the desk a letter from the Interior De-

partment with regard to this matter.

Mr. WALTHALL. I should like to ask the Senator from South Dakota if this is a House bill or a Senate bill?

Mr. PETTIGREW. It is a Senate bill.

Mr. WALTHALL. What advantage can there be in passing

ithrough the Senate at this late hour of the session? It is a very important bill and I object to its further consideration.

Mr. PETTIGREW. I hope to get it through the other House early in December, if possible. It is very important that it should go there soon.

Mr. BATE. How large an appropriation is involved?
Mr. PETTIGREW. The bill proposes to appropriate not to
seed \$200,000. I should like to have the letter read. exceed \$200,000. The VICE-PRESIDENT. Does the Chair understand that there is objection to the further consideration of the bill?

Mr. WALTHALL. I made an objection to its further consid-

The VICE-PRESIDENT. Objection is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the

A bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River, in the State of Ar-

A bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers, in the States of Louisiana and Texas; and

A bill (H. R. 3689) authorizing the Gulf, Beaumont and Kansas City Railway Company to bridge the Neches and Sabine Rivers, in the States of Texas and Louisiana.

ENROLLED BILL.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2821) for the relief of W. W. Rollins, late collector, fifth district, North Carolina, for value of stamps destroyed by fire at Winston, N. C., on November 13, 1892.

EXECUTIVE SESSION.

Mr. GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Friday, November 3, 1:93, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate November 2, 1893.

PENSION AGENT.

Samuel E. Nichols, of Buffalo, N. Y., to be pension agent at Buffalo, N. Y., vice Charles A. Orr, to be removed.

CONSULS.

Marcellus L. Davis, of Arkansas, to be consul of the United States at Merida, Mexico, vice Edward H. Thompson, recalled.

C. Hugo Jacobi, of Wisconsin, to be consul of the United States at Reichenberg, Bohemis, vice John B. Hawes, recalled.
Leon Jostremski, of Louisiana, to be consul of the United

States at Callao, Peru, vice Aquilla J. Daugherty, recalled.
Frank W. Roberts, of Maine, to be consul of the United States at Barcelona, Spain, vice Herbert W. Bowen, recalled.

COLLECTOR OF INTERNAL REVENUE.

John C. Byxbee, of Connecticut, to be collector of internal revenue for the district of Connecticut, to succeed John I. Hutchinson, resigned.

Levi W. Abney, to be postmaster at Harrisburg, in the county of Saline and State of Illinois, in the place of Francis M. Pickett, resigned.

B. Humphries, to be postmaster at Rockville, in the county of Parke and State of Indiana, in the place of Charles W. Stryker, resigned.

John A. Sample, to be postmaster at Knightstown, in the county of Henry and State of Indiana, in the place of George P.

Graf, resigned.

Walter M. Beadle, to be postmaster at Lenox, in the county of Taylor and State of Iowa, in the place of David B. Herriott, removed.

O. Ira Jameson, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa, in the place of John L. Grubb, removed.

Thomas W. Killion, to be postmaster at Moulton, in the county of Appanoose and State of Iowa, in the place of Almer Swift, removed.

William A. Todd, to be postmaster at Mount Ayr, in the county of Ringgold and State of Iowa, in the place of Hugh A. White, resigned

John Lynch, to be postmaster at Marion, in the county of Marion and State of Kansas, in the place of Fred Lewis, re-

Hosea S. Merrifield, to be postmaster at North Berwick, in the county of York and State of Maine, in the place of Daniel A. Hurd, removed.

Horace B. Tibbets, to be postmaster at Berwick, in the county of York and State of Maine, in the place of William H. Rice, removed

Jesse K. Willett, to be postmaster at Waldoboro, in the county of Lincoln and State of Maine, in the place of James H. Stan-

wood, removed.
Stephen M. Wilder, to be postmaster at Spring Valley, in the county of Fillmore and State of Minnesota, in the place of William L. Kellogg, removed.

Lizzie Johnson, to be postmaster at Lexington, in the county of Holmes and State of Mississippi, in the place of Martin E. ritz, removed

Thomas R. Hamilton, to be postmaster at Salisbury, in the county of Chariton and State of Missouri, in the place of David C. Hilton, resigned.

James Curran, to be postmaster at Hoboken, in the county of Hudson and State of New Jersey, in the place of Cornelius Kiel,

jr., removed. Charles J. Bowman, to be postmaster at Edmond, in the county of Oklahoma and Territory of Oklahoma, in the place of Robert

Galbreath, resigned.

Frank M. Emanuel, to be postmaster at Bennettsville, in the county of Marlboro and State of South Carolina, in the place of

Edward J. Sawyer, removed.

John M. Waddill, to be postmaster at Darlington, in the county of Darlington and State of South Carolina, in the place of John G. Gatlin, removed.
Bridget J. Copps, to be postmaster at West Rutland, in the

county of Rutland and State of Vermont, in the place of George

M. Douglas, removed.

Edward J. Doneen, to be postmaster at Oakesdale, in the county of Whitman and State of Washington, in the place of George S. McWilliams, removed.

George G. McNamara, to be postmaster at Port Townsend, in the county of Jefferson and State of Washington, in the place of Alphonso F. Learned, removed.

George H. Watrous, to be postmaster at Fairhaven, in the county of Whatcom and State of Washington, in the place of

Solomon H. Keeler, resigned.

Henry Lemke, to be postmaster at West Bend, in the county of Washington and State of Wisconsin, in the place of Byron Fairbanks, removed.

PROMOTION IN THE ARMY.

Second Lieut. Edgar Russell, Third Artillery, to be first lieutenant, November 2, 1893, vice Andrews, Fifth Artillery, re-

CONFIRMATIONS.

Executive nominations confirmed by the Senate November 2, 1893. PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. George F. Cooke, Fifteenth Infantry, to be captain.

Second Lieut. Marcus Maxwell, Fifteenth Infantry, to be first lieutenant.

CONSULS.

Leon Jostremski, of Louisiana, to be consul of the United States at Calso, Peru

Hermann Schoenfeld, of Maryland, to be consul of the United States at Riga, Russia.

COLLECTORS OF INTERNAL REVENUE.

Charles M. Shannon, of New Mexico, to be collector of internal revenue for the district of New Mexico.

John C. Byxbee, of Connecticut, to be collector of internal rev-

enue for the district of Connecticut.

MARSHAL

George M. Humphrey, of Nevada, to be marshal of the United States for the district of Nevada.

PENSION AGENTS.

William B. Anderson, of Mount Vernon, Ill., to be pension agent of Chicago, Ill.

Samuel E. Nichols, to be pension agent at Buffalo, N. Y.

INDIAN AGENTS.

David F. Day, of Durango, Colo.. to be agent for the Indians of the Southern Ute Agency in Colorado.

James P. Woolsey, of Rogers, Ark., to be agent for the Indians of the Ponca, Pawnee, Otoe, and Oakland Agency in Oklahoma

POSTMASTERS.

James S. Buttolph, to be postmaster at Iowa Falls, in the county of Hardin and State of Iowa.

David J. Ayres, to be postmaster at Keokuk, in the county of

Lee and State of Iowa.

Bridget J. Copps, to be postmaster at Rutland, Vt.

Norris C. Bicheller, to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin.

Wiley S. Fall, to be postmaster at Albia, in the county of Mon-

roe and State of Iowa.

John J. Ingle, to be postmaster at South Pittsburg, in the county of Marion and State of Tennessee.

Lizzle Johnson, to be postmuster at Lexington, Miss. William A. Howard, to be postmuster at Columbia, in the

county of Maury and State of Tennessee.

Winfield E. Tripp, to be postmaster at Iron River, in the county of Bayfield and State of Wisconsin.

William D. Merrell, to be postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, November 2, 1893.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. COGSWELL. Mr. Speaker, I desire to make a statement in regard to my colleague, Mr. WRIGHT, who was unavoidably In response to a telegraphic message from absent yesterday. him I secured, or thought I had secured, a pair for him on the silver-purchase repeal bill. I was so informed at the desk, but I see that in the RECORD this morning no pair for Mr. WRIGHT is announced. I desire, therefore, to say that had he been present he would have opposed recommitting the bill, and would have voted to concur with the Senate in the repeal of the purchasing clause of the Sherman law.

ADJOURNMENT.

Mr. CATCHINGS. Mr. Speaker, I submit a privileged resolution.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 8d day of November present at 8 o'clock p. m.

Mr. CATCHINGS. I move the previous question on the adoption of the resolution.

Mr. HOLMAN. Mr. Speaker, I believe that this is debatable for thirty minutes.

The SPEAKER. It is, if any gentleman desires to debate it. Does the genleman from Indiana desire to be heard?

Mr. HOLMAN. I do, for a moment. I regret very much that this resolution has been brought into the House, especially in its present form. If there must be a vacation in Congress, why not a recess? I think it is quite obvious that the House ought to consider the propriety of taking a recess instead of adjourning. If the House should take a recess until, say, II o'clock on the first Monday of next December, all the committees of the House, if they desire to do so could continue at work tees of the House, if they desire to do so could continue at work exercising the powers they possess under the rules and under the various resolutions which have been adopted.

A resolution has been passed conferring upon the Committee on Appropriations power to sit during the daily sessions of the House and in vacation, I think, but I am not aware that any such power has been conferred upon any of the other commit-tees; and I think that the Committee on Ways and Means, for instance, should have authority to continue in session, exercis-ing its general powers during the interval between now and the

beginning of the regular session, so that consideration of the tariff may be commenced at the earliest day possible.

Mr. OUTHWAITE. I think that authority has been given.

Mr. HOLMAN. The gentleman from Ohio suggests that such authority has been given. I am not aware of it. Perhaps the that notify has been given. I am not aware of it. Perhaps the chairman of the Committee on Ways and Means can inform the House whether any action has been taken on that subject. If not, I take it for granted that a resolution that the Ways and Means Committee shall have authority to sit during the vacation of the House, if an adjournment takes place, will require unanimous consent. I hope this will be considered in advance.

Mr. DINGLEY. I think consent has already been given for both the Committee on Appropriations and the Committee on

Ways and Means.

Mr. HOLMAN. I do not see the chairman of the Committee on Ways and Means present, but perhaps some member of that committee will inform the House whether permission has been granted for it to sit in the absence of Congress in case of adjournment. In case of recess of course all committees can be in session.

Mr. LIVINGSTON. What has that to do with the question

of adjournment? Mr. HOLMAN. It has this to do with it, that if a recess is taken instead of an adjournment the committees can go on and

Mr. LIVINGSTON. The House will certainly give that committee authority to sit during the interval.

Mr. HOLMAN. Well, I think that would require unanimous

Mr. TURNER. I did not quite understand the inquiry of the gentleman from Indiana; but if he will yield to me I will ask him whether it related to the sessions of the Ways and Means Committee during the vacation?

Mr. HOLMAN. Yes, sir; that was my inquiry.
Mr. TURNER. I am not aware, Mr. Speaker, that any such
permission has yet been asked by the chairman of the Committee
on Ways and Means, but I am quite sure that he intends to ask
it, if he has not already done so.

Mr. HOLMAN. But will not that require unanimous consent?

Mr. TURNER. Iam inclined to think that the House can grant that leave without unanimous consent, but I have no idea that anybody will object to granting it. I would not like, however, anybody will object to granting it. I would not like, however, to move in the matter in the absence of the chairman of the committee. I see the gentleman from West Virginia now in his seat. [To Mr. WILSON:] The gentleman from Indiana desires to know whether the Committee on Ways and Means has obtained leave to sit during the vacation.

Mr. WILSON of West Virginia. It has not; but it is my purpose to ask that permission of the House.

Mr. HOLMAN. Then I would like to ask my friend from West Virginia a parliamentary question, whether that authority

West Virginia a parliamentary question, whether that authority can be given except by unanimous consent.

Mr. WILSON of West Virginia. I am not prepared to answer that question. It is rather a question for the Chair to

Mr. HOLMAN. It may be, of course, that no gentleman will take the responsibility of objecting. I hope none will, but it may be done.

Mr. WILSON of West Virginia. I do not suppose that any-

body will object. Mr. HOLMAN. I do not know that any one will desire to take that responsibility, but I feel very confident that the House ought to take a recess instead of an adjournment. ought to take a re

A MEMBER. Why?

Mr. HOLMAN. For very obvious reasons.

Mr. OUTHWAITE. Has the gentleman considered the question of economy in connection with the matter?

Mr. HOLMAN. I have. That is what I am looking to as one feature of the situation, but I am considering whether the committees can get business in readiness for the regular session.

committees can get business in readiness for the regular session.

Mr. WILSON of Washington. Does the gentleman think that if we should adjourn now we would be entitled to a second milesge at the opening of the regular session?

Mr. HOLMAN. I believe we would not. I hope not.

Mr. WILSON of Washington. Is not that in your mind?

Mr. HOLMAN. I apprehend an argument which will be indulged in when we meet in December, if we should adjourn now, and I know that argument will have no force if we take a recess, but I was not considering that matter.

Mr. WILSON of Washington. We had better adjourn, then

We had better adjourn, then. WILSON of Washington.

Mr. JOHNSON of Indiana. The clerk hire will continue to

run if we take a rece Mr. HOLMAN. Mr. HOLMAN. I know there will be some expenditure con-nected with the House remaining in recess, but it amounts to lit-

tle in consideration of other matters.

I only want to call the attention of the House to the fact that an adjournment means substantially two sessions of Congress instead of one, and suspends the committees. It means a called session and a regular session, whereas a recess would have exactly the reverse effect.

I will not occupy the time of the House further, as there seems to be a general drift of sentiment in favor of an adjournment. I regret that an adjournment must take place for reasons

I have named.

Mr. SNODGRASS. I would like to ask the gentleman from Indiana a question.
Mr. HOLMAN.

Certainly.

Mr. SNODGRASS. Do you think it is necessary either to take a recess or to adjourn? Don't you think it would be bet-

ter to go on and work?

Mr. HOLMAN. The gentleman from Tennessee [Mr. SNOD-GRASS] submits a question which I think might well receive the earnest consideration of the House, and I hope there will be a division upon this question. I submit to gentlemen that the saving of a month in the latter part of next year would be a for-tunate event for Congress and for the country. If Congress should be able to adjourn by the 1st of next July, or the 1st of next August, all gentiemen can see that it would not only be beneficial to members but beneficial to the country. It would enable gentlemen to explain to their constituencies

the character of the legislation passed by Congress, which may be a very important matter. We are now here at a season of the year most favorable for legislation, and why not go on with the business of the country and complete it as soon as possible?

Mr. BLAND. I suppose Wall street has no further use for us. Mr. LIVINGSTON. Now, I would like to ask the gentleman

a question.
Mr. HOLMAN. Certainly.

Mr. LIVINGSTON. Is there a single prominent committee of the House which has any important business ready for the House? What will we do if we remain here? The Committee on Indian Affairs, the Appropriations Committee, the Committhe on Ways and Means, and the other important committees of the House have as yet considered none of the appropriation bills which we will have to consider at the regular session. Mr. HOLMAN. They will all have some estimates in the

course of a short time which they can consider, and, in fact, I understand some estimates have already been presented to the Appropriations Committee.

A MEMBER. They can work on them during the recess.

Mr. HOLMAN. They have the right to work during the recess, I admit, but are not authorized to sit when Congress stands

Mr. SAYERS. Will the gentleman from Indiana allow me to

Mr. SAYERS.

ask him a question?

Mr. HOLMAN. Yes.

Mr. SAYERS. The gentleman has stated that the Commit-

tee on Appropriations have some estimates.

Mr. HOLMAN. I understood so.

Mr. SAYERS. We have no estimates that can be considered except a few deficiency estimates.

Mr. HOLMAN. Isupposed there were some estimates already in in regard to the legislative appropriation bill.
Mr. SAYERS. Those are merely proof sheets.
Mr. OUTHWAITE. The Committee on Military Affairs have

mr. OUTHWAITE. The Committee on Military Affairs have no estimates whatever for their appropriation bill.

Mr. HOLMAN. The gentleman from Texas [Mr. SAYERS] says the Committee on Appropriations have only proof sheets of the estimates. The proof sheets are just the same to work upon as the regular report. They are simply advanced proofs.

Mr. OUTHWAITE. The Committee on Military Affairs have received no proof sheets even; no estimates of any kind.

Mr. HOLMAN. There will be a large number of estimates

sent in very soon, so that the committee of which the gentleman from Ohio [Mr. OUTHWAITE] is chairman, as well as the Committee on Indian Affairs and other committees, will be able to resent business to the House in a very short time. I hope the

House will continue at work. If we must have a vacation, let us take a recess instead of an adjournm .nt.

Mr. CANNON of Illinois. I would like to make a suggestion to the gentleman from Indiana [Mr. HOLMAN]. Generally I am in harmony with the gentleman, who is a vigilant legislator and who wants to utilize all the time. It would please me very greatly to be in harmony with him on this occasion, but under the circumstances I can not. It seems to me the best interests of the country would be subserved by the longest adjournment, and I think it is only unfortunate that we can not now adjourn

this Congress without day. [Laughter.]

Mr. CATCHINGS. I yield three minutes to the gentleman from Arkansus [Mr. TERRY].

Mr. TERRY. Mr. Speaker, I am decidedly of the opinion that this House should continue in session. We are here and we ought to stay here; and I submit to gentlemen on this side

Mr. WASHINGTON. Have you been here all the time dur-

ing the special session?

Mr. TERRY (continuing). I submit whether or not we should adjourn, or take a recess at all, until we have attended to the important business for which we were sent here.

It may be, sir, that the Committee on Ways and Means and the other important committees of the House that have been named here are not ready to make reports of business for our consideration. But is that the only legislation that Democracy for years has promised to the people of the United States? Here are Territories, sir, knocking at the doors of Congress for admission. Is not our party pledged that they should be admitted? Where are your immigration laws your new invitation laws. Where are your immigration laws, your navigation laws, your laws to restore the American flag to the highway of the intions? Have you never said anything about them? Why not go ahead and transact some of the important legislation to which our party is committed? I hope, when the question is submitted to their judgment, gentlemen on this side of the Chamber at least will consider well before voting in favor of the adoption of this reso-

Subsequently, Mr. TERRY said: Mr. Speaker, I rise to a question of per-

The SPEAKER pro tempore. The gentleman will state it.

Mr. TERRY. I will state, Mr. Speaker, that I have been advised by friends that in the course of my remarks in opposition to the adjournment resolution submitted a few minutes ago, a to the adjournment resolution submitted a few minutes ago, a gentleman on the floor asked the question how long I had been here during the special session. I did not catch his question at the time and now desire, in justification to myself, to state in the presence of the House that I have been here every day and every hour during the session of the House, except when I was necessarily compelled to be in attendance at the bedside of my sick children, who were down with that most dreadful of all secondary to children displacement. That is all desirate and

scourges to children, diphtheria. That is all I desire to say.

Mr. CATCHINGS. Mr. Speaker, I desire to say only a few
words in support of this resolution. If there was any business on the Calendars of the House reported by its committees ready for the consideration of the House there would be much force in the suggestion that we should neither take a recess nor an adjournment at this time. But as a matter of fact there is no business of pressing importance on the Calendars of the House.

The estimates from the Departments have not come in yet, on which the Appropriation Committees can act, and the Ways and Means Committee, we are advised, will have no legislation to

suggest to the House before the 1st of December.

The committees, sir, have not been working with the idea of continuous session. We were called in special session for a a continuous session. special purpose. That purpose has been accomplished, and the committees have been looking forward constantly to the day when that legislation would be terminated and a recess or an adjournment take place; and this is true also with reference even to the private business before the committees. There has been practically no committee work in that regard; and I only state what is known to everybody, that the Calendars of the House show no business ready for action at this time to justify Congress remaining in session.

Mr. CLARK of Missouri. Will the gentleman allow me to ask

him this question: Do you not think that to take recesses for three days at a time, and let the committees get to work, will enable them to furnish the House with enough business to con-

Mr. CATCHINGS. I doubt it very much.
Mr. BLAND. There is already a big bill on the Calendar, the bankruptcy bill. There is another bill, the merchant marine bill, and other matters, but I do not suppose that measures of this kind Wall street cares enough about to keep Congress in

Mr. CATCHINGS. Oh, Mr. Speaker, if the gentleman from Missouri could only get the name of Wall street out of his heart he would be much happier and would be much more effective on the floor of the House than he is. It seems absolutely astonish-ing that no gentleman can get up here and discuss the simplest question that can be presented without having Wall street thrust constantly into his ears. For one I am very tired of it. Now, I desire to say this, that we were called here in the middle of the summer. Gentlemen had not made their arrange-

middle of the summer. Gentlemen had not made their arrangements to enter on a long session of Congress. It was not expected. It is therefore absolutely important that they should have an opportunity to go to their homes and arrange their business, so that they will be prepared to enter on the long and arduous duties which will devolve upon them when the next session of Congress begins. This, with the other considerations I have suggested, makes it appropriate that the House should adjourn.

I ask a vote on the resolution. Mr. HENDERSON of Iowa. Will the gentleman allow me to

Mr. HENDERSON of Iowa. Will the gentleman arrow his to ask a question?
Mr. CATCHINGS. Certainly.
Mr. HENDERSON of Iowa. Is there any possibility of getting a tariff bill in for consideration if we remain in session?
Mr. CATCHINGS. None whatever.
Mr. HENDERSON of Iowa. Then I favor adjournment.
Mr. RICHARDSON of Tennessee. Will the gentleman allow

me a moment?

Mr. CATCHINGS. Certainly.

Mr. RICHARDSON of Tennessee. I have in my hand the Calendar of the House, and I find on it nearly a page of business reported from the committees and placed on the Calendar of the Whole House on the state of the Union. Here is a page of business on the House Calendar ready for action, and here are some three, or about three, pages of private business, with some ejectal orders. It seems to me that we ought to go on with the public husiness by continuing in session and not adjourn. It seems lic business by continuing in session and not adjourn. It seems decidedly more important that we should attend to the public business rather than to the private business which my friend from Mississippi seems to place in advance as of more impor-

from Mississippi seems to place in advance as of more importance than the public business.

Mr. CATCHINGS. I have done nothing of the sort.

Mr. RICHARDSON of Tennessee. It seems to me we ought to attend to the public business first. I am in favor of going on with the public business now, and our private business will be more important about next June or July or August than it is now in the month of November. We will all be very much concerned in our private matters about that time, and we will want to be at home looking after them. I insist that we ought to attend to the public business now and look after our private business next summer, in the dog days.

business next summer, in the dog days.

Mr. CATCHINGS. Let us have a vote upon the resolution.

Mr. BLANCHARD. Let the resolution be again reported.

The resolution was again read.

The SPEAKER. The question is on agreeing to the resolution. Several Members. Let us have the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were-yeas 135, nays 83, not voting 135; as follows: YEAS-135.

Johnson, Ohio Joy, Kem, Kiefer, Kribbs, Layton, Lefever, Lilly, Linton, Livingston. De Forest, Dingley, Dockery, Donovan, Doolittle, Adams, Aitken, Alexander, Allen, Reed, Reilly, Reyburn, Richards, Ohio Ritchie, Robertson, La. Ryan, Savers Avery, Babcock, Baker, N. H. Baldwin, Dunphy, Durborow, Ellis, Oregon English, Fielder, Fielder, Baldwin,
Baldwin,
Berry,
Berry,
Bingham,
Biack, Ill.
Bower, N. C.
Branch,
Branch,
Brawley,
Breckinridge, Ark. Geissenhainer,
Bretz,
Brosius,
Brosius,
Bunn,
Haines,
Harmer,
Harmer, Sayers, Schermerhorn, Livingston, Lockwood, Scranton, Settle, Locakwood, Lucas, Maguire, Malon, Marvin, N. Y. McCall, McCleary, Minn. McCreary, Ky. McDowell, McKeighan, McLaurin, McNagny, Meiklejohn, Mercer, Shaw, Shell. Shell, Sperry, Stevens, Stone, C. V Stone, Ky. Storer, Sweet. W. Brosius,
Bunn,
Bynum,
Cabaniss,
Cadmus,
Caldwell,
Campbell,
Cannon, Cal.
Cannon, Ill.
Caruth. Sweet, Talbott, Md. Thomas, Heard. Tracey, Henderson, Iowa Henderson, N. C. Turner, Washington, Mercer, Meyer, Montgomery, Weadock, Wheeler, Ill. Hermann, Caruth. Hilborn, Hilborn, Hines, Hitt. Hooker, N. Y. Houk, Ohio Houk, Tenn. Hunter, Johnson, Ind. Johnson, N. Dak. White, Whiting, Wilson, Wash. Wilson, W. Va. Wolverton, Woomer, Catchings, Cogswell, Cooper, Fla. Covert, Moon, Outhwaite, Crain, Crawferd, Woomer, Wright, Pa. Daniels, Davey

	NA'	YS-83.	
Alderson, Apsley, Arnoid, Bailey, Baker, Kans. Bankhead, Barnes, Barwig, Bell, Tex. Bilair, Bianchard, Biand, Boatner, Boen, Brickner, Broderick, Brookshire, Bryan, Cobb, Ala. Cobb, Mo.	Cockrell, Cooper, Tex. Cooper, Wis. Cox, Cox, Culberson, Curtis, Kans. Davis, De Armond, Denson, Dinsmore, Fitch, Fithian, Fyan, Grady, Gresham, Hall, Minn. Hall, Mo. Harris, Holman, Hopkins, Pa. Hudson,	Latimer, Lynch, Maddox, Mallory, Marsh, Martin, Ind. McCulloch, McDannold, McDearmon, McKaig, MoRae, Money, Morgan, Muchler, Neill, Oates,	Pigott, Powers, Richardson, Tena Robbins, Sibley, Smith, Snodgrass, Somers, Stallings, Stockdale, Swanson, Talbert, S. C. Tate. Taylor, Ind. Terry, Tucker, Warner, Wells, Williams, Ill. Williams, Miss.
		TING-135.	
Abbott,	Draper,	Ikirt ,	Randall,
Aldrich,	Dunn,	Jones,	Richardson, Mich.
Bartholdt,	Edmunds,	Kilgore,	Robinson, Pa.
Bartlett, Belden, Bell, Colo. Beltzhoover,	Ellis, Ky. Enloe, Epes, Everett,	Lacey, Lapham, Lawson,	Rusk, Russell, Conn. Russell, Ga.
Black, Ga. Boutelle, Bowers, Cal.	Fellows, Forman, Funk.	Lester, Lisle, Loud, Loudenslager,	Sherman, Sickles, Simpson, Sipe,
Brattan,	Fnuston,	Magner,	Springer,
Breckinridge, Ky.		Marshall,	Stephenson,
Brown,		McAleer,	Stone, W. A.
Burnes,	Goldzier,	McEttrick,	Strait,
Burrows,	Goodnight,	McGann,	Strong,
Caminetti,	Gorman,	McMillin,	Tarsney,
Capehart,	Graham,	Meredith,	Tawney.
Causey, Chickering, Childs,	Grosvenor, Hager, Hammond,	Milliken, Morse, Moses,	Turpin, Tyler.
Clancy,	Hare,	Murray,	Updegraff,
Clarke, Ala.	Harter,	Newlands,	Van Voorhis, N. Y.
Cockran,	Hatch,	Northway,	Van Voorhis, Ohio
Coffeen.	Haugen.	O'Ferrall,	Wadsworth,
Compton,	Hayes,	O'Neil, Mass.	Walker,
Conv,	Heiner,	O'Neill, Pa.	Wanger,
Coombs,	Henderson, Ill.	Page.	Waugh.
Cooper, Ind.	Hendrix,	Paschal,	Wever,
Cornish,	Hepburn,	Pence,	Wheeler, Ala.
Cousins,	Hicks.	Pendleton, W. Va.	Wilson, Ohio
Cummings,	Hooker, Miss.	Perkins,	Wise,
Curtis, N. Y.	Hopkins, Ill.	Phillips,	Woodard,
Dalzell,	Hulick,	Pickler,	Wright, Mass.

Dolliver, So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Until further notice:
Mr. Lockwood with Mr. Van Voorhis of New York.
Mr. Clarke of Alabama with Mr. Gear.
Mr. Abbott with Mr. Walker.
Mr. Brattan with Mr. Hager.
Mr. Lawson with Mr. Taylor of Tennessee.
Mr. Lester with Mr. Northway.
Mr. Brechnelder of Kentucky with Mr. O'Nell, of

Mr. BRECKINRIDGE of Kentucky with Mr. O'NEILL of Pennsylvania.

Mr. COFFEEN with Mr. LACEY.

Mr. Page with Mr. Pickler. Mr. Goodnight with Mr. Stephenson.

Mr. GOODNIGHT WITH Mr. STEPHENSON.
Mr. CONN WITH Mr. CHILDS.
Mr. O'FERRALL WITH Mr. HEPBURN.
Mr. RUSSELL of Georgia WITH Mr. BARTHOLDT.
Mr. ENLOE WITH Mr. BOUTELLE.
Mr. SIMPSON WITH Mr. GILLETT of Massachusetts.
Mr. McMillin WITH Mr. BURROWS.
Mr. CAMINETTI WITH Mr. BOWERS of California.
Mr. HENDERSON of Illinois WITH Mr. WOODARD.
For this day.

For this day

Mr. WISE with Mr. STRONG.

Mr. ELLIS of Kentucky with Mr. DALZELL.
Mr. GRAHAM with Mr. VAN VOORHIS of Ohio.
Mr. HOOKER of Mississippi with Mr. GROSVENOR.
Mr. CRAIN with Mr. DOLLIVER.

Mr. CRAIN with Mr. DOLLIVER.
Mr. HAYES with Mr. COUSINS.
Mr. HARE with Mr. LOUD.
Mr. HATCH with Mr. HULL.
Mr. JONES with Mr. HULICK.
Mr. O'NEIL of Massachusetts with Mr. COGSWELL.
Mr. MCETTRICK with Mr. WEVER.
Mr. EDMUNDS with Mr. WRIGHT of Massachusetts.
Mr. BRECKINRIDGE of Arkansas. Mr. Speaker, I was paired with the gentleman from Illinois [Mr. HOPKINS]; but I understand he would have voted "aye." Therefore I have voted in the affirmative.

The result of the vote was then announced as above recorded.

The result of the vote was then announced as above recorded.
Mr. WILSON of West Virginia. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

Mr. OUTHWAITE. I move to reconsider the vote by which the resolution just passed was agreed to, and I move to table

that motion.

The SPEAKER. The gentleman from West Virginia [Mr. WILSON] submits a resolution which the Clerk will report, after which the Chair will ask if there be objection.

LEAVE TO SIT DURING THE RECESS.

The resolution of Mr. WILSON of West Virginia was read. It provided that the Committee on Ways and Means have leave to sit during the interval between the first and second sessions of the Fifty-third Congress, with leave to file reports, etc.

The SPEAKER. Is there objection?

Mr. REED. I object to it, because it is entirely unsuitable that we should have reports without an opportunity for proper resolution and consideration. I want to state that we are an

examination and consideration. I want to state that we are entirely ignorant of what the intentions on the other side have been and are up to date. We ought to have a fair, decent oppor-

tunity.

The SPEAKER. The resolution will be referred to the Com-

mittee on Rules.

CORRECTION OF RULES.

Mr. OUTHWAITE. Mr. Speaker, I present a report from the Committee on Rules, to make one or two corrections in the

The SPEAKER. The House will please give its attention. There are one or two corrections in the rules suggested, and if the House desires to make them it should make them now, so as to afford an opportunity to have them corrected in the Digest. The Clerk read as follows:

Amend clause 35 of Rule XI, by inserting between the word "reform" and he word "civil" the words "in the;" so as to read: "to reform in the civil

Amend clause 6 of Rule XXIII, by inserting between the word "the" and the word "committee," in the first line the words "House or the;" so as to ad: "The House or the committee may by a vote of the majority of the embers present." etc.

members present," etc.

Amend clause 4 of Rule XXIV, by striking out the words "unfinished business;" and also by striking out the words "House and the state of the

Mr. OUTHWAITE. Mr. Speaker, the first amendment suggested is to clause 35 of Rule XI, which provides as to the powers and duties of committees. The words "in the" were omitted in designating the Committees on Reform in the Civil Service. The second amendment is in clause 6 of Rule XXIII. It is that clause which provides that debate on an amendment or a paragraph may be closed. It provides that it may be done by the House or It provides that it may be done by the House in the committee. The amendment simply inserts the words,

"House or the."

Mr. REED. What change is there?

Mr. OUTHWAITE. It simply provides that which has already been held to be the rule, that the House may limit debate as well as the committee in Committee of the Whole by inserting the words "House or the."

Mr. DINGLEY. That is after the debate under the five-minute rule has proceeded.

Mr. OUTHWAITE. That is after the debate has proceeded under the five-minute rule.

Mr. REED. Has not that always been the rule of the House. Mr. OUTHWAITE. It has not been so expressed in the rule, but it has been so held.

Mr. REED. I do not see how it could be otherwise. How-

ever, I have no objection to making it declare it clearly.

Mr. OUTHWAITE. This makes it clear.

Mr. REED. The House ought to have control of all commit-

tees, except perhaps the Committee on Rules. [Laughter.]
Mr. OUTHWAITE. The other amendment is in clause 4 of
Rule XXIV, which provides as to business considered during the morning hour, and strikes out the words "as unfinished business." Under this clause, when any proposition shall have occupied two hours, it thereafter has to remain on the Calendar as unfinished business. As we have no calendar of unfinished business, the expression was unnecessary. It is therefore suggested

that it be stricken out.

Mr. REED. Now, the effect of that change will be to give the House another chance to debate a bill for two hours if the com-

mittee chooses to call it up.

Mr. OUTHWAITE. I do not know that that is the effect of it. We have no calendar of unfinished business. The Chair held a few days ago that a committee might subsequently call up a bill which had already been considered during two hours on the call of the committee

Mr. REED. Now, if this proposed change is made I think it would be unfortunate—
Mr. OUTHWAITE. It does not change the ruling at all. Mr. REED. If you change the ruling it will be unfortunate.
Mr. OUTHWAITE. It does not change the rule.
Mr. REED. It is your impression that it will not change the

ruling; but the committee will be allowed to revive temporarily some bill in order that it may have two more hours' existence and possibly live forever.

Mr. OUTHWAITE. The Chair has already decided that a com-

Mr. OUTHWAITE. The Chair has already decided that a committee has authority to call up a bill under those circumstances.
Mr. REED. And you understand that that will make no change in that regard?
Mr. OUTHWAITE. It will not.
Mr. REED. Then you think that it will prevent that rather illogical condition which exists in the rule?
Mr. OUTHWAITE. Exactly.
Mr. DINGLEY. If you strike out the words "unfinished business" it will leave every bill that, in the consideration hour, has had two hours' consideration to take its place on the Calendar on

had two hours' consideration to take its place on the Calendar on which it formerly stood, to be taken up in the hour, and that it shall not be considered as unfinished business, so that it does

change the rules very materially.

Mr. OUTHWAITE. So far as consideration of the bill is concerned, it does not change it one particle, the ruling of the Chair a few days ago being that the committee could call a bill up on a subsequent call of that committee.

Mr. DINGLEY. The practice has been changed, so that, instead of going onto the Calendar of Unfinished Business, it may be called up in the morning hour.

That was changed when the ruling was Mr. OUTHWAITE. made a few days ago under the proviso. The proviso reads:

That when the hour herein prescribed shall expire while the Committee of the Whole House on the state of the Union is considering a bill, the committee shall rise without a motion therefor.

The words stricken out are, "on the state of the Union", so that when the Committee of the Whole, or the Committee of the Whole House on the state of the Union, is considering a bill and the hour expires, the committee shall rise without any mo-

Mr. REED. So that it applies to Fridays as well as to other

days?
Mr. OUTHWAITE. Yes.
Mr. DINGLEY. Did the committee take into consideration
the propriety of amending this paragraph so as to confine the

the propriety of amending this paragraph so as to confine the consideration of bills in the morning hour to public bills?

Mr. OUTHWAITE. It did not. That was taken into consideration at the beginning of the session, when the change was made permitting private bills to be considered.

Mr. DINGLEY. So that the committee propose to allow private bills to be called up in the morning hour?

Mr. OUTHWAITE. Yes, for the present, until we see whether it works any serious abuse. So far no abuse has resulted from the rule.

Mr. ENLOE. Does this authorize the calling up of bills in the morning hour on Fridays? Does it make any change in the rule in regard to business on Fridays?

Mr. OUTHWAITE. It does not.

The report was agreed to.

Mr. OUTHWAITE moved to reconsider the vote by which the report was agreed to, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OPENING OF THE CHEROKEE STRIP.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, pursuant to House resolution dated September 28, 1893, information relative to the opening of the Cherokee Strip; which was referred to the Committee on Mili-tary Affairs, and ordered to be printed.

DANIEL CHASE VS. THE UNITED STATES.

The SPEAKER also laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel Chase vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

BRIDGES ON FORT LARAMIE RESERVATION.

The SPEAKER also laid before the House an act (S. 591) to donate to the county of Laramie, Wyo., certain bridges on the abandoned Fort Laramie military reservation, and for other purposes; which was referred to the Committee on the Public Lands.

DIGEST OF INTERNATIONAL ARBITRATION.

The SPEAKER also laid before the House a joint resolution (S. R. 37) to provide for the printing of a history and digest of the international arbitrations to which the United States was a party, and for other purposes; which was referred to the Committee on Printing.

UNITED STATES COURTS, SOUTH DAKOTA

The SPEAKER also laid before the House a bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota, with amendments of the Senate thereto.

Mr. OATES. Mr. Speaker, that is the bill, I believe, which I asked yesterday to have remain on the Speaker's table. The SPEAKER. The Chair was informed that the differences had been adjusted, and that it was desired that the bill should be laid before the House.

Mr. OATES. I was about to say that I have had a conference with one of the Senators and one of the Representatives from that State and find that the bill is satisfactory, and therefore I move that the House concur in the Senate amendments.

The amendments of the Senate are as follows:

Page 1, line —, after "Todd," insert "Beadle and Kingsbury, Crow Creek, and Lower Brule."

Page 1, line 11, strike out "Beadle, Kingsbury,"

Page 1, line 13, after "Brown," insert "McPherson, Edmunds, Campbell,

Page 1, lines 15 and 16, strike out "McPherson, Edmunds, Campbell, Wal-worth."

worth."

Page 1, line 19, after "Standing Rock," insert "and."

Page 1, lines 19 and 20, strike out "Lower Brule and Crow Creek."

Page 3, line 11, after "court," insert "all grand and petit juries for the circuit and district courts shall be drawn by the clerk of the circuit court, and all grand and petit jurors summoned for service in each division shall be residents of such division."

The amendments were concurred in.

SECTION 407 REVISED STATUTES.

Mr. DOCKERY. Mr. Speaker, I desire to introduce a bill for reference to the joint commission, and I ask that that commission may have leave to report at any time.

The SPEAKER. The Clerk will report the title of the bill.

The bill was read, as follows:

A bill (H. R.—) to amend section 407 of the Revised Statutes, requiring decists of receipts with the Auditor of the Treasury for the Post-Office Deartment.

The SPEAKER. Without objection this bill will be referred to the joint commission with leave to report at any time.

There was no objection, and it was so ordered.

PRIZE WINNERS' EXPOSITION, NEW YORK.

Mr. FTTCH. Mr. Speaker, I ask for the present consideration of the bill which I send to the desk, being H. R. 4015, in aid of the World's Fair Prize Winners' Exposition to be held at New York City

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition, upon which there shall be a tariff or customs duty, shall be admitted free of payment of duty, customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe, and all articles which have been imported from foreign countries, and which are now on exhibition at the World's Columbian Exposition at Chicago, upon which there is a tariff or customs duty, and which have been heretofore admitted free of payment of duty, customs fees or that ges, may under regulations prescribed by the Secretary of the Treasury, be removed to the city of New York, in the State of New York for the sole purpose of exhibition at said World's Fair Prize Winners' Exposition.

SEC. 2. That it shall be lawful, at any time during such exposition, to sell for delivery, at the close of the exposition, any of the goods or property imported for and actually on exhibition in the exposition buildings or on its grounds, subject to such regulations for the security of the revenue and for the collection of the import duties as the Secretary of the Treasury shall prescribe: Provided, That all such articles, when sold or withdrawn for consumption in the United States, shall be subject to the duty, if any, imposed apon such articles by the revenue laws in force at the date of the importation; and all penalties prescribed by law shall be applied and enforced against be or withdrawal thereof.

SEC. 3. That all of the provisions of public resolution numbered 30, en-

such articles and against the persons who may be guilty of any illegal sale or withdrawal thereof.

SEC. 8. That all of the provisions of public resolution numbered 30, entitled "Joint resolution authorizing foreign exhibitors at the World's Columbian Exposition to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits," approved August 5, 1892, are hereby extended to and made applicable to said World's Fair Prize Winners' Exposition to the same extent as if said World's Fair Prize Winners' Exposition was therein specifically named.

The SPEAKER. Is there objection to the request of the gentleman from New York for the present consideration of this bill?

Mr. DINGLEY. I reserve the right to olearn more about the bill.

Mr. FITCH. I ask that the report be read. I reserve the right to object until I can

The report (by Mr. Cockran) is as follows:

The Committee on Ways and Means, to which was referred the bill (H. R. 4015) "in aid of the World's Fair Prize Winners' Exposition, to be held at New York City" from and after November 24, 1893, to January 15, 1894, re-

Allos "in aid of the World's Pair F. Allos (1993), to January 1997 and 1998 and 1998

The SPEAKER. Is there objection to the request of the gentleman from New York?
Mr. KILGORE. I object.
Mr. FITCH. Will the gentleman from Texas allow me to explain the purport of the bill. It does for New York precisely

what was done for San Francisco; the provision is the same word for word.

Mr. KILGORE. What is to be done under the bill?

Mr. FITCH. Nothing is to be done ender the old?

Mr. FITCH. Nothing is to be done, except that these goods are to retain the same status as now and to be exhibited in New York. If sold, they will pay duty; if not, they will be allowed to be returned. This is only doing for New York what was done for Chicago and San Francisco.

Mr. KILGORE. How much will the Government have to pay
for transportation?

Mr. FITCH. Nothing at all.
Mr. KILGORE. The Government has to do everything of that kind.

Mr. FITCH. Not at all. The Government will incur no ex-

Mr. KILGORE. I withdraw my objection, then, if that is the

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. HOLMAN. It is understood, Mr. Speaker, that the Govmr. Holman.

Mr. Fitch. That is absolutely understood.

Mr. HOLMAN. I ask the gentleman to amend by inserting

such a provision.

Mr. FITCH. Will the gentleman suggest the amendment?

Mr. HOLMAN. "That no liability shall be incurred against the Government of the United States under this provision."

Mr. FIICH. I accept that amendment, of course.
The SPEAKER. Where does the gentleman desire the

amendment to come in.

Mr. HOLMAN. At the end of the bill.
The SPEAKER. The Clerk will report the amendment.
The Clerk read as follows: Insert at the end of the bill the words:
"Provided, That no liability shall be incurred by the Government of the United States."

Mr. FITCH. That is accepted.

The amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read a third

On motion of Mr. FITCH, a motion to reconsider the last vote was laid on the table.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States, relating to mining claims; when the Speaker signed the same.

BRIDGES ACROSS THE NECHES AND SABINE RIVERS.

Mr. COOPER of Texas. I ask unanimous consent for the resent consideration of the bill (H. R. 3689) authorizing the Gulf, Beaumont, and Kansas City Railway Company to bridge the Neches and Sabine Rivers in the States of Texas and Louisiana.

The bill was read at length.

The amendments recommended by the committee were agreed

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. COOPER of Texas, a motion to reconsider the last vote was laid on the table.

CHOCTAW COAL AND RAILWAY COMPANY.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 299) to extend the time for the construction of the railway of the Choctaw Coal and Railway Company and to confer additional powers upon said company.
The Clerk read as follows:

The Clerk read as follows:

Be tt enacted, etc., That the time for the construction of the railway of the Choctaw Coal and Railway Company, a corporation organized under the laws of the State of Minnesota, which, by the provisions of the act approved February 21, 1891, entitled "An act to amend an act authorizing the Choctaw Coal and Railway Company to construct a road through the indian Territory," will expire February 18, 1894, shall be extended for a period of three years from that date, so that said company shall have until February 18, 1897, to construct the lines of railway authorized by the act approved February 18, 1888, entitled "An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," and the act amendatory thereof, approved February 13, 1898, entitled "An act to amend an act entitled 'An act to authorize the Choctaw Coal and Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, approved February 18, 1898," and for such purpose the said company shall have the right to take and occupy the right of way and depot grounds hereofore granted to it by said acts.

The committee recommended the following amendments: In line 11 of section 1, strike out the word "three" and insert "two;" and in line 13 strike out the work "seven" and insert the word "six."

Also strike out sections 2, 3, and 4.

Mr. HOLMAN. There are, I believe, three additional sections of that bill which have not been read, and I understand they have been stricken out.

That is true. The bill as it now stands is sim-Mr. ALLEN. ply a proposition to give this railroad company, which had con-structed a part of its line and been prevented by the financial stringency from completing it, two years more within which to

Mr. HOLMAN. All the rest of the bill is stricken out?
Mr. ALLEN. All the rest is stricken out.
The SPEAKER. The House will have to strike out these Without objection the parts not read will be considsections. ered as stricken from the bill.

ed as stricted from the GAL. Mr. HOLMAN. I suggest that the report go into the RECORD. Mr. ALLEN. I ask that the bill be amended by striking out Mr. ALLEN. these additional sections, and also by the changes which have been suggested by the committee.

The SPEAKER. Without objection that will be ordered.

There was no objection.

The SPEAKER. Is there objection to the consideration of

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.
The SPEAKER. Ought not the title of this bill to be amended?

Mr. ALLEN. The report recommends amending the title. The SPEAKER. In the absence of objection, the title will be amended in accordance with the report.

There was no objection.

BRIDGE OVER LITTLE RIVER, ARKANSAS.

Mr. McRAE. I ask unanimous consent for the present con-eideration of the bill (H. R. 119) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River, in the State of Arkansas.

The bill was read at length.

The amendments were read at length.

There being no objection, the bill was considered, the amendments recommended by the committee were concurred in, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

On motion of Mr. McRAE, a motion to reconsider the last vote

was laid upon the table.

PERSONNEL OF THE NAVY.

Mr. MEYER. Mr. Speaker, I ask unanimous consent to consider the resolution I send to the desk.

The SPEAKER protempore (Mr. RICHARDSON of Tennessee in

the chair). The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

The Clerk read as follows:

Whereas there are constantly before Congress numerous bills dealing with the question of rank and pay in the Navy, and other matters concerning the personnel of the same: and
Whereas the present laws relating to this subject are in many instances imperfect, inconsistent, unjust, and the result of piecemeal legislation: Therefore, be it
Resolved by the House of Representatives (the Senate concurring), That a special joint committee, consisting of three members of the House and three members of the Senate, be appointed respectively by the Speaker of the House of Representatives and the President of the Senate, whose duty it shall be to fully investigate and consider the entire subject of the rank, pay, and all other matters relating to the personnel of the Navy; to have power to send for persons and papers, sit during the recess, if any, and during the stiting of both Houses, and to report at any time after it convenes as may be convenient what legislation, if any, is necessary in the premises: any bill so reported by them shall simplify, codify, and revise existing laws relating to the personnel of the Navy so far as may be found possible. And said joint committee is hereby authorized to employ a clerk at 85 per day while employed, and any expenses incurred by as an easenger at 85 per day while employed, and any expenses incurred by an equally from the contingent funds of the two Houses.

The SPEAKER pro tempore. Is there objection to the re-

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana for the present consideration of this resolution?

Mr. KILGORE. I object.

BRIDGE ACROSS THE CALCASIEU AND SABINE RIVERS.

Mr. BLANCHARD. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the consideration of the to discharge the House Calendar from the consideration of the bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine Rivers in the States of Louisiana and Texas, and put it on its passage.

The SPEAKER pro tempore. The bill will be read, after which the Chair will ask for objection.

Mr BLANCHARD. I will state that this bill is simply a bridge bill reported from the Committee on Interstate Com-

bridge bill, reported from the Committee on Interstate Commerce. It is in the usual form, is recommended by the War Department, and I ask to dispense with the reading of the bill.

Mr. BALDWIN, Mr. TAYLOR of Indiana, and others ob-

jected.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk proceeded to read the bill.

Mr. BALDWIN. I withdraw my objection to dispensing with

Mr. BALDWIN. I withdraw my objection to dispensing with the reading of the bill.

The SPEAKER pro tempore. But several gentlemen objected. Mr. BLANCHARD. The gentleman here on my left from Indiana, who made objection, tells me he will withdraw it.

The SPEAKER pro tempore. Is there further objection? Mr. TRACEY. I object.

The Clerk resumed and concluded the reading of the bill.

The amendments recommended by the committee were read. The SPEAKER pro tempore. Is there objection to the present

There being no objection, the bill was considered, the amendments recommended by the committee were concurred in, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

On motion of Mr. BLANCHARD, a motion to reconsider the

last vote was laid on the table.

REGULATION OF STEAM VESSELS.

The SPEAKER protempore. The Clerk will call the commit-

tees for reports.

Mr. MALLORY, from the Committee on Interstate Commerce, reported back favorably the bill (H. R. 2377) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels, proved August 7, 1882; and also to amend section 4414, Title LII, of the Bevised Statutes, "Regulation of steam vessels;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DAM ACROSS THE KANSAS RIVER.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported back favorably, with amendments, the bill (H. R. 340) to authorize the construction and maintenance of a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

BIRMINGHAM, SHEFFIELD AND TENNESSEE RIVER RAILWAY COMPANY.

Mr. HALL of Missouri, from the Committee on the Public Lands, reported back favorably the bill (H. R. 198) to grant to the Birmingham, Sheffield and Tennessee River Railway Com-pany a right of way over the public lands traversed by it; which was referred to the House Calendar, and ordered to be printed.

FORT CUMMINGS MILITARY RESERVATION. Mr. GRESHAM, from the Committee on the Public Lands, reported back the bill (H. R. 356) to authorize the Secretary of the Interior to reserve from sale certain lands in the abandoned Fort Cummings military reservation, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

CASH ENTRIES PUBLIC LANDS.

Mr. SOMERS, from the Committee on the Public Lands, reported back favorably the bill (H. R. 4244) to confirm cash entries to offered lands.

The SPEAKER pro tempore. This bill will be referred to the

Union Calendar.

Mr. McRAE. I suggest to the gentleman from Wisconsin that as this bill was recommitted by the House to the Committee on Public Lands for the purpose of obtaining certain information. tion now contained in the accompanying report, it is now privileged and entitled to immediate consideration, and should not now be referred again under the rules to any Calendar. The bill might be held on the Speaker's table until its status can be settled. I submit that the proper order would be that the bill and report be printed without prejudice to the right of consid-

The SPEAKER pro tempore (Mr. RICHARDSON of Tennessee). But the bill having been referred to a committee, and having been reported back, it ought to go to one of the Calendars.

Mr. McRAE. The bill was reported favorably to the House by the Committee of the Whole House, was amended, engrossed, and read a third time; and pending the question upon its pas sage it was recommitted to the Committee on Public Lands with instructions to obtain certain in ormation as to the lands covered by the bill. It was not the purpose of the House to amend the bill, but to ascertain certain facts before called upon to vote

The SPEAKER pro tempore. But having been recommitted,

it must be again reported.

Mr. McRAE. But under the rules and practice of the House, as I understand them, the bill would now take the same position in the House which it occupied when it was recommitted, and the question will be on its final passage. If there is any doubt on

that question, I suggest that the bill remain on the Speaker's table until its status can be settled.

The SPEAKER pro tempore. The Chair is of opinion that when a bill is reported in this way to the House it must go to

one of the Calendars, except by unanimous consent.
Mr. McRAE. With the consent of my colleague I ask, then, that the report be withheld until the question of privilege can be considered and determined. We do not wish to lose any

right by reporting now.

The SPEAKER pro tempore. The report, then, is withdrawn for the present.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, re ported that they had examined and found truly enrolled the bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes; when the Speaker signed the same.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and a joint resolution of the following titles:
On October 31, 1893:
An act (H. R. 3421) providing for the construction of a steam revenue cutter for the New England coast; and

Joint resolution (H. Res. 55) for the reporting, marking, and re-

moval of derelicts.
On November 1, 1893:
An act (H. R. 1986) to amend section 6 of the act approved
March 3, 1891, entitled "An act to repeal timber-culture laws,

March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes;" and
An act (H. R. 1) to repeal a part of an act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate still further insists upon its amendment No. 6 to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, disagreed to by the House of Representatives.

The message also appropriate that the Senate had present with

The message also announced that the Senate had passed with an amendment joint resolution (H. Res. 22) to amend the act an amendment joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without arealytic and the fall principle.

out amendment bills and a joint resolution of the following titles:

A bill (H. R. 2821) for the relief of W. W. Rollins, late collector fifth district North Carolina, for value of stamps destroyed by fire at Winston, N. C., on November 13, 1892;

A bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes; and

Joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the National Encampment of the Grand Army of the Republic at Pittsburg, Pa., in 1894.

ADMISSION OF UTAH INTO THE UNION.

Mr. KILGORE reported back with amendment from the Committee on Territories the bill (H.R. 352) to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be

UNITED STATES COURTS IN MISSISSIPPI.

Mr. STOCKDALE, from the Committee on the Judiciary, reported back favorably the bill (H. R. 4245) to amend an act pertaining to United States courts in the State of Mississippi; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The call of committees for reports being concluded, the second morning hour, which is for the consideration of bills called up by committees, will now begin at forty-five minutes after 1 o'clock.

Mr. OATES. I ask unanimous consent that the second morn-

ing hour be dispensed with.

There being no objection, it was so ordered.

BANKRUPTCY BILL.

The SPEAKER pro tempore. The Clerk will report the unfinished business

The Clerk read as follows:

A bill (H. R. 139) to establish a uniform system of bankruptcy throughout the United States.

Mr. OATES. I desire to have adopted a limitation of general

debate on this bill. We have been liberal in this matter, allowing a large latitude of discussion. The general debate has run for seven days, and a great many gentlemen have had an opportunity to speak. I propose now that general debate be limited to three hours, to be equally divided between the two sides, although the opponents of the measure have had a little more time. than those who favor it. If there is no objection I hope that this

order will be made.

The SPEAKER (Mr. CRISP having resumed the chair). The gentleman from Alabama asks unanimous consent that when the House shall again resolve itself into Committee of the Whole for the consideration of the bankruptcy bill general debate be limited to three hours. Is there objection? Mr. BRETZ, Mr. TERRY, and others objected.

REPORT DURING RECESS BY COMMITTEE ON WAYS AND MEANS. Mr. CATCHINGS, from the Committee on Rules, reported a

resolution; which was read, as follows:

Resolved. That, immediately upon the adoption of this order, the House proceed to the consideration of the resolution authorizing the Committee of Ways and Means to stiduring the vacation of the House, which resolution is hereby reported to the House; that the previous question be considered as ordered on said resolution, and after the debate permitted by the rules, the House shall, without the intervention of other motions, proceed to you upon said resolution.

Mr. CATCHINGS. I demand the previous question on the adoption of this resolution.

The previous question was ordered; there being upon a division (called for by Mr. REED)—ayes 76, noes 23.

The SPEAKER. The question is now upon agreeing to the resolution reported by the Committee on Rules.

Mr. REED. Mr. Speaker, I am very much surprised to see such a resolution as this introduced at the close of this session, because I think it is most unsatisfactory in its character and most unressourable in its derivations. most unreasonable in its demands upon the members of the Ways and Means Committee. I suppose the ground on which the demand is made is that the country may more speedily be informed of the condition of public affairs; and if I thought that in making opposition to this measure I was preventing the country from obtaining as early a knowledge as possible of all the facts which it is necessary for it to know, I should hesitate very much. But I am quite satisfied that neither will the country be more early informed, nor will the bill be really advanced by the proposition which is here presented. which is here presented.

It is an extraordinary proposition. It is that the Committee on Ways and Means shall sit sometime during the interval between now and the reassembling of the House, and during this interval shall file its results and its reports with the Clerk of the House. I think that that has never been done; at least I am not aware of it; and whether it has or has not is a matter of very little consequence. The country may have the impression that this transaction is one which is somewhat necessary; but that is beconsequence. The country may have the impression that this transaction is one which is somewhat necessary; but that is because the country does not understand how either this bill is being framed or the bill called the Mills bill was framed. The House of Representatives has committed this matter to the Committee on Ways and Means. The Committee on Ways and Means has been appointed now for nearly three months. That committee has not had a single meeting upon that subject.

The matter which has been referred to them has not been alluded to in the committee itself; in other words, instead of the Committee on Ways and Means of the House of Representatives doing its duty and considering the question, representing all

doing its duty and considering the question, representing all shades of belief and opinion, it has never attended to the matter the least in the world; consequently any member of this House can see that the proposition to call the Committee on Ways and Means together during the interim is simply imposing upon them an entirely unnecessary duty. If this thing goes on, as it seems to be likely to go on, the Committee on Ways and Means will have absolutely nothing to do except to record the verdict of some gentlemen at present unknown to us or to the country; and consequently they have but a formal duty. If the question were one of publicity, of informing the people what is going to take place, there is absolutely no difficulty attending it; not the least in the world.

Whenever gentlemen, whoever they may be, who are engaged in the business of making the tariff have satisfied their own powerful minds upon the subject all they have to do is to announce it to the world, and they could announce it to the world. just as readily through the newspapers as they can in any other way. That, no doubt, would be the most satisfactory way in which it could be done, so that it could be presented for criticism by the public, and the Committee on Ways and Means, who are the authorized agents of the House, would really be in a much better condition to decide upon the question and pass upon it with the various lights thrown upon it by those interested on every side of the question.

But what is the proposition now? It is that the Committee on Ways and Means shall be called together, after the good old French fashion, of which we have had so many examples, to form

a bed of justice, to register the views of gentlemen at present unknown, but whose names will probably be disclosed at some That is the proposition made; and the only excuse for it is that it may hasten the matter. So far as the committee is concerned it can hasten nothing, because a new tariff bill is not going to be the result, when it is passed, of the opinion of any set of gentlemen known or unknown. It is going to be modany seconding to the carefully formed opinion of the people of this country; and they are going to have a hearing on it. They can have a hearing just as well when these gentlemen present their bill in the papers, whenever they get ready to do so.

Perhaps when the bed of justice is summened to pass upon it, that bed of justice may get some information from the people

which may enable them to modify the results of the workings of

these unknown gentlemen.

Haste is not what is wanted. Speed is proper; and when the committee or the subcommittee, or collection of individuals unknown, get through with the bill it will be entirely suitable that they submit it to the country without calling the committee

together.

Let me present another point. The reports on both sides are That is an action which is reciprocal. The committee present their views, and when the people know what is presented to them they present to the committee their views, and these are them they present to the committee their views, and these are combined in an argument which is presented to the people of the United States on both sides. The gentlemen comprising the majority of this House have been at work, perhaps. I speak not advisedly, because there is no means of knowing anything. They may have been at work, or somebody else may have been at work; but at any rate their minds are familiar with the direc-tion that the bill is to take.

On the other hand, the minority of the committee, of whose rights the Democratic members would certainly be highly conservative, have no idea what has been going on in these secret meetings, which alone have had charge of the tariff up to the present day; and to be called here on the 20th of November, or any such time as that, and have such a bill suddenly thrust upon us, to make a report thereon, and to make it before the assembling of Congress, and to make it before it has been submitted

to the people in such a short time is nothing more nor less than an utterly unsuitable thing.

Such procedure has no tendency, and will have no tendency to inform the public or to inform the members of the committee, or the minority members, whose report may possibly be as useful in giving information to the country as that of anybody else. Just a moment's consideration, Mr. Speaker, of the nature of a tariff act will resnforce what I am saying. A tariff act—I am now talking not about the terms of it, but about its essential nature-a tariff act which undertakes to meddle with a system already existing is, of necessity, very extensive in its scope, sweeping over the entire business of this country. There may be some gentlemen, whose names have not yet been disclosed to us, some gentlemen yet undiscovered, who understand this matter so thoroughly that they can in three or four days comprehend the whole

As I happen to know from the hearings which have been had in the room of the Committee on Ways and Means, there have been hundreds of people before that committee, a knowledge of the occupation of each one of whom is the work of a lifetime, and to ask us to record our views in three or four days, unenlight-ened on the subject by an expression of public opinion, or by those sources of information which are immediately presented when a bill is actually under consideration, seems to me to be unsuitable, unwise, and unreasonable. Therefore, I say that to bring in this resolution at the close of the session, under the whip and spur of the report of a committee that does not even have to have matters referred to it by the House, is something that certainly is not either suitable or proper. I reserve the

rest of my time.

The SPEAKER. The gentleman from Maine has five minutes remaining. The gentleman from Mississippi [Mr. CATCHINGS]

Mr. CATCHINGS. I yield to the gentleman from West Vir-

ginia [Mr. WILSON].

Mr. WILSON of West Virginia. Mr. Speaker, the gentleman from Maine is right in saying that one of the objects sought by the adoption of this resolution is to give to the country as soon as may be information as to the proposed tariff legislation of this Congress. Another object is to advance the preliminary stages of that legislation on that it may be ready as soon as possible of that legislation so that it may be ready as soon as possible after the assembling of Congress for this House to enter actively upon its consideration. In view of the resolution which the House has taken to adjourn this session to-morrow, the majority members of the Committee on Ways and Means felt that some such resolution as this should be passed by the House before it dispersed for this session. dispersed for this session.

Now, Mr. Speaker, there is no mystery about the preparation of a tariff bill. Ever since the tariff question became a political question in this country it has been well known that when a tariff bill was under consideration it was considered as a party measure and was framed by the members of the committee belonging to the party charged with that legislation. Such was the course pursued with the Mills bill; such was the course pursued with the McKinley bill, and that is the course that must necessarily be pursued with every tariff bill so long as this is a question dividing great political parties in this country.

As soon as possible after the appointment of the Committee on Ways and Means, as soon as the legislation then before the House, which took all the time of the members of that committee, and demanded their presence upon this floor, had passed, the committee was organized and the members representing this side of the House, in response to the duty which they felt had been imposed upon them by the American people, set to work to frame a revenue measure to be presented to this House for its action. There has been no concealment of that fact. The public has been taken into the confidence of those members of the committee as far as there was anything that they could state to the

public.

It has been known to the minority members of the committee that we were in session every day, in all the hours that we could escape from our duties on this floor, in a committee room of this House, and I have myself personally invited every member of that minority, with the possible exception of the gentleman from Maine, who was absent from the House for a considerable period, to drop in on us from time to time to see what we were doing, and where we were, and see how we were carrying on this work. There was no necessity for any mystery about it, and I did not desire that there should be. The gentleman from Maine is percorrect in his estimate of the magnitude of this work. Only those who have year after year been charged with labor of this kind, only those who are charged with a duty such as is now placed upon the Committee on Ways and Means, can understand how great and difficult and momentous is that work, and whatan infinite expenditure of labor, of investigation, and of patience is necessary to reach a basis of even partial satisfaction with the work which is done.

I agree with the gentleman from Maine, and I believe it is the very greatest indictment against the system of tariff legis-lation that we have had in this country for the last thirty years, that we do have to deal with occupations, with trades, and with lines of industry where a very large amount of minute technical knowledge may be necessary to deal with them as correctly as one would wish. That is an indictment of the tariff system.

It is an indictment of the protective system that such is the case, and that the most intelligent representative of the people does not come here equipped with the knowledge which pr him for that work as it may be deemed necessary from the protective standpoint.

And for that very reason gentlemen who frame protective bills have been obliged, I may say, to commit the framing of those schedules to the parties in interest, who are supposed to have that equipment of accurate technical knowledge. But, sir, men who equipment of accurate technical knowledge. represent the people of the country, men who represent the taxpayers of the country, men who represent the average in-telligence of this country, ought to be able to deal with all ques-tions of taxation in a way to do justice to the people they repre-sent and to the best interests of their whole country.

Mr. Speaker, the Democratic members of the Committee on Ways and Means who, if they are unknown to the gentleman from Maine can be ascertained by reference to the records of this House, have been working with fidelity, have been working with care and patience, and have welcomed assistance from every source in the preparation of a revenue bill along the lines which the American people seemed to lay out for them in their verdict at the last Presidential election. If it had been possible for us to prepare a bill for presentation to this House before this time, it would have been done; but with the care and labor necessary, we have found our best efforts not able to accomplish that result

We shall, as soon as this House disperses, be able to give to this work all the hours of the working day, and part also of the hours of the night, in order that at as early a day as possible we may present to the people of the country for their information, for their judgment, for their criticism, the result of our labors. And we desire to have this bill presented as early as possible to the American people; we desire to have it passed through the necessary committee action, the necessary parliamentary ripening, to have it ready for the action of this House as soon after it reassembles as may be practicable. And in order to secure this resultit will be absolutely necessary not only that the Dem-ocratic members of that committee shall continue their work night and day, but that there shall be lodged somewhere a power to convene the full committee to act upon such bill as the ma-jority may prepare; so that we may not be guilty of the discourtesy of communicating to the country through the press that which we shall have done before we put the fruits of our labor in the hands of our Republican colleagues upon the com-

It will be necessary, I say, that there should be lodged somewhere the authority to convene the minority of the committee, so that such a bill as may be prepared by the majority may be presented to them in the regular sessions of the committee, may be acted upon in the orderly parliamentary manner in which a committee has to act upon such measures, and that the authority may be given to file with the Clerk of this House during the reces the bill that has thus been prepared, that has thus been passed upon in the committee room, with the usual reports in favor of the bill and against it, so that as soon after the reassembling of Congress as possible this House may enter upon that which was the great duty committed to it by the American people last November. [Applause on the Democratic side.]

Now, Mr. Speaker, the gentleman from Maine seems to hold

the idea that the minority members of the committee will have to be enlightened by the country as to the character of the bill to be enlightened by the country as to the character of the bill before they can be prepared to make their report upon it. It seems to me that that is not what is expected of the minority members of the committee. They are supposed, by reason of their experience in this House, by reason of their experience in dealing with previous tariff bills, by reason of their knowledge of the industries of the country, by reason of the information afforded in the hearings at which they have been present before the committee; in a word, by reason of their assignment to the committee, they are supposed to be in prosession of such knowledge. committee—they are supposed to be in possession of such knowledge and such familiarity with this subject that they can take up the bill, can examine it, can in their report dissect it, and can point out to the people of the country what they suppose to be

the objections to it.

So that, after all, Mr. Speaker, the whole question now before the House is whether it will take such action as may expedite the publication and consideration of this proposed tariff bill, or whether the committee shall be powerless to prepare a bill which shall be ready for the consideration of the House upon its reassembling, and we shall be obliged to go through the parliamentary stages of committee consideration, of preparation of reports, and be delayed in getting the bill upon the Calendar of the House for the information of the country and for the action of Congress. [Applause on the Democratic side.]

Mr. REED. Mr. Speaker, I feel very much obliged to the gentleman from West Virginia for some of the observations which he has been kind enough to let fall; because he not only confirmed the point which I made, but he has been so obliging as to emphasize it. He says that the members on his side of the committee have a simple course before them, not being bothered by details of business, but required only to be controlled by those simple principles which are within the knowledge of the average

That being so, and it having taken that committee three months to begin to see daylight, and we having a more difficult task, being obliged, as he admits, to have some business knowledge in order to comprehend the details of the matter, it would seem very clear that a proposition which in effect purposes to shut us off with three or four days of preparation in the making of our report is unjust in every way. The gentleman from West of our report is unjust in every way. The gentleman from West Virginia has made that very clear and patent to the country; and I am very much obliged to him, because in these questions, just as in all others, the difficulty is that the country is not able

to look at matters from our standpoint. The country does desire early information with regard to this twiff bill; but it desires it because it is important to know what position shall be taken with regard to it. It is important for the country to be able to make its plans with reference to it, either for defeating it, or for modifying it, or for submitting to it as easily as possible. That I admit to be important. Nevertheless all those necessities of the case can be met by the comtheless all those necessities of the case can be met by the committee proceeding as they are now proceeding, and when they get through and are ready, submitting the result of their action to the other side and giving it to the country, because that is going to be the bill. They will not permit us to modify it; the gentleman from West Virginia has been kind enough to say so and to reiterate that this is a political bill to be passed by him and his fellow providence.

his fellow-partisans When, then, they have got the right bill ready it is not necessary, in order to inform the country, to go through the form of submitting it to the Republican members of the committee, who are really to have no voice in the transaction. So that the gentleman from West Virginia, in everything that he has said, has reenforced the argument which I addressed to the House. And I notice also, Mr. Speaker, that he did not dispute the suggestion that it would be only a short time before the beginning of the next session of Congress, before he would name his time of calling us together, and that leaves us entirely at the mercy of the

chairman of a committee of the House, both as to the length of time that we shall be allowed to make our report, and as to the time that we are to be here.

Now, what the country wants is the fullest information upon this subject, not merely information as to the text of the bill, for that the gentleman from West Virginia can give to the counand give it now, as the rules stand at present, without the slightest difficulty or trouble; but it means, in addition to that, the fullest light which popular knowledge can throw upon it, condensed and presented in the form of a report to be read by

the people.

We have had hearings it is true, but it is only within a day or two past that we have been able to get possession of the reports of the hearings. And here let me notice another point. I am quite sure the gentleman from West Virginia did not mean to be understood before the House or the country that we had really been invited to their councils for the examination of the tariff with the majority members of the committee; because if he did invite the minority, it would be a very singular omission that he should have selected the gentleman who had occasion to address the House first. I suppose that there may have been some jesting, pleasant talk about coming down and observing the "workings of our institutions." But this was too far under ground for us. And the gentleman will concede that he meant nothing by it, because this being a political bill, to be passed by his portion of the House, we have nothing to do with it beyond receiving it.

The idea that we are going to commence the discussion of the tariff bill at the very beginning of the next session, and have it put through the House without the country being heard on it, is perfectly absurd. It would not be wise, even if the gentleman had the power to do so, for the suggestion that it is to go through the committee stages in vacation, and then be rushed through the House at the beginning of the session of Congress, must all the country with an increased horror and a larger dissatisfaction.

[Here the hammer fell.]

The SPEAKER. The question is on agreeing to the report

of the Committee on Rules.

The question was taken; and on a division, demanded by Mr. REED, there were—ayes 130, noes 1.

Mr. REED. There is a quorum present, Mr. Speaker, but it

oms not to be voting.

The SPEAKER. The gentleman makes the point that no norum has voted. The Chair will appoint tellers.

Mr. WILSON of West Virginia. I demand the yeas and nays. quorum has voted.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 1, not voting 195; as follows:

EAS-157.

	Y
erson.	Cooper, Fla.
cander,	Cooper, Tex.
old.	Covert,
ey,	Cox,
lwin,	Crawford,
nes,	Culberson,
wig.	Davis,
, Colo.	De Armond,
Tex.	De Forest,
zhoover,	Dinsmore,
	Dockery,
ry, ck, Ga. ck, Ill.	Dunphy,
ek. Ill.	Durborow,
ichard,	English.
ad,	Enloe,
tner,	Epes,
n,	Erdman,
rer, N. C.	Fitch.
nch.	Fithian,
wley,	Forman,
UZ.	Fyan,
kner,	Geary,
okshire,	Geissenhainer,
wn,	Grady,
an.	Gresham,
n.	Haines,
1102,	Hall, Minn.
aniss,	Hall, Mo.
mus,	Harris,
pbell,	Heard,
non, Cal.	Henderson, N.
ath.	Hines,
hings,	Holman,
80Y.	Houk, Ohio
icy,	Hudson,
k, Mo.	lkirt,
b, Ala.	Johnson, Ohio

Kem, Kilgore Kribbs

Arn

Boa

Cadı Can Car Cato

246.3 101.	
Lane, Lapham, Latimer, Layton, Lynch, Maddox, Maguire, Mallory, Marshall, Murtin, Ind. McAleer, McCulloch, McDearmon, McBearmon, McLaurin, McMillin, McNagny, McRae, Montgomery, Montgomery, Montgomery, Montgomery, Montgomery, Mores, Mutchler, Neill, Oates, Outhwaite, Paschal, Patterson, Pendleton, Tex. Pendleton, Tex. Pendleton, Tex. Pendleton, McKayner, Reilly, Richardson, Mich. Richardson, Mich. Richardson, Mich. Richardson, Tenn	Williams, Ill. Williams, Miss. Wilson, W. Va. Wolverton.

NAYS-1. Johnson, Ind.

	NOT '	VOTING-195.	
Allen,		Baker, Kans.	Bartlett,
Apsley		Baker, N. H.	Belden,
Avery		Bankhead,	Bingham
Babco		Bartholdt,	Blair,

n, Lawson, r, Lefever, Lester, Ly, Lilly, Mass. Linton, r, Lisle, Livingston, Lockwood, Loud,	Reed, Reyburn, Robertson, La. Robinson, Pa. Rusk, Russell, Conn. Russell, Ga.
Mass. Linton, r, Lisle, ght, Livingston, Lockwood,	Robertson, La. Robinson, Pa. Rusk, Russeli, Conn.
Mass. Linton, r, Lisle, ght, Livingston, Lockwood,	Robinson, Pa. Rusk, Russeli, Conn.
Mass. Linton, r, Lisle, ght, Livingston, Lockwood,	Rusk, Russeli, Conn.
r, Lisle, ght, Livingston, Lockwood,	Russeli, Conn.
ght, Livingston, Lockwood,	Russell, Conn. Russell, Ga.
Lockwood,	Russell, Ga.
	THE PERSON NAMED IN CO. LEWIS CO. LANSING.
Loud	Scranton,
a around	Settle,
nor, Loudenslager,	
Lucas,	Sherman,
Magner,	Simpson.
Mahon,	Smith,
nd, Marsh,	Snodgrass,
Marvin, N. Y.	Stephenson,
	Stone, C. W.
McCleary, Min	n. Stone, W. A.
n. McDowell,	Strait.
McEttrick.	Storer.
. McGann,	Strong.
McKaig.	Sweet,
Meiklejohn,	Tawney,
son, Ill. Mercer.	Taylor, Tenn.
	Thomas,
r. Meyer.	Tucker,
n, Milliken.	Updegraff,
in, Moon,	Van Voorhis, N. Y.
Morse,	Van Voorhis, Ohio
Murray,	Wadsworth,
Newlands,	Walker,
, Miss. Northway.	Wanger.
N. Y. O'Ferrall.	Waugh,
s, Ill. O'Neil, Mass.	Wever,
s, Pa. O'Neill, Pa.	Wheeler, Ill.
fenn. Page. *	White,
Payne,	Wilson, Ohio
Paynter,	Wilson, Wash.
Pence,	Wise.
son. Perkins,	Woodard,
i. N. Dak. Phillips,	Woomer.
Pickler,	Wright, Mass.
	Wright, Pa.
. Powers.	
	nd, Marsh, Marvin, N. Y. McCall, McCleary, Min McDowell, McEturick, McGann, McKaig, McKaig, Mercer, Me

The following additional pairs were announced:
Mr. SNODGRASS with Mr. WADSWORTH.
Mr. TUCKER with Mr. PERKINS.
The result of the vote was then announced as above recorded.
Mr. CATCHINGS. I desire to enter a motion to reconsider the vote by which the House agreed to the adjournment resolution this morning.

The SPEAKER. The motion will be entered, and the resolu-

The SPEAKER. The motion will be entered, and the resolution will be recalled from the Senate.

Mr. WILSON of West Virginia. I move a call of the House.

Mr. REED. Before that, Mr. Speaker. Can a motion to reconsider be entered in the absence of a quorum?

The SPEAKER. It must be in the power of a member to enter the motion to reconsider in the absence of a quorum, or otherwise he may be entirely deprived of the right. It must be entered on that day or the succeeding day, but, of course, action

annot be taken upon it.

Mr. REED. Will the Chair be kind enough to reserve that point, so that if it is a mistake it can be corrected?

The SPEAKER. Of course. That is only an impression the Chair had.

Mr. REED. I do not in the least profess to know, because it is a question I do not remember to have ever heard raised.

The SPEAKER. Of course the Chair would be glad to be set right upon it if he is in error. The gentleman from West Virginia [Mr. Wilson] moves a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the followingnamed members failed to answer to their names:

Clarke, Ala. Cockran, Coffeen, Compton, Gillett, Mass. Goldzier, Goodnight, Graham, Abbott Abbott, Adams, Aldrich, Allen, Apsley, Babcock, Bankhead, Bartholdt, Bartholdt, Belden, Beltzhoover, Bingham Jones, Joy, Lacey, Lawson, Lester, Lisle, Lockwood, Goodnight,
Graham,
Grosvenor,
Hager,
Hammond,
Hare,
Harter,
Hatch,
Haugen,
Hayes,
Heiner,
Henderson, Ill.
Henderson, Iowa
Hendrix,
Hepburn,
Hicks,
Hooker, Miss.
Hooker, Miss.
Hooker, Miss. Compton,
Conper, Ind.
Cooper, Mis.
Cousins,
Curtis, N. Y.
Dalzell,
Denson.
Dolliver,
Donovan,
Draper,
Dunn,
Edmunds,
Ellis, Ky.
Everett,
Fielder,
Fielder,
Frunk,
Gardner,
Gear, Conn. Lockwood, Loud, Loudenslager, Magner, Marvin, N. Y. McCleary, Minn McEttrick, McGann, McKaig, McKaig, Mercer, Bowers, Cal. Brattan, Brattan, Breckinridge, Ky. Burnes, Burness, Caldwell, Caminetti, Capehart, Chickering, Ohilds, Clancy, Mercer, Meredith, Meyer, Morse. Murray, Newlands Hulick, Hull, Hunter, Northway, O'Ferrall, Gear, Gillet, N. Y.

O'Neil, Mass. O'Neili, Pa. Paynter, Fin e. Pendleton, Tex. Perkins, Pickler, P. st. Randall, key Jurn,	Robertson, La. Robinson, Pa. Russell, Ga. Scranton, Sherman, Siekles, Simpson, Snoderass, Stephenson, Stone, W. A.	Storer, S. rast, Str. ng, Tawney, Taylor, Tenn. Taomas, Tucker, Updegraff, Van Voorhis, N. Y Van Voorhis, Ohio Wadsworth,	Walker, Wanger, Wever, Wheeler, Ill. Wisson, Ohio Wise, Woodard, Woomer, Wright, Mass.	

The SPEAKER pro tempore (Mr. MONTGOMERY). The doors will now be closed. The Clerk will call the names of those who failed to respond. On this call excuses will be in order.

The roll was again called.

The SPEAKER pro tempore. Two hundred and fourteen gen-

tlemen have answered to their names.

Mr. WILSON of West Virginia. I move to dispense with all

further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The question now recurs on the report of the Committee on Rules. On this question the years and nays are ordered.

The question was taken; and there were—yeas 166, nays 2, not yoting 185; as follows:

VEAS-166

	E. 82427	13-100.	
Bland, Boatuer, Boen, Bower, N. C. Branch,	Covert, Cox, Crain, Crawford, Culberson, Culberson, Cummings, Davey, Davis, De Armond, De Forest, Dinsmore, Durborow, English, Enloe, Epes, Erdman, Fithian, Forman, Fyan,	Lane. Lapham.	Williams, Ill. Williams, Miss. Wilson, W. Va. Wolverton.
cooper, see.	400	adan water transport and and	

NAYS-2 Johnson, Ind. OTING-185.

Hainer,

		NOT V
	Abbott,	Cooper, Ind.
	Adams,	Cooper, Ind. Cooper, Wis.
	Aldrich.	Cornish,
	Allen.	Cousins,
	Apsley.	Curtis, Kans.
	Avery.	Curtis, N. Y.
	Babcock,	Dalzell,
	Baker, N. H.	Daniels,
	Bartholdt,	Denson,
	Bartlett,	Dingley,
	Belden,	Dolliver.
	Bell, Colo.	Donovan,
	Beltzhoover.	Doolittie.
	Bingham,	Draper,
	Blafr,	Dunn.
	Boutelle.	Dunphy,
	Bowers, Cal.	Edmunds,
	Brattan,	Ellis, Ky.
	Breckinridge, Ky.	Ellis, Oregon
	Broderick,	Everett,
	Brosius,	Fellows,
	Burnes,	Fielder.
	Burrows,	Fitch.
	Caldwell.	Fletcher,
	Caminetti,	Funk,
	Cannon, Ill.	Funston,
	Capehart,	Gardner,
	Chickering,	Gear,
	Childs,	Gillet, N. Y.
	Clancy,	Gillett, Mass.
	Clarke, Ala.	Goldzier,
	Cockran,	Goodnight,
	Coffeen,	Graham,
	Cogswell.	Grosvenor,
	Compton,	Grout,
1	Conn.	Hager,

Hammond,
Hare,
Harmer,
Hartman.
Hatch,
Haugen.
Hayes,
Heiner,
Henderson, Ill.
Henderson, Iowa
Hendrix,
Hepburn,
Hermann,
Hicks,
Hilborn,
Hitt.
Hooker, Miss.
Hooker, N. Y.
Hooker, N. Y. Hopkins, Ill.
Hopkins, Pa.
Houk, Tenn.
Hulick,
Hull,
Hunter,
Hutcheson.
Johnson, N. Dak.
Jones,
Joy,
Klefer,
Lacey,
Lawson,
Lefever,
Lester,
Lally,
Linton,

Loud,
Loudenslager,
Lucas,
Magner.
Mahon,
Marsh,
Marvin, N. Y.
McCleary, Minu
McDowell,
McEttrick,
McKaig,
Meiklejohn,
Mercer,
Meyer,
Milliken,
Moon,
Morse,
Murray.
Newlands,
Northway.
O'Ferrall,
O'Neil, Mass.
O'Neill, Pa.
Outhwaite,
Page,
Payne,
Pence.
Perkins, Phillips,
Phillips,
Pickler,
Post,
Powers,
Price,
Randall,

Tucker, White, Wilson, Ohio Van Voorhis, Nie Woodard, Wadsworth, Walker, Wanger, Washington, Washington, Weeler, Ill. Ray, Reed, Reyburn, Robertson, La. Robinson, Pa. Simpson, Smith, Stephenson, Stone, C. W. Stone, W. A. Robinson, Pa. Rusk, Russell, Conn. Russell, Ga. Scranton, Shaw, Sherman, Stone, W. A.
Storer,
Strong,
Sweet,
Tawney,
Taylor, Tenn.
Thomas,

Mr. BRECKINRIDGE of Arkansas. Mr. Speaker, I am paired with the gentleman from Illinois [Mr. Hopkins], but have the right to vote to make a quorum, and voted "yea

The SPEAKER. On this question the yeas are 166; the noes No quorum has voted. Mr. WILSON of West Virginia. I move a call of the House.

The motion was agreed to.

The roll was called, when the following-named members failed to respond:

Dolliver, Donovan, Draper, Hooker, Miss. Hopkins, Ill. Hopkins, Pa. Hulick, Abbott. Powers, Price, Randall, Adams, Aldrich, Dunn, Dunphy, Edmunds, Allen, Apsley, Babcock. Baker, N. H. Bartholdt, Ray, Robertson, La. Robinson, Pa. Hunter. Ellis, Ky. Hutcheson. Everett, Fellows, Fielder, Fitch. Fletcher, Funk, Funston, Jones, Rusk, Russell, Ga. Bartlett, Beiden, Beltzhoover, Joy, Lacey, Lacey,
Lawson,
Lester,
Lisle,
Lockwood,
Loud,
Loudenslager,
Maryin, N. Y.
McEttrick,
McKaig,
McKeighan,
Meredith,
Meyer,
Moyer,
Morse,
Murray, Scranton Sherman. Beltzhoover, Bingham, Boutelle, Bowers, Cal. Brattan, Breckinridge, Ky. Sherman, Simpson, Stephenson, Stone, W. A. Storer, Strong. unston, ardner, Gear, Gillet, N. Y. Gillett, Mass. Goldzier, Goodnight, Graham, Tawney, Taylor, Tenn. Tucker, Updegraff, Van Voorhis, N. Y. Van Voorhis, Ohio Wadsworth, Burnes, Burrows Caminetti Chickering. Childs. Grosvenor. Hager, Clancy, Clarke, Ala Walker, Walker, Wanger, Wever, Wheeler, Ill. Wilson, Ohio Wise, Woodard, Woomer, Hare Hare,
Harmer,
Hatch,
Haugen,
Hayes,
Heiner,
Henderson, Ill.
Henderson, Iowa
Hendrix,
Hepburn,
Hicks, Morse, Murray, Newlands, Northway, O'Ferrall, O'Neil, Mass O'Neill, Pa. Page, Pence. Perkins, Pickler, Clarke, Ala. Cockran, Coffeen, Compton, Conn, Cooper, Ind. Cornish, Cousins, Curtis, N. Y. Dalzell, Denson. Woomer, Wright, Mass. Denson,

The SPEAKER pro tempore (Mr. TRACEY). The doors will now be closed; the Clerk will again call the roll, and on this call excuses will be in order.

The roll was called a second time.

The SPEAKER protempore. Two hundred and nineteen members have responded to their names.

Mr. WILSON of West Virginia. I offer the resolution which

I send to the desk.

The Clerk read as follows:

Resolved. That the Sergeant-at-Arms be directed to take into custody and bring to the bar of the House all members absent without leave, and that all leaves of absence be hereby revoked.

The question was taken on the adoption of the resolution, and

the Speaker pro tempore announced that the ayes had it.

Mr. REED. Division.

Mr. LIVINGSTON. I make the point of order that the Chair had decided before the gentleman addressed the Chair.

Mr. REED. Of course the point of order will be overruled. The SPEAKER pro tempore. The Chair did not observe that The SPEAKER pro tempore. The Chair did not observe that the gentleman from Maine had addressed the Chair.

Mr. REED. I addressed the Chair, and asked for a division

in the customary way.

Mr. LIVINGSTON. I say it was done after the Chair had decided.

decided.

Mr. REED. How could I do otherwise, unless the Chair decided my way? They sometimes do. [Laughter.]

The House divided; and there were—ayes 120, noes 30.

Mr. REED. Tellers, Mr. Speaker.

The question was taken on ordering tellers.

The SPEAKER pro tempore. Thirty-eight gentlemen have arisen—a sufficient number, and tellers are ordered.

Mr. WILSON of West Virginia. I demand the yeas and nays.

Mr. BLAND. Pending that, I move that the House do now adjourn. They can make that motion for a day or a week.

The question was taken, and the Speaker pro tempore an-

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Division, Mr. Speaker. [Cries of "Too late!"] ER pro tempore. The gentleman from West Vir-Mr. REED. The SPEAKER pro tempore.

ginia demands the yeas and nays.

Mr. REED. Mr. Speaker, does the gentleman call for the yeas and nays on the motion to adjourn?

Mr. WILSON of West Virginia.

The SPEAKER pro tempore. That was on the previous motion, the adoption of the resolution.

Mr. REED. The gentleman demanded the yeas and nays on

the previous motion; but I ask for a division on the motion to

the provided adjourn.

The SPEAKER pro tempore. The Chair in the last instance certainly did announce the result.

Mr. REED. But I asked for a division, and I have that right, Mr. REED. But I asked for a division, and I we must not have Mr. REED. But I asked for a division, and The Chair must even if the Chair had made the announcement. The Chair must receive any mistake on this. [Laughter.] We must not have not make any mistake on this. [Laughter.] We must not have any tyranny here. [Renewed laughter.]
Mr. WILSON of West Virginia. Tellers were ordered on the

call of the gentleman from Maine, and I demanded the yeas and

Mr. REED. But there is a motion to adjourn, which has intervened, and on which we are now dividing. There can not be

any doubt about that, Mr. Speaker.

The House divided; and there were—ayes 45, noes 95.

Mr. REED. Tellers, Mr. Speaker.

Mr. CATCHINGS. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were-yeas 43, nays 156, not voting 154; as follows:

VEAC 49

A AREAD TON			
Aitken, Avery, Baker, N. H. Blair, Broderick, Brosius, Cooper, Wis. Curtis, Kans. Danfels,	Grout, Hartman, Hermann, Hitt, Hooker, N. Y. Houk, Ohio Houk, Tenn. Johnson, N. Dak.	Lucas, Mahon, Marsh, McCall, McDowell, McKeighan, Meiklejohn, Mercer, Milliken,	Ray, Reed, Reyburn, Russell, Conn. Settle, Shaw, Smith, Stone, C. W. White.
Deolittle,	Lilly,	Payne,	Wright, Penn.

NAYS-156.

	NA	13-140.	
Alderson, Alexander, Arnold, Balley, Baker, Kans, Baldwin, Bankhead, Barnes, Bell, Colo, Bell, Tex, Bell, Colo, Bell, Tex, Black, Ga, Black, Gl, Black, Gl, Black, Gl, Black, Gl, Black, Gl, Bower, N. C. Branch, Brawley, Bretz, Brickner, Brookshire, Brookshire, Brown, Bryan, Bunn, Bynum, Cabaniss, Cadmus, Campbell, Cannon, Cal. Caruth, Casuth, Casuth	Cooper, Tex. Covert, Cox. Crain. Crain. Crawford, Culberson, Cummings, Davey, Davis, De Armond, De Forest, Dinsmore, Dockery, Durborow, English, Enloe, Erdman, Forman, Fyan, Geary, Geissenhainer, Gorman, Grady, Gresham, Haines, Hall, Minn. Hall, Mo. Herris, Heard, Henderson, N. C. Hines, Holman, Hudson, Hudson,	Kilgore, Kribbs, Kyle. Lane. Lapham, Layton, Layton, Lynch, Maddox, Maguire, Mallory, Marshall, Martin, Ind. McAleer, McCulloch, McDearmon, McGann, McGann, McGann, McMillin, McRae, Money, Morgan, Moses, Mutchler, Neill, Oates, Paschal, Patterson, Paynter, Pearson, Pendleton, Tex. Pendleton, W. Va Pigott, Rayner,	Richardson, Tem Ritchie, Robbins, Ryan, Sayers, Schermerhorn, Shell, Sibley, Siple, Somers, Somers, Sperry, Springer, Stallings, Stevens, Stockdale, Stone, Ky. Strait, Swanson, Talbert, S. C. Talbott, Md. Tarsney, Tate, Taylor, Ind. Terry, Tracey, Turner, Turpin, Turpin, Turpin, Warner, Warner, Warner, Warner, Weadock, Wells, Wheeler, Ala, Whitings,
Cockrell,	Johnson, Ohio	Reilly,	Williams, Miss.
Coombs,	Kem,	Richards, Ohio.	Wilson, W. Va.
Cooper. Fla.	Kiefer.	Richardson, Mich.	Wolverton.

	NOT	VOTING-154.	
Abbott, Adams, Aldarich, Allen, Apsley, Babcock, Bartholdt, Barthett, Belden, Beltzhoover, Bingham, Bland, Boutelle, Bowers, Cal. Brattan, Breckinridge, Ark. Burrows, Caldwell, Caminetti, Cannon, Ill Capehart, Catchings, Chickering,	Childs, Clancy, Clancy, Clarke, Ala. Cockram, Coffeen, Cogswell, Compton, Conn, Conns, Cornish, Cousins, Curtis, N. Y, Dalzell, Denson, Dingley, Dolliver, Donovan, Draper, Dunn, Dunphy, Edmunds, Ellis, Ky. Everett, Fellows, Flelder,	Fitch, Fithian, Filetcher, Funk, Funkon, Gardner, Gear, Gillet, N. Y. Gillet, N. Y. Gillet, Mass. Goldzier, Goodnight, Graham, Grosvenor, Hager, Haimer, Hammond, Hare, Harmer, Haugen, Hayes, Heiner, Henderson, Ill. Henderson, Iowa Hendrix,	Hepburn, Hicks, Hooker, Miss, Hopkins, Ill. Hobkins, Pa. Hulick, Hult. Hunter, Hutcheson, Jones, Joy, Lacey, Latimer, Lawson, Lefever, Liale, Lockwood, Loud, Loudenslager, Magner, Marvin, N. Y. McCleary, Mina, McCreary, Ky.

McEttrick, McKaig, McNagmy, McNagmy, Meredith, Mcyer, Moon, Morse, Murray, Newlands, Northway, O'Ferrall, O'Neil, Mass. O'Neill, Pa. Outhwatte,	Page, Pence, Perkins, Pickler, Post, Powers, Price, Randall, Robertson, La. Robinson, Pa. Russell, Ga. Scranton, Sherman,	Sickles, Simpson, Stephenson, Stone, W. A. Storer, Strong, Sweet, Tawney, Taylor, Tenn. Thomas, Tucker, Updegraff, Van Voorhis, N. Y Van Voorhis, Ohio	
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So the House refused to adjourn.

So the House refused to adjourn.

The SPEAKER. The question recurs on the demand for the yeas and nays on the motion of the gentleman from West Virginia [Mr. WILSON], which has been read by the Clerk.

Mr. WILSON of West Virginia. Mr. Speaker, I withdraw the demand for the yeas and nays.

The SPEAKER. The demand for the yeas and nays is withdraw.

Tallors have been ordered.

The SPEAKER. The demand for the yeas and nays is withdrawn. Tellers have been ordered.

Mr. WILSON of West Virginia. Unless the demand for tellers is withdrawn, I renew the demand for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 12, not voting 183; as follows:

YEAS-158.

Blanchard, Bland, Boatner, Boen, Bower, N. C. Branch, Brawley, Bretz, Brickner, Brookshire, Bryan, Bunn,	Martin, Ind. McAleer, McCulloch, McDannold, McDearmon, McGann, McKeighan, McKeighan, McMae, Memilin, McRae, Meroer, Money, Montgomery, Montgomery, Montgomery, Moss, Muchler, Neill, Oates, Paschal, Patterson, Paschal, Patterson, Pengleton, Tex. Pendleton, W. Va. Pigott, Rayner, Reilly, Richardson, Mich. Richardson, Mich. Richardson, Mich. Richardson, Mich. Richardson, Mich.	Somers, Sperry, Springer, Stallings, Stallings, Stevens, Stone, Ky. Stone, Ky. Strait, Swanson, Talbott, S.C. Talbott, Md. Tarsney, Tate, Taylor, Ind. Terry, Tracey, Turner, Turpin, Tyler, Wanner, Washington, Weadock, Wells, Wheeler, Ala. Whiting, Williams, Ill. Williams, Ill. Williams, Miss. Wilson, W. Va. Wolverton.	
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	N	AYS-12.	
Baker, Kans. Doolittle, Ellis, Oregon	Marsh, Meiklejohn, Payne,	Ray, Reed, Reyburn,	Russell, Conn. Smith, Wright, Pa.
	NOT	VOTING-183.	
Abbott, Adams, Adams, Attken, Aldrich, Allen, Allen, Apsley, Avery, Baker, N. H. Baker, N. H. Bankhead, Bartholdt, Bartlett, Belden, Bingham, Blair, Boutelle, Bowers, Cal. Brattan, Breckinridge, Breckinridge, Brosius, Broderick, Brosius, Burrows, Caldwell, Campbell, Campbell, Campbell, Campbell, Campbell, Campbell, Cannon, Ill. Capehart, Chickering, Childs,	Clarke, Ala. Cockran, Coffeen, Coffeen, Cogswell, Compton, Cooper, Ind. Cooper, Wis. Cornish, Cousins, Culberson, Curtis, Kans. Curtis, Kans. Curtis, N. Y. Dalzell, Daniels, Denson, Dingley, Dolliver, Ark. Donovan, Ky. Draper, Dunu, Dunphy, Edmunds, Ellis, Ky. Everett, Fellows, Fielder, Fitch, Fletcher, Funston, Gardner,	Gear, N. Y. Gillett, Mass. Goldzier, Goodnight, Graham, Grosvenor, Hager, Hanmond, Hare, Harman, Hatch, Haugen, Hayes, Heiner, Henderson, III. Henderson, III. Henderson, III. Henderson, Hicks, Hiborn, Himes, Hiborn, Hines, Hiborn, Hines, Hitt, Hooker, N. Y. Hopkins, Pa. Houk, Tenn. Hulick,	Hull, Hunter, Hutcheson, Johnson, Ind. Johnson, Ind. Jones, Joy, Kiefer Lacey, Lapham, Lawson, Lefever, Lester, Lilly, Linton Linton Lisle, Lockwood, Loud, Loudenslager, Lucas, Magner, Marvin, N. Y. McCail, McCleary, Minn McCreary, Ky. McDowell, McEttrick, McKaig, MeNagny, Meredith, Meyer,
X	XV195		

Milliken,	Pickler,	Simpson,	Wadsworth,
Moon,	Post,	Stephenson.	Walker,
Morse,	Powers,	Stone, C. W.	Wanger,
Murray,	Price,	Stone, W. A.	Waugh,
Newlands,	Randall.	Storer,	Wever,
Northway,	Robertson, La.	Strong,	Wheeler, Ill.
O'Ferrall,	Robinson, Pa.	Sweet,	White,
O'Neil, Mass.	Rusk.		
O'Neill. Pa.		Tawney.	Wilson, Ohio
	Russell, Ga.	Taylor, Tenn.	Wilson, Wash,
Outhwaite,	Scranton,	Thomas,	Wise,
Page,	Settle,	Tucker,	Woodard.
Pence,	Shaw.	Updegraff,	Woomer.
Perkins,	Sherman,	Van Voorhis, N. Y	Wright, Mass.
Phillips.	Sickles.	Van Voorhis Ohio	Carrie and Carried

So the resolution was adopted.

Mr. BLAIR, by unanimous consent, was excused on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of the clerks, announced that the Senate had passed with an amendment the bill (H. R. 3571) to increase the number of officers of the Army to be detailed to colleges; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 2002) to amend an act entitled "An act to provide the times and places for holding terms of United States courts in the States of Idaho and Wyoming," approved July 5, 1892.

The message further announced that the Senate had passed

bills of the following titles; in which the concurrence of the

House was requested:

A bill (S. 45) for the relief of W. H. Ward; and
A bill (S. 1021) to grant the right of way to the Kansas, Oklahoma Central and Southwestern Railway Company through Indian Territory and Oklahoma Territory, and for other pur-

A further message from the Senate, by Mr. PLATT, one of its A turning in insight the Senate had passed without amendment the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892.

ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Envolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 2821) for the relief of W. W. Rollins, late collector, fifth district, North Carolina, for value of stamps destroyed by fire at Winston, N. C., on November 13, 1892; when the Speaker signed the same.

REPORT DURING RECESS BY COMMITTEE ON WAYS AND MEANS.

Mr. MALLORY. Mr. Speaker, I move that the House do now

The question being taken, the Speaker announced that the noes seemed to have it.

Mr. REED. I ask for a division.

The House divided, and there were—ayes 42, noes 98; so the

House refused to adjourn.

After a pause, Mr. MALLORY (at 6 o'clock and 7 minutes p. m.). Mr. Speaker, I move that the House do now adjourn.

The motion was rejected.

Mr. HAINES (at 6 o'clock and 47 minutes p. m.). Mr. Speaker,
I would like to know the reason why we are kept waiting here in this manner

The SPEAKER pro tempore (Mr. DOCKERY). The Sergeant-at-Arms is now executing the order of the House directing him to compel the attendance of absent members.

The Sergeant-at-Arms (at 7 o'clock and 15 minutes p. m.) appeared at the bar of the House and said: Mr. Speaker, by virtue of the authority directed to me to arrest and bring in those members who are absent without leave, I now have at the bar of the House the gentleman from Missouri [Mr. Joy] and the gentle-

man from Delaware [Mr. CAUSEY].

The SPEAKER pro tempore. Mr. Joy, you have been absent from the sittings of the House without its leave. What excuse

have you to offer?

Mr. JOY: Mr. Speaker—
Mr. HALL of Missouri. I suggest that the gentleman stand up in the middle of the Hall and speak loud.
The SPEAKER pro tempore. The gentleman from Missouri

[Mr. JOY] is in order.
Mr. JOY. Mr. Speaker, I really ought not to be out to-night on account of—

Mr. CARUTH. We can not hear the gentleman.

The SPEAKER pro tempore. The Chair will state that the gentleman from Missouri is quite hourse.

Mr. JOY. Mr. Speaker, I can scarcely speak at all. I really

ought not to be here now on account of a severe cold and sore

throat. Because I am not well I was expecting not to go out this evening, but to remain at my hotel. I ask to be excused.

The SPE AKER pro tempore. The gentleman states that he

was absent from the House on account of illness, and asks to be excused.

Mr. COOMBS. I move that the gentleman be excused.

The motion was agreed to.
The SPEAKER pro tempore. Mr. CAUSEY, you have been absent from the sittings of the House without its leave. What ex-

cuse have you to offer?

Mr. CAUSEY. Mr. Speaker, I have been present here the whole d.y. If you will look at the record you will find that 1 have voted on every roll call. I merely went out to get a bite, so that I could come back and stay here all night in order that the pending resolution might be passed. That is all the excuse I

Mr. DURBOROW. I move that the gentleman be excused. The SPEAKER pro tempore. The Chair is advised by the Clerk that the name of the gentleman from Delaware [Mr. CAU-SEY] appears on the last roll call. Mr. McCREARY of Kentucky. Then the officer had no right

to arrest him.

The SPEAKER pro tempore. Without objection, the gentle-

man from Delaware will be excused.

Mr. McMILLIN. If the gentleman's name appears on the roll call why was he arrested? It seems to me there can be no question about excusing him.

Mr. CAUSEY. The only reason for my arrest seems to have

been that I went out to get dinner.

Mr. McMilLin. It is always important in these matters that we should do what is orderly. No member can properly be brought in under arrest unless he has been in contempt of the House. Therefore I think the gentleman should stand excused without any motion.

Mr. CARUTH. The Chair has ruled that way, I understand.
The SPEAKER pro tempore. The Chair sustains the point of order made by the gentleman from Tennessee [Mr. McMillin].

The gentleman from Delaware is excused.

The Sergeant-at-Arms appeared at the bar of the House with

The SPEAKER pro tempore. Mr. LISLE, you have been absent from the sessions of the House without its leave. What ex-

cuse have you to offer?

Mr. LISLE. Mr. Speaker, I am very sorry to have been absent from the House to-day; but in the first place, as is known to all my colleagues, I have been in very poor health for some time. In addition to that, I have been endeavoring to-day to attend to business in the various Departments for quite a number of my constituents. I would gladly have been here in the House if I had known that my presence was of any importance.

Mr. McCREARY of Kentucky. I move that my colleague be

Mr. KILGORE. Before that question is put I would like to ake an inquiry. How did the gentleman vote on the silver quesmakean inquiry. Haughter.

The question being put on the motion to excuse Mr. LISLE, it

was agreed to; there being-ayes 88, noes 0.

Several Members. No quorum.

The SPEAKER pro tempore. This question does not require

Mr. TRACEY. I rise to a parliamentary inquiry. I would like to know whether the Chair rules that gentlemen who were here and responded on the roll call have a right to leave the Hall when the doors are ordered closed.

The SPEAKER pro tempore. The Chair has not so ruled, but the custom is in these cases for gentlemen when they desire to be absent from the Hall temporarily, to leave their names with the

Sergeant-at-Arms.

Mr. TRACEY. They are expected to return promptly?

The SPEAKER pro tempore. Certainly.

Mr. SPRINGER. They leave the House on their parole; and if they violate their parole they can be rearrested. That is the practice of the House.

The SPEAKER pro tempore. Undoubtedly.
Mr. COOMBS. I rise to an inquiry. Is it in order to ask for a report from the Sergeant-at-Arms as the probability of our get-

ting a quorum?

Mr. McMILLIN. In response to the inquiry of the gentleman from New York, I will state that the action of the Sergeantat-Arms just taken is presumed to be a partial report, so far as he is able to make one at this time.

Mr. ENLOE. Is it not about time to issue orders to the Sergennt-at-Arms to arrest those members who went out for dinner

and have not returned?

Mr. SPRINGER. . It was understood that they were to return at 7.30. It is not quite that hour yet.

Mr. MALLORY. I move that the House do now adjourn.
The question was taken; and on a division there were—ayes
42, nocs 78.

So the House refused to adjourn.
Mr. CLARK of Missouri. I would like, Mr. Speaker, to obtain some information either from the Chair or some member The SPEAKER pro tempore. Debate is not in order.
Mr. CLARK of Missouri. I will make it in order, Mr.

Speaker.

I wish to ask as a parliamentery inquiry whether or not this call of the House is a serious business or whether it is a farce Mr. SPRINGER. It is a serious business of course.

The SPEAKER pro tempore. That is not a parliamentary in-

The Sergeant-at-Arms appeared before the bar of the House

The Sergeantar-Arms appeared before the bar of the House having in custody Mr. Funston.

The SPEAKER pro tempore. Mr. Funston, you have been absent from the sitting of the House without its leave. What excuse have you to offer therefor?

excuse have you to offer therefor?

Mr. FUNSTON. I got hungry, Mr. Speaker, and desired my dinner, and voluntarily came back, paying my own expenses.

The SPEAKER protempore. Does the Chair understand that the gentleman returned voluntarily?

Mr. FUNSTON. Yes, sir. I received netice from a page that you desired my presence up here, and I returned immediately.

Mr. CURTIS of Kansas. I move that my colleague be excused.

Mr. ENLOE. In lieu of that I wish to make a motion. The gentleman from Kansas is an old member and understands the rules of the House. I move that the Surgeont at Arms be di rules of the House. I move that the Sargeant-at-Arms be di-

rules of the House. I move that the Sargeant-at-Arms be directed to deduct his pay for the day.

Mr. STOCKDALE. A point of order on that. He has not been absent all day, only a part of it.

The SPEAKER pro tempore. The motion of the gentleman from Tennessee is not in order. The question is on the motion of the gentleman from Kansas to excuse his colleague.

The question was taken; and on a division there were—ayes S3,

So the motion was agreed to.

Mr. WILSON of West Virginia. I move to dispense with all further proceedings under the call, and on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The roll was called, no quorum voting, after which the following proceedings took place:

Mr. SMITH of Illinois. Mr. Speaker, Mr. DAVIS of Kansa was here until late this afternoon, and requested me, if his name was called in the evening session, to ask unanimous consent that he be excused as he was not feeling well.

Mr. HUDSON. He is sick.

There being no objection, Mr. DAVIS was excused. Mr. CHARLES W. STONE. My colleague [Mr. WRIGHT] was here until 6 o'clock, and I desire to state that he is not able on

account of physical disability to remain longer.

Mr. SMITH of Illinois. The gentleman from Kansas [Mr. Broderick] requested me to ask that he be excused from further

attendance on account of sickness.

There was no objection.
The SPEAKER. On this question the roll call shows—ayes

9, noes 150. No quorum.

Mr. REED. Mr. Speaker, it is very apparent that there is no quorum of the other side present, and it is further evident that these interesting proceedings could be very much further prolonged, but the size of the transaction hardly seems to warrant it.

I therefore desire to propose to gentlemen on the other side the following amendment to their resolution. I propose to

strike out the following words:

And may be convened by the call of the chairman. Said committee shall also be authorized to file with the Clerk of the House during this interval any bill it shall have prepared for the action of the House on the meeting of the next session of the present Congress, with the usual report thereon.

And substitute in lieu thereof:

The chairman of the Committee on Ways and Means shall have the right to call together the committee and to file with the Clerk of the House any tariff bill which shall be ordered by the committee to publication, and the report of the committee, together with the views of the minority, shall be filed together for publication not less than ten days after the filing sulpublication of the bill, unless an earlier date can be agreed upon. Either report may be filed after ten days if the other is not ready.

The original proposition contemplated no report whatever by the minority. Nothing in the rules of the House would authorize or permit any such thing, since that can be done only by leave of the House, and the House might not be in session.

I still entertain against this proposition very many of the ob-

jections which I presented this afternoon, but the original proposition, as I understand it from what was said by the chairman of the committee, is only a contingent one. Utterances on the part of various members of the Democratic party, and I think I may safely say also on the part of various members of the committee, would indicate perhaps an improbability of the matter being presented, and therefore, under the circumstances, I deem it my duty to present this suggestion of compromise, which I

trust may be accepted.

Mr. WILSON of West Virginia. Mr. Speaker, as I caught the proposition of the gentleman from Maine [Mr. REED] I think there will be no difficulty in reaching an agreement upon it. I wish, however, to say that the original resolution did contemplate the filing of both committee and minority reports, and as written by myself and sent to the Clerk's desk, the language was "the usual reports," the word being in the plural.

Mr. REED. It is not that way in the copy which I saw.
Mr. WILSON of West Virginia. The gentleman from Maine
[Mr. REED] will recollect that the discussion between himself and myself was somewhat upon the question of the minority report. I suggest to the gentleman that for the word "tariff" he substitute the word "revenue," so that there may be no narrow and technical interpretation of the resolution; and with that substitution, as I caught the suggestion of the gentleman, I think

Mr. REED. I will accept the amendment suggested, it being distinctly understood that that does not commit anybody to the

doctrine of a tariff for revenue only [laughter], even when the proceeds are economically administered.

The SPEAKER. Without objection, then, all further proceedings under the call will be dispensed with. The Chair supposes that is understood in the agreement. Without objection, all further proceedings under the call will be dispensed with. [After a pause.] The Chair hears no objection. The last recorded vote shows only 159 gentlemen voting. If there be no objection, if gentlemen on that side will record their votes, the record would then show a quorum voting.

Mr. REED. The suggestion might be made that we are quite ready to have the Chair count us. [Laughter.]
Mr. PAYNE. If the Chair would rather count me in that

way, I ask the privilege of recording my vote in favor of the

The SPEAKER. The gentleman will be recorded then.
Mr. PAYNE. Solely for the purpose of being counted.
The Clerk called the name of Mr. PAYNE, and he voted in the

affirmative.

Other members were, at their own request, also recorded. On the roll call, as finally completed, there were-yeas 43, nays 153; not voting 157; as follows:

	X Est	1.5-40.	
Adams, Aitken, Brosius, Cannon, Ill. Cooper, Wis. Curus, Kans.	Hainer, Harris, Hartman, Henderson, Iowa Hilborn, Hitt,	Linton, Lucas, Maguire, Mahon, Marsh, McCall,	Moon, Payne, Phillips, Reed. Russell, Conn Shaw,
Dingley, Doolittle, Ellis, Oregon Fletcher, Gardner,	Hooker, N. Y. Johnson, N. Dak. Kem, Lefever, Lilly,	McCleary, Minn. McDowell, McKeighan, Meiklejohn, Mercer,	Stone, C. W. Thomas, Waugh, White.

Garaner,	Lality,	Mercer,	
	NA	YS-158.	
Alderson, Alexander, Allen, Arnold, Basiley, Baker, Kans. Baldwin, Barnes, Bankhead, Barnes, Bell, Colo. Bell, Tex. Berry, Black, Ga. Black, Gl. Blanchard, Bland, Boen, Branch, Breckinridge, Ark. Bretz, Brickner, Brown, Bryann, Byyan, Burnes, Bynnum, Cabaniss,	NA' Coombs, Cooper, Fla. Cooper, Tex. Covert, Cox. Crawford, Culberson, Cummings, Davey, De Armond, De Forest, Dinsmore, Dockery, Donovan, Durborow, English, Enloe, Epes, Erdman, Fielder, Fithian, Forman, Fyan, Geary, Gessenhainer, Gorman, Grady.	YS—158. Kiefer, Kilgore, Kribbs, Kyle, Lane, Lane, Lapton, Latimer, Layton, Liste, Livingston, Lynch, Maddox, Mallory, Marshall, Martin, Ind. McAleer, McCreary, Ky. McDannoid, McDannoid, McDarmon, McMagny, McMae, Money, Money, Money, Money, Money, Money, Money, Moses, Mutchler, Paschal,	Ryan, Sayers, Schermerhorn, Settle, Shell, Sioley, Sipe, Smith, Snodgrass, Somers, Sperry, Springer, Stalkings, Stockdale, Strait, Stockdale, Strait, Strait, Strait, Strait, Talbert, S. C. Talbott, Md. Tarsney, Tate, Tarsney, Tate, Traylor, Ind. Terry, Tracey, Turner, Turpin, Tyler, Warner, Washington,
Campbell, Cannon, Cal.	Hall, Minn. Hall, Mo. Harter,	Patterson, Paynter, Pearson,	Weadock, Wells, Wheeler, Ala.
Caruth, Catchings, Causey, Clark, Mo.	Heard, Henderson, N. C. Hines, Houk, Ohio	Pendleton, Tex. Pendleton, W. Va. Pigott, Rellly,	Whiting, Williams, Ill. Williams, Miss. Wilson, W. Va.
Clarke, Ala. Cobb, Ala. Cobb, Mo.	Hudson, Tkirt, Johnson, Ohio	Richards, Ohio Ritchie, Robbins,	Wolverton.

ertson, La

NOT VOTING-157.

Abbott, Aidrich, Apsley, Aystey, Apsley, Avery, Babcock, Baker, N. H. Bartholdt, Beltzhoover, Bingham, Blair, Boatner, Boutelle, Bower, N. C. Bowers, Cal. Brattan, Brawley, Broderick, Bunn, Burrows, Caldwell, Caphent, Caphent, Caphent, Caphent, Cockran, Cockran, Cockran, Cockran, Cooper, Coonger, Cooper, Coop	Grosvenor, Grout, Hager, Haines, Hammond, Hare, Harner, Hatch, Haugen, Hayes, Heiner, Henderson, Ill. Hendrix, Hepburn, Hermann, Hicks, Holman.	Hulick, Hull, Hunter, Hutcheson, Johnson, Ind. Jones, Laccy, Lawson, Lester, Lockwood, Loud, Loudenslager, Marvin, N. Y. McEttrick, McGamn, McKaig, McMillin, Meredith, Moyer, Milliken, Morgan, Morse, Murray, Neill, Newlands, Northway, Oates, O'Neill, Mass. O'Neill, Pa. Outhwaite, Page, Penice, Penice, Penice, Perickler,	Ray, Rayner, Rayburn. Richardson, Mich. Richardson, Tenn. Richardson, Pa. Rusk. Russell, Ga. Scrunton, Sherman, Sickles, Simpson, Stephenson, Stevens, Stone, Ky. Stone, Ky. Storer, Strong, Sweet, Tawney, Taylor, Tenn. Tucker, Updegraff, Van Voorhis, N. Y. Van Voorhis, Ohio Wadsworth, Walker, Wanger, Wever, Wheeler, Ill. Wilson, Ohio Wilson, Wash, Wise, Woodard, Woodard, Wright, Mass, Wright, Mass, Wright, Mass, Wright, Pa.
Cornish.	Hicks.	Perkins,	Woomer,

So the motion was rejected. So the motion was rejected.

The SPEAKER. A quorum has now voted. The Chair will announce the vote. On this question the ayes are 43, and the noes are 153. The record now disclosing a quorum, without objection all further proceedings under the call will be dispensed with. The report of the Committee on Rules might be withdrawn, and the amendment proposed by the gentleman from Maine [Mr. Reed] to the resolution offered by the gentleman from West Virginia [Mr. Wilson] might be considered, without the report of the Committee on Rules. The Clerk will report the resolution introduced by the gentleman from West Virginia [Mr. WILSON]

The Clerk read as follows:

Resolved. That the Committee on Ways and Means are hereby granted leave to sit during the interval between the first and second sessions of the Fifty-third Congress, and may be convened by the call of the chairmasn. Said committee shall also be authorized to file with the Clerk of the House, during this interval, any bill it shall have prepared for the action of the House on the meeting of the next session of the present Congress, with the usual report thereon.

And the Clerk of the House is instructed forthwith to mail to each member of the House a copy of said bill and report, should the same be filed.

The SPEAKER. To this resolution the gentleman from Maine

offers an amendment, which will now be read.

Mr. WILSON of West Virginia. Mr. Speaker, the copy which
the Clerk has read has the word "report" I find, but the resolution which I sent to the Clerk's desk had the word "reports" in both places

The SPEAKER. That change will be made. To this relution the gentleman from Maine offers an amendment, which the Clerk will now report.

The Clerk read as follows:

The Clerk read as follows:

Strike out the language, "and may be convened by the call of the chairman. Said committee shall also be authorized to file with the Clerk of the House during this interval any bill it shall have prepared for the action of the House on the meeting of the next seasion of the present Congress with the usual report thereon." and insert: "The chairman of the Committee on Ways and Means shall have the right to call together the committee and to file with the Clerk of the House any revenue bill which shall be ordered by the committee for publication, and the report of the committee, together with the views of the minority, shall be filed together for publication not less than ten days after the filing and publication of the bill, unless an earlier date can be agreed upon. Either report may be filed after ten days if the other is not ready."

Mr. WILSON of West Virginia. Is there not some mistake about not less than ten days

Mr. REED. No: I stumbled over that for some time. it clear that it shall not be less than ten days after the filing and publication of the bill.

The SPEAKER. The gentleman wants ten days to elapse

before the publication.

Mr. REED. I want ten days to elapse before the publication of the report. They are both to be published together, unless one should not file a report.

The SPEAKER. That seems to cover the point, that ten days must elapse. Without objection the amendment of the gentleman from Maine will be considered as agreed to.

There was no objection.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.
On motion of Mr. WILSON of West Virginia, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

FINAL ADJOURNMENT.

Mr. CATCHINGS. Mr. Speaker, I move to lay on the table the motion to reconsider the vote by which the resolution providing for final adjournment was passed. The motion was agreed to.

ERRONEOUS REFERENCE.

The SPEAKER. Without objection the Committee on Claims will be discharged from the further consideration of the bill (H. R. 1954) to repeal chapter 538 of volume 26 of United States Statutes at Large, and the bill will be referred to the Committee on Indian Affairs

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Mc-KEIGHAN, for ten days, on account of sickness.

WITHDRAWAL OF PAPERS.

The SPEAKER laid before the House the following personal request:

The Clerk read as follows:

Mr. McNagny. I ask leave to withdraw papers of Wm. Lyne, Lewis Deems, C. S. Bash, and Joseph Wolf.

The SPEAKER. Without objection this leave will be granted.
Mr. SPRINGER. A question of order. Is this leave to withdraw papers under the rule? I think the rule provides that copies of papers withdrawn should be left.
The SPEAKER. The Chair did not look. [After a pause.]

The SPEAKER. The Chair did not look. [After a pause.]
There is no provision in the request about leaving copies.
Mr. SPRINGER. What is the rule upon that subject? It
ought to be subject to the rules.
Mr. HEARD. I will suggest that the request be amended so
that it will be in accordance with the rule.

The SPEAKER. The Chair will state to the gentleman from Illinois, that unless the House gives consent the papers can not be withdrawn without leaving copies. The House may give manimous consent to withdraw papers without leaving copies, but the rules require copies. but the rules require copies.

Mr. SPRINGER. I am informed that this is evidence for

the Court of Claims and it is not necessary, as the rule provides

copies shall be left.

URGENT DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I submit a conference report on the urgent deficiency bill.

The Clerk read as follows:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 5, to the bill (H. R. 4177) to provide for further urgent deliciencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, having met, after full and free conference have been unable to agree.

JOSEPH D. SAYERS,
L. F. LIVINGSTON,
J. G. CANNON,
Managers on the part of the House.

F. M. COCKRELL,
A. P. GORMAN,
S. M. CULLOM,
Managers on the part of the Senate.

Mr. SAYERS. Mr. Speaker, if the House will give me its attention I will explain in a very few moments the matter of disagreement between the two Houses. The differences on five disagreement between the two Houses. The differences on five of the Senate amendments have been determined by the conferees, and their action has been approved by both Houses. The sixth Senate amendment is the only proposition that remains unsettled. That amendment appropriates the sum of \$22,000 for the purpose of payment to certain clerks and employés in the Senate authorized by a resolution of the Senate

which bears date, I believe, of September 30, 1890.

Mr. KILGORE. During the Fifty-first Congress.

Mr. SAYERS. During the first session of the Fifty-first

Mr. LIVINGSTON. And offered by Senator Kenna

Mr. SAYERS. Now, during the second session of the Fifty-first Congress an amendment was placed upon the general defi-ciency bill by the Senate making an appropriation for the same purpose as in the amendment under consideration. That amendpurpose as in the amendment under consideration. That amendment came to the House and was rejected, and the Senate receded. At the first session of the Fifty-second Congress an amendment was again put by the Senate upon the general deficiency bill, of the same tenor as the present amendment. That amendment came to the House and was again rejected, and the Senate again receded. During the second session of the Fifty-

second Congress the Senate for the third time placed a similar amendment upon the general deficiency bill. When the bill came back to the House the amendment was for the third time rejected by the House, and the Senate for the third time receded from the amendment.

ceded from the amendment.

The urgent deficiency bill, to which the pending amendment is attached, passed the House covering appropriations that were necessary to meet the current expenses of the Government. When the bill reached the Senate this amendment among others When the bill reached the senate this amendment among others was put upon it. In view of what has transpired between the two Houses, not only in the Fifty-first Congress but also in the Fifty-second, the conferees representing the House felt that they ought not to agree to this amendment, and they believed that it was their duty to submit the matter to the House so as to obtain the further judgment of the House upon the matter.

I do not believe that the House should agree to the amendment. In the first place the amendment, proposed is to a mendment.

ment. In the first place, the amendment proposed is to cover expenses incurred under a simple resolution of the Senate. In the second place the amendment is to cover an appropriation for an expenditure that occurred nearly three years ago, and which has been rejected by two Congresses. In the third place, the amendment is fastened upon an urgent deficiency bill, which is intended to meet current and pressing expenditures of the Government.

Now, it is due to the House that I should say this: That I have been told that the Senate will not recede.

Mr. HENDERSON of Iowa. May I say a word to my friend?

Mr. SAYERS. Certainly.

Mr. HENDERSON of Iowa. It seems that Democratic Senators, when in a majority, are about as tenacious of their rights

as Republican Senators were.

Mr. SAYERS. A Senator is a Senator. [Laughter.]

Mr. LIVINGSTON. This resolution, Mr. Speaker, was adopted, as the gentleman from Texas, chairman of the committee, has stated, in 1890, after a very lengthy session, when there were only about two months remaining between the close of that session and the beginning of the next regular session:

session and the beginning of the next regular session:

Resolved, That the Secretary of the Senate be directed to pay the per diem clerks of committees of the Senate and clerks to Senators whom are authorized to be legally paid by the resolution of the Senate of September 30, 1890, a sum equalling two months' pay, the same to be paid out of any moneys in the Treasury not otherwise appropriated, and to be immediately available. The Senators, Mr. Speaker, involved in this matter are nearly all Democrats; the clerks are nearly all Democratic clerks. In many instances the Senators, out of their own pockets, have paid to their clerks the amount that they were entitled to under this resolution; in other instances the clerks have paid their own expenses, their railroad expenses and their hotel bills; and it is due to the Senators, who can not be represented on this floor, to say to the Senators, who can not be represented on this floor, to say that they feel in honor-bound for this money; and they insist upon it, and will continue to insist upon it. I may just as well say, Mr. Speaker, that this agreement was had by the committee in conference, and I hope this House will indorse it, that for the present the bill may remain in conference for a future un-derstanding in the December session.

derstanding in the December session.

Now, that was an agreement by the entire committee.

Mr. TAYLOR of Indiana. Who speaks for the committee?

Mr. DINGLEY. Did I understand the gentleman from Georgia [Mr. LIVINGSTON] to say that he was in favor of the House receding?

Mr. LIVINGSTON. No, sir. I desired to state—and I think it just to Senators who are represented on one side of this question.

Mr. DINGLEY. The statement the gentleman made seemed to look in the direction of receding.

Mr. LIVINGSTON. I am only stating the facts; and I want to say that I am decidedly in favor of this House simply recognizing this matter as it is left in the hands of the conferees; and some day or another, if we can agree upon it, we will so report.

Mr. CANNON of Illinois. In that connection allow me to say that the statement of the gentleman from Georgia is perhaps a little too broad. Having signed the conference report as a minority conferee, I can not agree with the gentleman from Georgia that it is politic or proper to let this bill fail, because there are items of appropriation on the bill which I think ought to be cared for. One is for custodians and janitors of public buildings cared for. One is for custodians and janitors of public buildings throughout the country; perhaps that is the most important item on the bill, and I have no doubt that money ought to be appropriated

Mr. LIVINGSTON. May I suggest to the gentleman-Mr. CANNON of Illinois. Certainly.

Mr. LIVINGSTON. Money for this purpose was appropriated at the last session of Congress; and if this special session had not been called the Secretary of the Treasury would have been obliged to go right along and provide for those matters without this fund, and in my humble opinion this matter ought not to have been brought before the House at this extra session. Mr. CANNON of Illinois. In reply to the gentleman from Georgia, I desire to say that while the regular annual appropriation was made for this purpose, it was very greatly below the estimates and very considerably below the necessities of the service. And I call the attention of the gentleman to the fact that under our statutes no deficiency can be made without a violation of law. It is the duty of an executive officer not to spend more than a proportionate part of the appropriation within

spend more than a proportionate part of the appropriation within any given portion of the year.

I think it proper that this statement should be made. Of course, what the House may do is another question. One course of action would be to sustain the conference committee, because I am quite sure, from what I know of the temper of the House conferees, that without the instructions of the House they would not feel warranted in receding upon this point. So that either the House ought now to adopt this conference report, which possibly, and I think probably, means a failure of the entire bill, or the House ought to instruct its conferees (if such is its temper) to recede; or the House might take the matter into its own hands and adopt a motion to recede from the disagreement with the Senate on this one amendment (the only thing now in controversy), whereby this bill, on receiving the approval of the President, would be enacted into law. I beg pardon of the gentleman in charge of the bill for making the statement, but I thought it proper to make it now in reply to the gentleman from Georgia, that the House might fully understand the situation as I understand it.

Mr. WASHINGTON. Will the gentleman from Illinois allow a question?

Mr. CANNON of Illinois. Certainly.

Mr. SAYERS. If the gentleman from Tennessee desires time

I will yield to him.

Mr. WASHINGTON. Mr. Speaker, I was going to ask a question of my colleague on the committee, but the chairman has

yielded to me a moment.

I do not wish to detain the House, but I think it proper to impress this point in regard to the pending appropriation bill, and we should have due regard to this fact in our action with reference to the conference report. That is, that the bill ought not to fail entirely, for the reason, as I am informed at the Treasury Department, that the funds for paying the firemen, engineers, and others whose services are absolutely necessary to keep the public buildings in a habitable condition during the winter weather, have been dispensed with in many of the public buildings in the condition of the condition ings throughout the country because of the lack of funds. I know that is the case at Nashville, and also with a number of public buildings elsewhere throughout the country, and unless the urgency bill becomes a law there will be suffering in the public buildings amongst the clerks and officials generally by reason of

Mr. BRETZ. Is not the Senate as much interested in the passage of the bill as we are?

Mr. ALLEN. Maybe some of them will resign.

Mr. WASHINGTON. And when it is stated that this bill should fail rather than that an agreement should be reached on the pending question, I want that borne in mind. I am inclined for one to oppose to the bitter end the yielding to the Senate's demand the St. 1000 in this case which is to seem liabilities in demand for \$21,000 in this case, which is to cover liabilities in-curred during the sessions of the Fifty-first Congress for clerical hire in that body, and I think if the House insists on its position that our conferees will be able to agree with the Senate and save the bill

Mr. CAMPBELL. That money ought to be paid.

Mr. SAYERS. If the gentleman from Tennessee is through, I desire to move that the House further insist on its disagreement, and ask a further conference with the Senate on the dis-

agreeing votes of the two Houses.

Mr. KILGORE. Will the gentleman allow me to ask a question? I would like to know if he considers that this ought not

to be paid under any circumstances?

Mr. SAYERS. That is my opinion.

Mr. KILGORE. And what is the opinion of the gentleman

from Georgia?

Mr. LIVINGSTON. That is also my opinion.

Mr. SPRINGER. Will the gentleman allow me a moment? I understood some gentleman to say, a member of the conference committee, that the Senators had informed them in conference that they regarded this as a personal responsibility; that is, this expenditure in behalf of the clerks. I would like to know if I was correct in that understanding:

Mr. SAYERS. Why, Mr. Speaker, the expenditure would have been paid out of the contingent fund of the Senate; but that fund was exhausted, hence the effort on the part of the Senate to place this amendment on the urgent deficiency bill.

Now, it occurs to me that if the House should recede from its position, it will in doing so indorse the action of the Senate in

providing for the payment of these session clerks and clerks to Senators during the vacation between the first and the second-sessions of the Fifty-first Congress.

Mr. SPRINGER. Did I understand the gentleman from Geor-

gia [Mr. LIVINGSTON] to say that the Senators had become per-

gia [Mr. Livingston] to say that the Senators had become personally liable for this payment?

Mr. Livingston. No: I only said that some Senators had stated they had paid some of this money out of their own pockets, and in other instances the clerks had borne their own expenses, that Senators considered themselves in honor bound to secure this money for these clerks. But the chairman of our committee has stated a fact which I do not want the House to overlook, that this money was to be paid originally out of the Senate contingent fund, and now it is proposed to take it out of a very different fund.

Mr. ALLEN. This money was paid out in expenses for what?
Mr. LIVINGSTON. Well, the gentleman who was Senator
Kenna's clerk states to me in a private letter that he was sent twice to West Virginia on Mr. Kenna's business as a Senate clerk, and paid his railroad expenses. So Mr. Jones, who was clerk to Senator Brown, then a Senator from my State, says that he was sent to Atlanta twice and paid his railroad fare, and Senators themselves have made similar statements.

Mr. ALLEN. Is that a part of legitimate Government ex-

penses:

Mr. SAYERS.

Mr. LIVINGSTON. I resolution of the Senate. It is not; but it is provided for in this

Mr. SPRINGER. As I understand, the first session of the Fifty-first Congress adjourned on the 2d day of October and the second session began on the first Monday of December following, so that there was a period of two months between the long and the short session.

Mr. SAYERS.

Mr. SAYERS. 188. Mr. SPRINGER. And the Senators desire pay for their session clerks and clerks to Senators to cover that period?

Mr. SAYERS. They do.
Mr. LIVINGSTON. To cover those two months.
Mr. ENLOE. I would like to inquire whether the Senate could not secure the payment of this money by increasing its contingent fund and then paying this money out of that fund?

Mr. SAYERS. Certainly.
Mr. CANNON of Illinois. And the gentleman from Texas
[Mr. SAYERS] might well state, I think, that the Senate is per-

feetly willing to do that.

Mr. SAYERS. The Senate is perfectly willing.

Mr. CANNON of Illinois. Provided we appropriate the money. Mr. SAYERS. The conferees of the Senate are perfectly willing to have the matter arranged in that way, provided we recognize the right of the Senate to make this indebtedness.

Mr. Speaker. I move that the House further insist upon its disagreement and ask for a further conference with the Senate. The SPEAKER. The gentleman from Texas [Mr. SAYERS] moves that the House further insist upon its disagreement to the amendment of the Senate, and ask a further conference on the disagreeing votes of the two Houses.

Mr. C ANNON of Illinois. I will suggest to the gentleman

from Texas [Mr. Sayers] that in order to place the matter be-fore the House in the most favorable light, it seems to me it would be well that a motion be made that the House recede from its disagreement.

Mr. SAYERS. I am willing. The gentleman from Illinois

[Mr. CANNON] can make the motion.

Mr. CANNON of Illinois. Very well; for the purpose of testing the sense of the House I will make the motion.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves that the House recede from its disagreement to the Sen ate amendment, and agree to the same.

The question was taken; and on a division (demanded by Mr.

SAYERS) there were -ayes 4, noes 120.

So the motion to concur in the Senate amendment was disagreed to.

agreed to.

The SPEAKER. Without objection an order will be made that the House further insist upon its disagreement to the Senate amendment, and ask for a further conference on the disagreeing votes of the two Houses.

There was no objection; and the Speaker appointed as conferces on the part of the House Mr. SAYERS, Mr. LIVINGSTON, and Mr. CANNON of Illinois.
Mr. SAYERS. Mr. Speaker, if there be no further business

before the House-

ENROLLED JOINT RESOLUTION SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the national encampment of the Grand Army of the Republic at Pittsburg, Pa., in 1894; when the Speaker signed the same.

DETAIL OF OFFICERS TO COLLEGES.

Mr. WHEELER of Alabama. Mr. Speaker, before the House adjourns I desire to ask unanimous consent that the House concur in the Senate amendments to the bill (H. R. 3571). It will only take a moment.

The SPEAKER. The gentleman from Alabama [Mr. Wheeler] has a bill to which there is a Senate amendment. The gentleman thinks it can be disposed of in a moment, and the Chair will submit it to the House.

Mr. WHEELER of Alabama. I send to the Clerk's desk the bill (H. R. 3571) to increase the number of officers of the Army to be detailed to colleges, together with the Senate amendments.

The SPEAKER. The Clerk will report the Senate amend-

The Clerk read as follows:

The Clerk read as lollows:
In line 7, after the words "United States," insert "and no officer shall be
thus detailed who has not had five years' service in the Army, and no detail to
such duty shall extend for more than four years; and officers on the retired
list of the Army may, upon their own application, be detailed to such duty,
and when so detailed shall receive the full pay of their rank."

Mr. WHEELER of Alabama. The chairman of the Committee on Military Affairs [Mr. OUTHWAITE], who is absent tonight, requested me to ask the House to concur in the Senate amendment, and pursuant to that request I make that motion, that the House concur. The bill passed the House some weeks since. It authorized an increase in the number of officers detailed for such duty to 110. The Senate amendment does not affect the number of officers to be detailed.

The motion was agreed to.
On motion of Mr. WHEELER of Alabama a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. SAYERS (at 8 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Friday, November 3, 1893, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the fol-

lowing titles were introduced, and severally referred as follows: By Mr. DOCKERY: A bill (H. R. 4340) to amend section 407 of the Revised Statutes, requiring deposit of receipts with the Auditor of the Treasury for the Post-Office Department-to the Joint Commission of Congress to Inquire into the Status of Laws Organizing the Executive Departments.

By Mr. KEM: A bill (H. R. 4341) to provide for the disposal of Fort Hartsuff, Fort Sheridan, and Fort McPherson military reservations, in the State of Nebraska, to actual settlers under the provisions of the homestead laws—to the Committee on the Public Lands.

By Mr. HAINES: A bill (H. R. 4342) appropriating \$350 for establishing a fog bell at Hudson light station, New York-

to the Committee on Appropriations.

By Mr. SMITH of Arizona: A bill (H. R. 4343) conferring on the district courts in the Territories the jurisdiction in certain

trials of Indians—to the Committee on the Judiciary.

Also, a bill (H. R. 4344) granting desert lands to States and
Territories for educational purposes—to the Committee on the Public Lands.

By Mr. HARTMAN: A bill (H. R. 4345) directing the parting and refining of bullion to be carried on at the United States assay office at Helena, Mont.—to the Committee on Coinage, Weights, and Measures.

By Mr. CARUTH: A bill (H. R.4346) extending the benefits

of the marine hospitals to the keepers and crews of life-saving stations-to the Committee on Interstate and Foreign Cmerce.

By Mr. CAMPBELL: A joint resolution (H. Res. 84) making Saturday a half holiday for the Executive Departments in the District of Columbia-to the Committee on the District of Columbia

By Mr. CRAIN: A joint resolution (H. Res. 85) to give an extra month's pay to employés of the House—to the Committee on Appropriations.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 4347) to pay Eliza Green,

By Mr. CATCHINGS: A Bill (H. R. 4341) to pay Entarched, of Vloksburg, Miss., the amount found due her by the Court of Claims—to the Committee on War Claims.

By Mr. COVERT: A bill (H. R. 4348) granting a pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas W. Sweeny, United States Army, retired, deceased—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 4349) for the relief of Horace V. Easterling, who was injured by the collapse of the old Ford's Theater, on the 9th day of June, 1893—to the Committee on Claims

By Mr. HOUK of Tennessee: A bill (H. R. 4350) to restore the name of Pleasant Sharp to the pension rolls—to the Committee

on Invalid Pensions.

Also, a bill (H. R. 4351) for the relief of John G. Pickler—to the Committee on Military Affairs.

Also, a bill (H. R. 4352) granting a pension to Ann E. Chap-

Also, a bill (H. R. 4352) granting a pension to Ann E. Chapman, wife of William B. Chapman, of Knoxville, Tenn.—to the Committee on Invalid Pensions,

Also, a bill (H. R. 4353) to grant an honorable discharge to T.

J. Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 4354) for the relief of William Cecil—to the

Committee on Military Affairs.

Also, a bill (H. R. 4355) for the relief of Kate K. Parsons, of Mayo, Knox County, Tenn.—to the Committee on Invalid Pen-

Also, a bill (H. R. 4356) for the relief of Joseph C. Hodges-to the Committee on War Claims.
Also, a bill (H. R. 4357) for the relief of James A. Doughty-

to the Committee on War Claims.

Also, a bill (H. R. 4358) granting additional pension to Isham

Hurt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4359) to grant an honorable discharge to William Stephen Smith—to the Committee on Military Affairs. Also, a bill (H. R. 4360) for the relief of Philip Schlossan-to

the Committee on Military Affairs.

Also, a bill (H. R. 4361) for the relief of J. T. Thompson—to the Committee on Military Affairs.

Also, a bill (H. R. 4362) for the relief of Miller E. Rosier—to

the Committee on Military Affairs.
Also, a bill (H. R. 4363) for the relief of John W. Robinson—to the Committee on Military Affairs.

Also, a bill (H. R. 4364) granting military status to "Reynold's Scouts"—to the Committee on Military Affairs.

Also, a bill (H. R. 4365) for the relief of Wesley C. Owens—to the Committee on Military Affairs.

Also, a bill (H. R. 4366) for the relief of James M. McKamey-to

the Committee on Military Affairs.

Also, a bill (H. R. 4367) for the relief of William McCulley—to the Committee on Military Affairs.

Also, a bill H. R. 4368) for the relief of Samuel E. Gass—to the

Committee on Military Affairs.

Also, a bill (H. R. 4369) granting an honorable discharge to William C. De Vault—to the Committee on Military Affairs.

Also, a bill (H. R. 4370) to amend the military record of John

Christian—to the Committee on Military Affairs.
Also, a bill (H. R. 4371) for the relief of William B. Caldwell—

to the Committee on Military Affairs.

Also, a bill (H. R 4372) to grant an honorable discharge to Samuel Bunch—to the Committee on Military Affairs.

Also, a bill (H. R. 4373) for the relief of Henry Byrge—to the Committee on Military Affairs. Also, a bill (H. R. 4374) to grant an honorable discharge to

Elisha Anderson—to the Committee on Military Affairs.
Also, a bill (H. R. 4375) for the relief of Lewis Adkins—to the

Committee on Military Affairs.
Also, a bill (H. R. 4376) granting a pension to Mary J. Blanton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4377) granting a pension to Mary A. Bird, of Fox, Sevier County, Tenn—to the Committee on Pensions.

Also, a bill (H. R. 4378) for the relief of the helpless children of Garrison Usery, deceased—to the Committee on Invalid Pen-

Also, a bill (H. R. 4379) for the relief of Henry Thompson-to the Committee on Invalid Pensions

Also, a bill (H. R. 4380) for the relief of Fanny Moore-to the Committee on Invalid Pensions.

Also, a bill (H. R. 4381) for the relief of Edmond B. Miller—to

the Committee on Invalid Pensions. Also, a bill (H. R 4382) for the relief of P. C. Culvahouse-to the Committee on Invalid Pensions.

Also, a bill (H. R. 4383) for the relief of Edward Legg-to the Committee on War Claims.

Also, a bill (H. R. 4384) for the relief of Walter Scott—to the Committee on War Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 4385) granting a pension to Henderson Young-to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 4386) granting a pension to Daniel M. Banks-to the Committee on Invalid Pen-

By Mr. MILLIKEN: A bill (H. R. 4387) granting a pension to John Dow—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows: By Mr. CARUTH: Papers to accompany House bill 4300, for the relief of John Veeley-to the Committee on Claims.

Also, papers to accompany House bill +299, granting a pension Mary L. Tweddle—to the Committee on Invalid Pensions.
By Mr. DINSMORE: Memorial for the relief of William T. Baker et al., survivors of the Mountain Meadow massacre—to the Committee on Appropriations.

By Mr. GORMAN: Petition of the Michigan Annual Conference of the Methodist Episcopal Church, to repeal the Geary

law—to the Committee on Foreign Affairs.

Also, petition of the cigar manufacturers of Jackson, Mich., asking for a reduction of the duty on tobacco—to the Committee on Ways and Means.

Also, petition of residents of Jackson, Mich., asking for the passage of the antitrain wrecking and other antitrain robbing bill, H. R. 3189—to the Committee on the Judiciary.

By Mr. HENDERSON of lowa; Papers from August Hammel, esq., Dubuque, Iowa., urging the establishment of a technical department at the National College for the Deaf at Kendall Green—to the Committee on Appropriations.

Also, paper from P. J. Dorn, esq., of Iowa, urging the establishment of a technical department at the National College for

the Deaf at Kendall Green-to the Committee on Appropria-

Also, petition of W. J. Irvine, esq., Waterloo, Iowa, praying the reduction of postage to 1 cent an ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NE L of Massachusetts: Petition of Eleanor Shea

for pension-to the Committee on Pensions.

By Mr. SHELL: Petition of citizens of South Carolina asking an appropriation for the improvement of the navigation of the Congaree River-to the Committee on Rivers and Harbors.

SENATE.

FRIDAY, November 3, 1893.

Prayer by the Chaplain, Rev. W. H. MILBURN, D.D. The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. COCKRELL, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILL SIGNED.

The VICE-PRESIDENT announced his signature to the enrolled bill (H. R. 2821) for the relief of W. W. Rollins, late collector fifth district North Carolina, for value of stamps destroyed by fire at Winston, N. C., on November 13, 1892, which had previously received the signature of the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T.O. Towles, its Chief Clerk, announced that the House still further insisted upon its disagreement to the amendment of the Senate numbered 6 to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. SAYERS, Mr. LIVINGSTON, and Mr. CANNON of Illinois managers at the further conference on the part of the

ENROLLED HILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the National Encampment of the Grand Army of the Republic, at Pittsburg, Pa., in 1894; and it was thereupon signed by the Vice-President.

FINAL ADJOURNMENT.

Mr. COCKRELL. I report back favorably from the Committee on Appropriations the concurrent resolution of the House of Representatives providing for the final adjournment of the present session of Congress, and I ask for its present consideration.

The concurrent resolution was read, as follows:

Resolved by the Senate and House of Representatives. That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 3d day of November, present, at 3 o'clock p. m.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. COKE. Mr. President, since it appears that a yea-and-

nay vote is not to be taken on the resolution to adjourn, I rise to place on record my opposition to it.

place on record my opposition to it.

The Congress should not adjourn, but should continue in session and proceed in the transaction of public business, of which there is a large amount demanding attention. This is shown by the Calendar lying on the desk of every senator. Much of it is of great importance. The Federal elections bill is before the Senate, having passed the House. The bankruptcy bill is being debated in the House, and will be in this body in a very few days, if it is to come at all. Quite a number of bills passed by the House are in the Senate awaiting action. Some of those it is important should be passed at once. Many more would be poured portant should be passed at one. Many more would be poured into the Senate, were it understood that both Houses would proceed in the dispatch of business inste d of adjourning. reduction has been promised the country by the Democratic party, and if this promise is not to be broken (as another of equal importance has already been), it is time the decks were being cleared ready for the contest to be made over it.

It was understood by the country earlier in the year that an extra session of Congress would be called in October to take up and act on this subject; yet we find Congress, already in session, proposing to adjourn without preparing the way for a tariff bill when one may be ready, by transacting public business which must be done in this or the regular session. An adjournment now means a session running through the hot months of next summer, and possibly into the late fall, when elections are to occur, leaving the people no time for a proper understanding of

the new tariff law we hope to see enacted.

It is my conviction that the Democratic party has everything to lose and nothing to gain by adjourning now, and that the Republican party has everything to gain and nothing to lose by it. The plea that we will have no quorum here is not a legitimate one. We have no right to act on the assumption that Senators will violate their obligation to be here and discharge their public duties. Let it be known that Congress refuses to adjourn and a quorum will be here and remain. The public opinion of the country will compel a quorum to be here. Mr. President, the poorest way that I can think of to serve the

country and the Democratic party is for this Congress to ad journ, leave the public business, and go home. Holding this opinion, I here record my protest against the resolution of adjournment.

Mr. DOLPH. Mr. President, I did not intend to take the time of the Senate to express my views upon the propriety of an

adjournment at this time, and should have said nothing had not the Senator from Texas addressed the Senate upon the subject.

I should probably disagree with him about the importance of early action upon some of the measures on the Calendar, but I

entirely agree with him that it would be b tter for Congress to remain in session during the present month of November and to transact the business which will come before it than to extend the next session into the heated term. I do not believe that any Senator living in the Northern States can with impunity remain in Washington during two successive summers. Cert inly I know that I have jeopardized my health by attending in the Senate as much as I have done at the present session. I think it would have been far better if Congress had remained in session it would have been far better if Congress had remained in session during the present month and been able to adjourn by the 1st of July next year, in order that we might enjoy a vacation during the heated period of summer. I hope that even if we do adjourn now an effort at least will be made to get rid of the business of Congress, pass the appropriation bills, and get away from here by the 1st of July next year.

Mr. HARRIS. Mr. President, I simply desire to say that for the reasons so well expressed by the Senator from Texas. I have been from the beginning and am still opposed to adjourning at this time. I think we ought to stay here and dispatch the public business as rapidly as possible and redeem our pledges to the

lic business as rapidly as possible and redeem our pledges to the

Mr. COCKRELL. Mr. COCKRELL. Mr. President, I heartly concur in what my distinguished colleagues here have said, but they are aware as well as I am that it is not worth while for us to talk when we actually know that querums can not be kept in the Senate and the other House for the transaction of business during the re-mainder of the present month; that no tariff bill will be ready to be reported to the other House until the first Monday in December: that no appropriation bills can be prepared before that time, and that an a tempt to remain in session and transact business without any ability to do it would not accomplish anything

For that reason, against my own judgment and as a matter of

public necessity, I favor the passage of the resolution.

Mr. CALL. Mr. President, I wish to place upon record my concurrence with the disapproval of the resolution of adjournment as stated by the Senator from Tennessee [Mr. HARRIS] and the Senator from Texas [Mr. COKE]. I believe that the condition of the country requires the presence of Congress here. I think there will be far greater distress throughout the country than exists at this time. I believe there will be many thousands of people out of employment, perhaps hundreds of thousands, and that the general financial condition of the country and its industrial condition forebode a degree of distress during the coming winter that will require consideration on the part of Con-

For one, I wish to place upon record my belief that it is the duty of Congress to remain here and relieve the condition of the

Mr. BERRY. Mr. President, if a yea-and-nay vote were to be taken upon this proposition I would not have made any statement whatever; but I agree with the Senator from Texas that it is the duty of Congress to go on and do the business of the people of the country as they expected us to do it. I had hoped that the tariff bill would be reported to the other House before this time, and although it has not been done, as the Senator from Texas so well said there are a great many other measures, and one that I regard of vital importance, which have already pas the House of Representatives and are now pending in the Senate. That measure of vital importance is the bill for the repeal of the present election laws. It seems to me that it would have been better on all sides if we had remained here and disposed of the business before us, so that we could have been prepared to go on with the tariff bill when it came from the House of Representatives

Mr. GRAY. Mr. President, I agree with the Senator from Missouri [Mr. COCKRELL] that it would be an idle parade of zeal to attempt to continue the present session until December. The business that we were brought here in extra session to consider and transact is behind us. The strain of the dog days was upon us when we came here, and continued for two months thereafter; and the excitement of the session, the calling away of Senators from their homes and business during the long vacation upon which most of us count for opportunity to attend to private business, have put all or almost all of us to great inconvenience, and the barely four weeks that we shall have between now and the regular session are essential not only for the private convenience of Senators who have been under this great strain, but they are

of Senators who have been under this great strain, but they are essential for the country, in my opinion.

If we had transacted the business for which we were called within a few weeks after convening here, I for one would have been in favor of staying and attempting to transact during the autumn some of the important business that claims the attention of Congress and has claimed the attention of the country. But as that is not the case, and as we are all endeavoring to do our duty in our own way and according to our own light, patriotically on all sides, as I believe, and have arrived at this late date in the autumn with only four weeks between us and the regular session, I think no public service will be performed by our remaining longer in session. I hope very much that the resolution

will be agreed to.

Mr. MILLS. Mr. President, it is my misfortune to disagree with nearly everyone who has spoken. I think that we would expedite business in the next session by adjourning. My experience in Congress in over twenty years teaches me that the sessions are prolonged mostly on account of the appropriation bills. I hazard nothing when I say that an inspection of our statutes during that time will show that our appropriation bills have been passed and signed in the last hours of a session. So it has been with the great question we have here now, the tariff, whenever we have attempted to deal with it. I have had something to do with preparing tariff bills, as some other gentlemen here have had, and I know that those who are charged with the preparation of a tariff bill at this time in the other House will make haste by Congress being away. So it will be with the Appropriations Committee. Both the Committee on Ways and Means and the Appropriations Committee of the other the Appropriations Committee. Both the Committee on Ways and Means and the Appropriations Committee of the other House will remain here and prepare these bills, the consideration of which will prolong the session, and, as they will be ready to report them in December, the bills will be passed earlier than such measures have been passed hitherto. If in the meantime this body will amend its rules so that after a measure shall have

this body will amend its rules so that after a measure shall have received ample consideration a majority may pass on it, we shall get away from here before the beginning of the summer.

Mr. ALLEN. Mr. President, as far as I am concerned, I am here for the purpose of transacting business, and I very much prefer transacting it at this time of the year to waiting until the summer months of next year.

The Senator term Polyavara [Mr. Chay] gave that the work

The Senator from Delaware [Mr. GRAY] says that the work which we were called here to perform lies behind us; but the Senator from Delaware seems to forget that the consequences of that work are rapidly confronting us, and that some measures

must be taken for the relief of the country.

I think I can safely speak for my Populist colleagues when I

say that we are here ready to continue work. We are here for the purpose of helping to pass a proper tariff bill and to assist in all legislation designed for the benefit of the people of the

While we have no desire to offer any captious obstruction to what is to take place here, I hope that the Senator in charge of the pending resolution will withhold it at least a sufficient length of time to allow me to introduce a resolution which I releagues. It can be passed here to-day, and passed in the other House to-day or to-morrow morning. I hope that will be done, so that we shall not be compelled to resort to the extreme meas-

ure of calling for a quorum, as we would be compelled to do. Mr. HIGGINS. We can not hear the Senator from Nebraska on this side.

on this side,

Mr. ALLEN. I say I hope that this may be done, so that we
may not be compelled to resort to the extreme measure of calling for a quorum, as we would be compelled to on the resolution, and by that means disclose the lack of a quorum.

Mr. MANDERSON. We were unable to hear the Senator's
statement. Will he please repeat it? To what bill does he re-

Mr. ALLEN. I say I have a measure, a concurrent resolution, that I desire to introduce this morning and get the action of the Senate upon, and I desire a sufficient length of time to have the resolution go to the other House and be acted upon there before final adjournment takes place. I hope the Senator having in charge the resolution which is now before the Senate will let that matter be passed over until this resolution can be acted

Mr. DOLPH. Will not the Senator read his resolution as a part of his remarks in order that we may be informed as to what the measure is?

Mr. ALLEN. I will do so.
Mr. CULLOM. Mr. President—
Mr. COCKRELL. Let the resolution the Senator from Nebraska proposes to offer be read.
Mr. DOLPH. Let it be read as part of his remarks.
Mr. CULLOM. Very well.
Mr. ALLEN. I will weed the resolution as part of my re-

Mr. CULLOM. Very well.
Mr. ALLEN. I will read the resolution as part of my re-

Resolved by the Senate of the United States (the House of Representatives concurring). That the Secretary of State be, and he is hereby, requested to address a circular letter to the several consuls and consular agents of the United States, advising them of the depressed condition of our labor market, and asking them to discourage immigration to this country until such time as they are advised of a changed condition in such labor market.

Mr. CULLOM. As a member of the Committee on Appropriations, I consented to the report of the resolution for final adjournment. I supposed it was a foregone conclusion that the majority of the Senate desired to adjourn until the regular session in December.

While I shall vote for the resolution, I wish to say that there seem to be in the minds of the majority two great measures, as they are called, one the passage of the bill repealing the election

laws and the other the passage of the tariff-reform bill.

I wish to add that if Congress should now announce to the country that it did not intend either to repeal the election laws or to pass a tariff bill and should then adjourn, it would be doing

or to pass a tariff bill and should then adjourn, it would be doing a very good piece of work for the country.

Mr. BLACKBURN. I trust the resolution reported by the Senator from Missouri [Mr. COCKRELL], the chairman of the Committee on Appropriations, may be adopted.

It is plain to usall, sir, that if we undertake to go on in continuous session during the month of November we shall have difficulty in maintaining a quorum here, and, in my judgment, we shall find it impossible to do it. The House of Representatives has very clearly demonstrated its purpose by the passage of the resolution which is now before the Senate.

resolution which is now before the Senate.

The object of the resolution is not to stop the progress that this Congress is making with the bills which, of necessity, must demand its attention; but I believe we shall make haste by adopting the resolution and leaving the important committees of Ways and Means and Appropriations of the other House to go along through the vacation, during the month of November, with the perfection of the tariff bill and the general appropriation bills. Surely no good, in my judgment, will come from a prolongation of this session.

As to the concurrent resolution indicated by the Senator from Nebraska [Mr. ALLEN], however important it may be, it is hardly to be expected that the Senate and House of Representatives, if a majority should be in favor of adjourning now, will both agree to continue this session in order to give consideration to that resolution. For one, I do not see its prime importance. I believe a majority of the Senate wants to concur in the resolution

sent from the other House.

As to the trouble the Senator from Nebraska indicates when

he speaks of being forced to call for a quorum to pass upon the resolution, I apprehend there is no foundation for that. We have a quorum here now, in my judgment, and, if it be insisted upon, I am sure that a call of the roll will develop that a quorum is present.

believe the best interests of the country are to be consulted by concurring in the House resolution providing for an adjournment at 3 o'clock to-day, and I hope the Senate will concur

in it.

Mr. PEFFER. I shall detain the Senate but a moment. I insist that if we are all opposed to adjourning, or at least if there is any considerable number opposed to adjourning, we ought to say so in some such form as that the country will understand it. For that reason, I ask that the vote on concurring in the resolution may be taken by yeas and nays.

The resolution was concurred in.

The resolution was concurred in.

proved May 5, 1892.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 2002) to amend an act entitled "An act to provide

A bill (H. R. 2002) to amend an acceptance of United States courts in the States of Idaho and Wyoming," approved July 5, 1892;
A bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit and district courts in the

State of South Dakota;

A bill (H. R. 3571) to increase the number of officers of the Army to be detailed to colleges; and A bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States,"

BILLS INTRODUCED.

Mr. PALMER (by request) introduced a bill (S. 1152) to develop and facilitate the interstate commerce of the whole country, and more especially that of the twenty-two States and two Territories which are in whole or in part drained by the Mis-sissippi River and its tributaries, that has an area of 1,575,092 square miles and a present population of 35,946,901 and a total taxable property value of \$11,874,442,264, when the total population of all the balance of the States and Territories is but 26,407,966 and their total taxable property valuation is \$11,353,-199,387; which was read twice by its title, and ordered to lie on the table.

SMITHSONIAN INSTITUTION AND NATIONAL MUSEUM REPORTS.

Mr. MORRILL submitted the following concurrent resolution, which was read:

Resolved by the Senate (the House of Representatives concurring). That there be printed of the reports of the Smithsonian Institution and the National Museum for the year ending June 30, 1893, in two octavo volumes, 10,000 extra copies; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, 5,000 copies for the use of the Smithsonian Institution, and 2,000 copies for the use of the National Museum.

Mr. MORRILL. This resolution has been delayed by accident. It simply covers the usual number of volumes to be printed, and is in the usual form. I ask that it be referred to the Committee on Printing.

The VICE-PRESIDENT. The resolution will be so referred.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. COCKRELL. I ask the Chair to lay before the Senate House bill 4177

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, still further insisting on its disagreement to the amendment of the Senate numbered 6, and ask-

regreement to the amendment of the Senate numbered 6, and asking for a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate agree to the conference asked by the House of Representatives.

Mr. HIGGINS. What is the motion?

Mr. COCKRELL. The motion is to agree to the conference asked by the House of Representatives on the amendment of the Senate as to which they have been always as the senate as to which they have been always as the senate as to which they have been always as the senate as to which they have been always as the senate as Senate, as to which there has been a disagreement between the two Houses in regard to the payment of its clerks. The House refused to agree to it and we have insisted upon it and intend

to insist upon it until it is agreed to.
The VICE-PRESIDENT. The que The question is on the motion of the Senator from Missouri.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. Cock-RELL, Mr. GORMAN, and Mr. CULLOM were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1916) authorizing the Texarkana and Fort Smith Railway Company to bridge Little River, in the State of Arkan-

A bill (H. R. 1918) authorizing the Texarkana and Fort Smith Railway Company to bridge the Calcasieu and Sabine rivers. in the States of Louisiana and Texas.

NECHES AND SABINE RIVER BRIDGES.

The bill (H. R. 3689) authorizing the Gulf, Beaumont and Kansas City Railway Company to bridge to Neches and Sabina rivers, in the States of Texas and Louisiana, was read twice by its title.

Mr. COKE. I ask unanimous consent that the bill from the House, the title of which has just been read, be considered immediately

The VICE-PRESIDENT. Is there objection?

Mr. PLATT. I should like to ask the Senator from Texas whether there is an immediate necessity for the passage of this bill? It is rather an unusual proceeding to pass in this way a bill coming from the other House.

Mr. COKE. The necessity for the passage of the bill consists

Mr. COKE. The necessity for the passage of the bill consists in the fact that the companies are standing on the banks of the river, ready to cross with their bridges, and can not do it until authorized by this bill.

Mr. PLATT. Is the bill in the usual form for allowing the

bridging of rivers?

Mr. COKE. I think so. It has not been before the Committee on Commerce of the Senate, but it has passed the other House; it has been before the Chief of Engineers, and it comes to us now when we have only two or three hours of time left.

Mr. DOLPH. Is there a Senate bill on the subject?

Mr. COKE. I think not. This is a House bill.

Mr. HIGGINS. I ask if this bill has been passed upon by the

appropriate committee of the Senate?

Mr. COKE. It has not. It has just come from the other House. I ask that the bill may be taken up and put on its passage now because there is immediate necessity for it.

Mr. HIGGINS. Is it a bill permitting bridges to be built?
Mr. COKE. The bill I desire passed is for bridging the Neches and Sabine rivers, in the States of Texas and Louisiana.
Mr. PLATT. Let the bill be read at length.
The VICE-PRESIDENT. The bill will be read.
Mr. BUTLER. Before the bill is read I give notice that, after

the conclusion of its consideration, I shall move that the Senate proceed to the consideration of executive business.

The Secretary read the bill.

Mr. HARRIS. As there is some confusion in relation to the bill, I think the Senator from Texas had better let it go over.

Mr. COKE. I should like to have it considered.

The VICE-PRESIDENT. The Chair asked whether there was objection to the consideration of the bill.

Mr. PLATT. I object, certainly, until it has been read for information. I do not believe in having any bill passed without

information. I do not believe in naving any one pair it having been read.

Mr. COKE. I ask that it be read.

Mr. HARRIS. I beg to appeal to the Senator from Texas to allow me to make a statement for a few moments about a matter, and then he may consent or object to my request, as he chooses.

Mr. COKE. I will hear the Senator.

Mr. HARRIS. A bill came from the other House yesterday giving to the World's Fair Prize Winners' Exposition similar privileges in respect to the importation of articles for exhibition which were given to the Columbian Exposition. The Sention which were given to the Columbian Exposition. tion which were given to the Columbian Exposition. The Senator from New York [Mr. Hill] called my attention to it last

ator from New York [Mr. Hill] called my attention to it last evening, and expressed great anxiety for its immediate passage for the reason that the exposition begins on the 24th day of this month and ends on the 15th day of January next.

There is no quorum of the Finance Committee present, but I have consulted the chairman of the committee [Mr. VOORHEES], the Senator from Vermont [Mr. MORRILL], the Senator from North Carolina [Mr. VANCE], and the Senator from New Jersey [Mr. McPherson], and all agree there is no objection to the passage of the bill; inview of which fact I wish to ask the unanimous consent of the Senate for its present consideration. It is a very brief bill and will take very little time.

I have had the bill examined by a former clerk of the Committee on Finance, and am informed that it grants no privilege

mittee on Finance, and am informed that it grants no privilege which has not been granted to the Exposition at Chicago.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. PLATT. I withhold my consent until I have heard the bill read. I ask that it be read for information.

Mr. HARRIS. Let the bill be read, if the Senator from Texas

[Mr. Coke] consents.

Mr. Coke. I ask that it be read.

Mr. HOAR. I desire to say publicly what I said just now privately to the Senator from Texas.

It is a very bad practice, indeed, to pass bills of this important in the said just now privately to the senator from Texas. tance without their reference to a committee, and almost all the b d legislation which gets into our statute books is enacted on the last day of a session.

I think the Sen tor from Texas, before he asks the Senate to pass the bill referred to by him, should have some one, at least, of the experienced members of the Committee on Commerce, the Senator from Illinois [Mr. Cullom], or the Senator from Oregon [Mr. Dolph], or some other member of that committee, to examine the bill carefully, so as to be able to say that he has examined it, and that it is in the usual form. That will not take ten minutes. I think if the Senator from Texas will withdraw request until that is done, nobody will then object to the bill. I should be perfectly willing to take the Senator's own inspection of the bill; but, being interested in the State for which the legislation is proposed, he would, of course, prefer to have some other Senator make the exam nation.

Mr. COKE. I am willing to adopt the Senator's suggestion.
Mr. CULLOM. I think the bill under consideration is a different bill entirely from that to which the Senator from Massa-

chusetts refers.

Mr. HOAR. I know.
Mr. COKE. I am entirely willing that the Senators of the Committee on Conmerce may examine the bill, and I shall endeavor to have it taken up subsequently.

The VICE-PRESIDENT. The bill will be referred to the

Committee on Commerce.

WORLD'S FAIR PRIZE WINNERS' EXPOSITION.

Mr. BUTLER. I move that the Senate proceed to the con-

sideration of executive business.

Mr. HARRIS. I understood that the Senate had given consent for the consideration of a bill, for which I had asked consideration, in reference to the New York Exposition, and five members of the Finance Committee, the only members of the committee here, have agreed to report the bill favorably. Of

course that does not amount to a quorum of the committee.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee?

the Senator from Tennessee?

Mr. DOLPH. Let the bill be read for information.

Mr. HARRIS. Certainly, let the bill be read for information.

The VICE-PRESIDENT. Does the Senator from South Carolina withdraw his motion for that purpose?

Mr. BUTLER. I withdraw it for the time being.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill (H. R. 4015) in aid of the World's

Fair Prize Winners' Exposition, to be held at New York City. The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BYNUM, Mr. McMillin, and Mr. Payne managers at the conference on the part of the House.

SESSION EMPLOYES AT MALTBY BUILDING.

Mr. WHITE of Louisiana, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. GORMAN, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Sergeant-at-Arms be, and he hereby is, authorized to continue the present session employes at the Maithy building authorized under resolution of July 26, 1892, during the coming recess of Congress.

ADDITIONAL MESSENGER FOR THE SENATE.

Mr. WHITE of Lousiana, from the Committee to Audit and Mr. WHITE of Lousiana, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. VOORHEES, reported adversely thereon, and it was postponed indefinitely, as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized to employ an additional messenger, at an annual salary of \$1,440, to be paid from the miscellaneous items of the contingent fund of the Senate, until otherwise provided.

THANKS TO THE PRESIDENT PRO TEMPORE

Mr. HOAR, Mr. President, I submit the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That the thanks of the Senate are due and hereby tendered to the Ion. Isham G. Harris for the ability, dignity, courtesy, and impartially with which he has discharged the duties of the Chair.

Mr. HOAR. I ask for the immediate consideration of the resolution.

The Senate by unanimous consent proceeded to consider the resolution

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.
Mr. HARRIS was called to the chair by the Vice-President, and said: Senators, I am profoundly grateful for the honor you have done me by the passage of the resolution just presented by the Senator from Massachusetts.

THANKS TO THE VICE-PRESIDENT.

Mr. HOAR. Mr. President, I submit the resolution which I send to the desk, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution was read, as follows:

Resolved, That the thanks of the Senate are due and are hereby tendered to the Hon. ADLAI E. STEVENSON, Vice-President of the United States, for the ability, dignity, courtesy, and impartiality with which he has presided over their deliberations during the present session of Congress.

The Senate, by unanimous consent, proceeded to consider the resolution

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

REPORT OF THE LIBRARIAN OF CONGRESS.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. GORMAN. I ask the Senator from South Carolina to yield to me for a moment that I may submit a report from the

Committee on Printing.
The PRESIDING OFFICER (Mr. COCKRELL in the chair). Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BUTLER. Yes, sir, for the time being. the motion immediately after the matter he brings up is disposed of.

Mr. GORMAN, from the Committee on Printing, to whom was referred the resolution submitted by Mr MILLS, October 30, 1893, reported it without amendment; and it was read, as follows:

Resolved, That the annual report of the Librarian of Congress for the calendar year 1892 be printed, and that 500 extra copies, with covers, be printed for distribution by the Librarian.

Mr. GORMAN. I ask for the present consideration of the esolution. The printing will cost only \$10.

resolution. The printing will cost only \$10.

The resolution was considered, by unanimous consent, and agreed to.

NOTIFICATION TO THE PRESIDENT.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business

Mr. RANSOM. Mr. President— Mr. BUTLER. I withdraw the motion that the Senator from

North Carolina may present a resolution.

Mr. RANSOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That a committee of two members of the Senate be appointed to join a similar committee on the part of the House of Representatives to wait on the President of the United States and inform him that the two Houses of Congress are ready to adjourn, and respectfully inquire if he has any further communication to make to them.

The PRESIDING OFFICER. How shall the committee on

the part of the Senate be appointed?

Mr. RANSOM, and others. By the Chair.

The PRESIDING OFFICER. The Chair appoints the Sena-tor from North Carolina [Mr. RANSOM], and the Senator from Vermont [Mr. MORRILL].

Mr. MORRILL. On account of other duties, I ask the Chair

Mr. MORRILL. On account of other duties, I ask the Chair to designate another in my place.
The PRESIDING OFFICER. The Chair appoints the senior Senator from Massachusetts [Mr. HOAR].
Mr. HOAR. I am very sorry, indeed, to decline so interesting and pleasant a duty, but I am compelled to fill an engagement the next half hour which it is impossible for me to avoid.
The PRESIDING OFFICER. The Chair appoints the The PRESIDING OFFICER. The Chair appoints the Sena-

tor from Illinois [Mr. CULLOM].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a resolution providing for the appointment of a committee of three members of the House, to join a similar committee on the part of the Senate, to wait upon the President of the United part of the Sentie, to wait upon the President of the United States and inform him that unless he may have some further communication to make the two Houses of Congress, having finished the busin se before them, are ready to adjourn; and that Mr. HOLMAN, Mr. TURNER, and Mr. DINGLEY had been appointed the committee on the part of the House.

EXECUTIVE SESSION.

Mr. BUTLER. I renew my motion.
Mr. PEFFER. Mr. President—
The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate proceed to the consideration of ex-

Mr. PEFFER. Will the Senator from South Carolina yield to me for a moment?

one for a moment?

Mr. BUTLER. I can not yield any further. I have yielded half a dozen times, and must insist on my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fiftyfive minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had passed the joint resolution (H. Res. 86) to pay session, other employes, and per diem employes, and that they be retained during the coming recess; in which it requested the concurrence of the

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the bill (H. R. 4015) in aid of the World's Fair Prize Winners' Exposition, to be held at New York City; and it was thereupon signed by the Vice-President.

PURCHASE OF SILVER BULLION.

On motion of Mr. VOORHEES, it was

Ordered. That the bill (S.570) discontinuing the purchase of silver bullion be postponed indefinitely.

COURT FEES IN INDIAN TERRITORY.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (H. R. 4186) to regulate the fees of the clerk of the United States court for the Indian Territory, reported it without amendment, and asked for its present consideration.

By unanimous consent, the Senate, as in the Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REMISSION OF DUTIES ON WORLD'S FAIR EXHIBITS.

Mr. MORRILL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of a ticles intended for the World's Columbian Exposition, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JUSTIN S. MORRILL, ISHAM G. HARRIS, Managers on the part of the Senate. W. D. BYNUM, BENTON MCMILLIN, S. E. PAYNE, Managers on the part of the House.

The report was concurred in.

RECESS PAY OF SESSION EMPLOYÉS.

The joint resolution (H. Res. 86) to pay session, other employés, and per diem employés, and that they be retained during the coming recess, was read twice by its title.

On motion of Mr. COCKRELL, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL moved to add to the joint resolution the fol-

And the sum of \$23,088 is hereby appropriated for contingent expenses of the Senate, namely: For miscellaneous items, exclusive of labor, for the fiscal year 1891.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended. and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint

olution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution to pay session, other employés, and per diem employés, and that they be retained during the coming session, and for other pur-

PROPOSED EXTENSION OF SESSION.

Mr. GORMAN submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Serate (the House of Representatives concurring), That the time for the final adjournment of the present session of Congress be extended to half-past 4 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. Towles, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 22) to amend the act approved April 25, 890, relating to the admission of articles intended for the World's Columbian Exposition.

The message also announced that the House had passed a joint resolution (H. Res, 77) conferring diplomas upon designers, inventors, and expert artisans; in which it requested the concur-

rence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House The message further announced that the Speaker of the House had signed the following bill and ointresolution; and they were thereupon signed by the Vice President:

A bill (H. R. 4136) to regulate the fees of the clerk of the United States court for the Indian Territory; and

A joint resolution H. Res. 22) to amend the act approved April

1890, relating to the admission of articles intended for the World's Columbian Exposition.

WORLD'S FAIR DIPLOMAS.

The joint resolution (H. Res. 77) conferring diplomas upon designers, inventors, and expert artisans was read twice by its

On motion of Mr. CULLOM, the Senate, as in Committee of

the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

NOTIFICATION TO THE PRESIDENT.

At 2 o'clock and 57 minutes p. m. Mr. RANSOM and Mr. Cut-At 2 o'clock and 57 minutes p. m. Mr. RANSOM and Mr. CUL-LOM, of the joint committee appointed to wait upon the Presi-dent of the United States and notify him that Congress was ready to adjourn, appeared at the bar of the Senate, and Mr. RANSOM said: Mr. President, the committee appointed on the part of the Senate, with a similar committee on the part of the House, have waited upon the President and informed him that the two Houses are now ready to adjourn unless he had some

that the two Houses are now ready to adjourn unless he had some further communication to make. The President stated to the committee that he had no further communication to make to the Senate and House.

FINAL ADJOURNMENT.

The hour of 3 o'clock having arrived,
The VICE-PRESIDENT said: Senators: My appreciation of
the resolution personal to myself, kindly adopted by the Senate,
can not be measured by words. To your courtesy and forbearance I am indebted for whatever measure of success has attended
my administration of this great office.
The record of the first session of the Fifty-third Congress is

The record of the first session of the Fifty-third Congress is Henc forth it belongs to the domain of history

Earnestly wishing each of you a safe and pleasant journey to your homes and constituents, I now, in pursuance of the concur-rent resolution of the two Houses, declare the Senate adjourned without day.

CONFIRMATIONS.

Executive nomination confirmed by the Senate November 2, 1893. PROMOTIONS IN THE ARMY.

Second Lieut. Edgar Russell, Third Artillery, to be first lieutenant.

Executive nominations confirmed by the Senate November 3, 1893. CONSUL

C. Hugo Jacobi, of Wisconsin, to be consul of the United States at Reichenberg, Bohemia.

SECRETARY OF EMBASSY.

James R. Roosevelt, of New York, to be secretary of embassy of the United States at London, England.

INDIAN INSPECTOR.

Thomas P. Smith, of the Indian Territory, to be an Indian POSTMASTERS.

Henry Lemke, to be postmaster at West Bend, in the county of

Washington and State of Wisconsin.

John M. Waddill, to be postmaster at Darlington, in the county of Darlington and State of South Carolina. Abram B. Hawkins, to be postmaster at Watsonville, in the

county of Santa Cruz and State of California. Sumner B. Sargent, to be postmaster at Taunton in the county of Bristol and State of Massachusetts.

Duff Post, to be postmaster at Tampa, in the county of Hillsboro and State of Florida.

George T. Robbins, to be postmaster at Russell, in the county

of Russell and State of Kansas

George A. Draper, to be postmaster at Cheyenne, in the county of Laramie and State of Wyoming.

John A. Sample, to be postmaster at Knightstown, in the county of Henry and State of Indiana.

L. B. Humphries, to be postmaster at Rockville, in the county of Parke and State of Indiana.

Levi W. Abney, to be postmaster at Harrisburg, in the county of Saline and State of Illinois.

Frank M. Emanuel, to be postmaster at Bennettsville, in the county of Marlboro and State of South Carolina

Charles J. Bowman, to be postmaster at Edmond, in the county of Oklahoma and Territory of Oklahoma.

Thomas R. Hamilton, to be postmaster at Salisbury, in the county of Chariton and State of Missouri.

REJECTION.

Executive nomination rejected by the Senate, November 3, 1893. CONSUL.

Henry C. C. Astwood, of New York, to be consul of the United States at Calais, France.

HOUSE OF REPRESENTATIVES.

FRIDAY, November 3, 1893.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read.
Mr. KILGORE. Mr. Speaker—
The SPEAKER. Does the gentleman rise in connection with the Journal?

Mr. KILGORE. Yes, sir. On yesterday I presented a report from the Committee on Territories, on House bill 352, to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States.

original States. The report on yesterday was presented in the name of the chairman of the committee [Mr. WHEELER of Alabama]. I desire to have the RECORD show that the report was made by myself and not for the chairman.
The SPEAKER. The correction will be

The correction will be made. Mr. HALL of Minnesota. Mr. Speaker, on yesterday I presented a report from the Committee on Public Lands, on bill (H. R. 198) to grant to the Birmingham, Sheffield and Tennessee River Railway Company the right of way over the public lands. I see that it is attributed to Mr. HALL of Missouri. I desire that the correction be made, and that Minnesota be substituted for Missouri.

The SPEAKER. The correction will be made. The Journal was then approved.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER laid before the House a communication from the clerk of the Court of Claims, transmitting copies of the find-

ings of the court in the cases of the following-named persons against the United States: J. O. Buford, S. W. George, James Bridgman, deceased; A. Morrison, deceased; which were referred to the Committee on War Claims, and ordered to be printed.

VIEWS OF MINORITY.

Mr. KILGORE. Mr. Speaker, with reference to the bill for the admission of Utah, I want to say further that any member of the committee shall have the right to file a minority report. The SPEAKER. Without objection, any member of the Committee on Territories will have the right to file the views of the

minority on the bill indicated.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the

A bill (H. R. 2002) to amend an act entitled "An act to provide the times and places for holding terms of United States courts in the States of Idaho and Wyoming," approved July 5, 1892:

A bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit and district courts in the State of South Dakota;

A bill (H. R. 3571) to increase the number of officers of the

Army to be detailed to colleges; and
A bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its secretaries, announced that the Senate had passed a concurrent resolution of the House of Representatives to furnish each Representative and Delegate additional copies of the CONGRESSIONAL RECORD, with an amendment, in which the concurrence of the House was asked.

The message also announced that the Senate had passed the bill (S. 460) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, in which the concurrence of the House was asked.

REMISSION OF DUTIES ON GOODS EXHIBITED AT WORLD'S FAIR.

The Speaker laid before the House the following House resolution, with a Senate amendment:

The Clerk read as follows:

House joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition.

Mr. BYNUM. Mr. Speaker, I ask unanimous consent to non-concur in the Senate amendment and agree to a conference. The SPEAKER. The Senate amendment will be reported.

The amendment of the Senate was read, as follows:

The SPEAKER. The Senate amendment will be reported. The amendment of the Senate was read, as follows:

Strike out all after the word "permit" down to and including the word "Provided," as follows: "the sale and delivery, subject to the approval of the director-general, during the exhibition of goods, wares, and merchandise heretofore imported, and now in the Exposition buildings, subject to such additional regulations for the security of the revenue and the collection of the duties thereon as the Secretary of the Treasury may in his discretion prescribe.

"SEC. 2. That the entire stock of each exhibitor, consisting of goods, wares, and merchandise, imported by him and now in said buildings or that may hereafter be exhibited in the buildings of the California Midwinter International Exposition as per act approved September 1, 1893, is hereby declared liable for the payment of duties accruing on any portion thereof, case of removal of such portion from said buildings without the payment of the lawful duties thereon.

"Sec. 3. That the penalties prescribed by, and the provisions contained in, section 3082 of the Revised Statutes shall be deemed and held to apply in case of any goods, wares, or merchandise now in said building, or that may hereafter be exhibited in the buildings of the California Midwinter International Exposition as per act approved September 1, 1893, sold, delivered, or removal exhibition as per act approved September 1, 1893, sold, delivered, or removal exhibition as per act approved September 1, 1893, sold, delivered, or removal shall be deemed and held to have been so imported with the knowledge of the parties respectively concerned in such sale, delivery, or removal: Provided, That in the assessment of duties upon goods, wares, and merchandise, imported and now on exhibition at the World's Columbian Exposition, as authorized by the act approved April 25, 1890, entitled 'An act to provide for celebrating the four hundredth anniversary of the discovery of America by Christopher Columbus by hold

ties herein provided for, make and file with the customs officer of the port an affidavit stating that such goods, wares or merchandise were not sold prior to the passage of the same, and any person making a false affidavit as to any fact requisite to the entry of such goods, wares or merchandise at the reduced rates herein provided for shall be guilty of a misdemeanor and inable to the same punishment as provided by law for making false statements in regard to entries of foreign merchandise: And provided further,

Mr. CANNON of Illinois. Is there any other amendment. The SPEAKER. The gentleman from Indiana moves to nonconcur in the Senate amendment and agree to a conference.

Mr. CANNON of Illinois. Is there no other amendment.

Mr. DINGLEY. May not the Senate amendment be reported

The SPEAKER. The Clerk will read that portion of the bill

stricken out. The amendment was again read.

Mr. CANNON of Illinois. I would be glad to ask the gentle man from Indiana if it is the intention, and does the gentleman believe, that this committee can make a report during this ses-

Mr. BYNUM. I can not say, Mr. Speaker, as to that. I presume that if there can be any agreement at all, it will be made

in time for the House to act upon it.

Mr. CANNON of Illinois. If I understand the scope of the amendment of the Senate, it is to strike out substantially the provisions in the House bill that rebate of one-half of the duties upon foreign goods that were upon exhibition at Chicago, and ermits the remission of the duty on goods that may be donated to the new museum now being founded at Chicago or that may be purchased for the museum to be donated. Am I correct?

Mr. BYNUM. That is the effect of the amendment, as I un-

derstand it.

Mr. CANNON of Illinois. Well, I must say that I am in harmony with the amendment, and it is very important, if any action is to be had at all, as the goods are being moved, that it should be had at once. Would the gentleman be willing to concur in the Senate amendment?

Mr. BYNUM. I am not. Mr. REED. I think the gentleman from Indiana had better

let us dispose of it.

Mr. BYNUM. I ask unanimous consent that the amendment of the Senate be nonconcurred in and the House agree to a con-

Mr. DINGLEY. I move to concur in the Senate amendment.
Mr. BYNUM. That is not in order. This bill would have to
be considered in Committee of the Whole if it is not to be done by unanimous consent.

Mr. DINGLEY. The bill has been considered in Committee

Mr. DINGLEY. The bill has been considered in Committee of the Whole. Nothing has been added by the Senate. They simply strike out a portion of the bill.

The SPEAKER. The bill has been considered in Committee of the Whole, and the amendment of the Senate merely strikes out a part of the bill. The amondment is not such an one as must be considered in Committee of the Whole, because it has already been considered in committee.

Mr. BYNUM. The amendment itself requires consideration in Committee of the Whole as well as the original bill. The SPEAKER. The bill itself has been considered in Com-The amendment itself requires consideration

mittee of the Whole and in the House, and the amendment of the Senate is to strike out a part of the bill. The Senate adds no new matter; and the Chair will call the attention of the gentleman to the rule.

The Clerk will report the rule. The Clerk read as follows:

House bills with Senate amendments which do not require consideration in Committee of the Whole, may be at once disposed of as the House may

The SPEAKER. This bill has already been considered in Committee of the Whole once, and it seems to the Chair that it would be in order for the House to dispose of it either by con-

curring or nonconcurring in the amendment of the Senate.

Mr. BYNUM. Mr. Speaker, I understand that if a House proposition requiring consideration in Committee of the Whole is amended in the Senate, when it comes back to the House it is not excluded from the provision of Rule XX, which requires that it shall go to the Committee of the Whole if, originating in the House, it would have been considered in committee.

The SPEAKER. The Chair thinks there are numerous de-The SPEAKER. The Chair thinks there are numerous decisions covering this question. An amendment of the Senate providing for a new and distinct subject of taxation, or for an appropriation not included in the original bill, must receive consideration in Committee of the Whole; but there is nothing of that nature in this amendment. This bill has once been considered in Committee of the Whole, and the amendment is simply a recognition to the court part of it. The Chair therefore a proposition to strike out part of it. The Chair, therefore, thinks that the bill having been once considered in Committee of the Whole and the amendment of the Senate being of the na-

ture stated, the rules do not require that it should be considered again in Committee of the Whole.

Mr. BYNUM. Then, Mr. Speaker, I move that the House

nonconcur in the Senate amendment.

Mr. DINGLEY. Mr. Speaker, I move that the House concur.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] moves that the House concur in the Senate amendments. that motion be voted down, it will be equivalent to a vote of nonconcurrence.

Mr. DINGLEY. Mr. Speaker, I wish to be heard a moment upon that motion. As I understand, the House passed a bill providing for a rebate of half the duty on such imported articles in the Exposition as should be sold, and, in the course of the consideration of the bill, amended it so as to allow a full rebate of duty on such articles as should be donated to or purchased by the Columbian Museum. I understand that the Senate has struck out all of the bill except the provision relating to the Columbian Museum, and has done it with entire unanimity. Now, it seems to me that if there is to be any legislation at all on this subject at this session, we must concur at once in the Senate amend-ment. Otherwise, if this matter is to be delayed and to go to a committee of conference on the disputed point on which Senate seems to be substantially unanimous, there will probably be no legislation at all on the subject at this session.

I hope, therefore, that the House will concur with the Senate

amendment admitting free of duty such articles as may be pur-

chased by or donated to the Columbian Museum, and striking out all the rest of the bill.

Mr. BYNUM. The original bill as reported simply provided for a reduction of duty on the foreign exhibits therein referred to. There was an amendment added in the House releasing entirely from payment of duty all of those exhibits that might be donated to or purchased by the Columbian Museum.

As the bill passed the Senate the concession made to the foreign exhibitors was struck out and that portion of the bill alone left standing which provided that exhibits donated to the Columbian Museum, or purchased by that institution, should be re-leased from payment of all duty. I think it is but just and fair to the committee reporting the bill, after the expression of the will of the House on the subject, to nonconcur in the Senate amendment and appoint a committee of conference, and let us see if we can not get some more liberal terms for the foreign exhibitors. So far as the provision in reference to the Columbian Museum is concerned, I am in favor of it, and if no better terms can be obtained for the foreign exhibitors I suppose the House will approve the bill as passed by the Senate, but I am in hopes that we can come to an agreement by which we can show som: courtesy to the foreign exhibitors, and for that reason I move to nonconcur and agree to a conference

Mr. DINGLEY. Does not the gentleman think that any such effort as that, at this late hour of the session, will inevitably result in the loss of the bill?

Mr. BYNUM. I do not see why it should. Mr. DINGLEY. If this Congress is going to adjourn at 3 o'clock this afternoon-

Mr. BYNUM. I do not think this Congress is going to adjourn at 3 o'clock this afternoon.

Mr. DINGLEY. Well, I am only speaking in view of the action that has been taken in that direction. Furthermore, it seems to me, in view of the general situation, that we ought to content ourselves with admitting free of duty the articles donated to or purchased by the Columbian Museum, and not under the target of the tors and takes to the desired the target of target of the target of the target of t take to go further and make a rebate of duty upon articles that may be sold by foreign exhibitors.

Mr. BYNUM. Mr. Speaker, I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Maine [Mr. DINGLEY] that the House agree to the Senate amendment.

The question being taken, the Speaker declared that the noes

seemed to have it.

Mr. DINGLEY. I ask for a division.

The House divided; and there were-ayes 36, noes 78.

So the motion was rejected.

The SPEAKER. The amendment is nonconcurred in. Without objection, the House will agree to the request of the Senate for a conference on the disagreeing votes of the two Houses, and the Chair appoints as conferees on the part of the House the gentleman from Indiana, Mr. BYNUM; the gentleman from Tennessee, Mr. RICHARDSON, and the gentleman from New York, Mr. PAYNE.

W. H. WARD.

The SPEAKER also laid before the House the bill (S. 45) for the relief of W. H. Ward; which was read twice and referred to the Committee on Patents.

RIGHT OF WAY THROUGH INDIAN AND OKLAHOMA TERRITORIES.

The SPEAKER also laid before the House the bill (S. 1021) to grant the right of way to the Kansas, Oklahoma, Central and Southwestern Railway Company through the Indian Territory and Oklahoma Territory, and for other purposes

Mr. HUDSON. I ask unanimous consent for the present consideration of this bill.

Mr. HOLMAN. Does this bill make an original grant? Mr. HUDSON. No, sir; it does not grant anything; it simply

allows a right of way.

Mr. HOLMAN. But this is an original measure—not an ex-

tension of time as to a right previously granted?

Mr. HUDSON. A House bill similar to this has been reported favorably by the House committee. This is a Senate bill.

Mr. HOLMAN. It seems to me that a bill of this kind should be regularly considered.

Mr. KILGORE. It simply grants right of way, with the usual

restrictions

Mr. HOLMAN. I do not know what the restrictions are; I have not read the bill. If there were likely to be any material damage by reason of delay, of course I would consent that the bill be read and considered now; but I think it important that bills of this character should be carefully examined. objection to permitting the bill to lie on the table.

Mr. HUDSON. I think I can explain this matter to the gen-

Mr. HUDGOM.
tleman's satisfaction.
Mr. HOLMAN. I shall have to insist on my objection to immediate consideration.

Mr. HEARD. I ask unanimous consent that the bill lie on the Speaker's table. The SPEAKER. Is there objection to the request of the gen-

tleman from Mis-ouri [Mr. HEARD]? The Chair hears none; and it is so ordered.

PAY OF PER DIEM AND SESSION EMPLOYÉS, ETC.

Mr. RICHARDSON of Tennessee. I ask unanimous consent for the consideration of the joint resolution which I send to the desk

The Clerk read as follows:

The Cierk read as follows:

Resolved by the Senate and House of Representatives, etc., That the per diem and session clerks and other session employes of the Senate and House of Representatives be retained in the service of the Senate and House of Representatives during the coming recess of Congress; and that the provisions of the joint resolution authorizing Members of the House of Representatives to certify monthly the amount paid or agreed to be paid by them for clerk hire necessarily employed by them in the discharge of their official and representative duties be, and the same are hereby, continued and made applicable during the coming recess of Congress; and a sum sufficient to meet the requirements of this joint resolution is here by appropriated, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the consideration of this joint resolution at the present time? [A pause.] The Chair hears none; and the resolution (H. Res. 86) is before the House for consideration.

Mr. SAYERS. I suggest that the gentleman from Tennessee [Mr. RICHARDSON] strike out the appropriation in this resolu-

Mr. RICHARDSON of Tennessee. I have the floor, I believe.

Mr. SAYERS. Very well; I make that suggestion.
Mr. RICHARDSON of Tennessee. I did not hear the statement of the gentleman; I would like to hear it.
Mr. SAYERS. I understand that the resolution contains an indefinite appropriation.

Mr. RiCHARDSON of Tennessee. It contains an appropria-tion to pay the amount which will be due to these session clerks and employ s. The amount is not specified, because it is not definitely known.

Mr. SAYERS. Well, Mr. Speaker, I shall object to this un-

less the indefinite feature is stricken out.

Mr. RICHARDSON of Tennessee. If the gentleman will fix the amount, I will insert it. I do not know the exact amount.

Mr. SAYERS. There is no necessity of fixing the amount. There is a bill now pending between the Senate and the House which will amply provide for all these clerks.

which will amply provide for all these clerks.

Mr. RICHARDSON of Tennessee. During this vacation?

Mr. SAYERS. During this vacation. The bill contains an appropriation of \$200,000.

Mr. RICHARDSON. I do not understand that the bill provides for the pay of employés during the present month.

Mr. CANNON of Illinois. The bill referred to does contain

an appropriation, but without legislation of this character I presume the money would not be available for the payment of clerical service during the vacation—I mean from now until Decem-

Mr. SAYERS. But if the bill now pending between the Senate and the House be passed, the appropriation which it contains will be sufficient to pay those clerks.

Mr. CANNON of Illinois. The appropriation will be sufficient;

but without a resolution of this kind, there would be no authority in law to pay them. The gentleman from Tennessee might strike out the appropriation, and then if the legislation embraced in out the appropriation, and then it the legislation embraced in this resolution be passed, these employés could be paid in the event that the necessary appropriation is made.

Mr. SAYERS. The gentleman can amend the resolution if necessary so as to authorize payment; but I do protest against

this House, a Democratic House, making an indefinite appro-

priation.

Several MEMBERS. That is right.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I under. stand it has never been the custom in a resolution of this kind to insert the exact amount called for; it is almost impossible to do so. Now, sir, in order to show the absolute necessity for the adoption of a resolution of this kind, I ask to have read at the Clerk's desk a communication signed by the Postmaster of the House and addressed to the Speaker; and I will say that what is true with reference to the employes of our post-office is true also as to all the other employes of the House.

The Clerk read as follows:

House of Representatives, United States,

Washington, D. C., October 20, 1822.

SIR: I desire to submit that in the event of adjournment it will be impossible for me to maintain the efficiency of the service of the post-office of the House unless provision is made for continuing the session messengers on the pay-roll during the intermission.

My present force consists of the assistant postmaster, ten annual messengers, seven session messengers, and one laborer, the same in number as that of the Forty-seventh Congress, which consisted of only 29 members. Since that time the increase in membership, the vast increase in mail matter of all kinds, and especially of documents, the great expansion of the residence portion of the city, distributing members over a vast area, the allotment of clerks to members, etc., has fully doubled the work of the office and compelled me to apply to the Committee on Accounts of the present Congress for five additional messengers.

for five additional messengers.

Of the present force, four are employed in the office of the Capitol, and two at the city post-office, and if the session messengers are not continued only four men will remain to operate five delivery wagons and one large two-horse wagon for handling heavy bags.

In consideration, therefore, of this state of affairs, and from the fact that the annual messengers perform duty every day in the year including Sundays and holidays, and from the further fact that the work of the office will not be materially lessened by the short adjournment, I carnestly and respectfully recommend that the session messengers of the House post-office be continued on duty with pay during the interim.

Very respectfully,

L. DALTON.

Postmaster, House of Representatives.

Hon. C. F. CRISP, Speaker, House of Representatives.

Mr. SAYERS. Will the gentleman allow me?

Mr. RICHARDSON of Tennessee. In a moment I will yield to the gentleman.

Mr. SAYERS. I desire to reply to the communication just

Mr. RICHARDSON of Tennessee. I will yield to the gentleman in a moment.

Let me say, Mr. Speaker, that there is much force in the suggestion of the gentieman from Texas in reference to indefinite appropriations; but inasmuch as these salaries provided for in this resolution are the amounts in every case allowed under existing law, and fixed absolutely and certainly, so that there can be no deviation from them, it seems to me that it is unnecessary to stipulate in the resolution the aggregate amount, and for that reason I have not made the calculation. It is a mere matter of calculation.

The amount fixed by law for these salaries can neither be increased nor lessened; the law fixes the salary in every case, and hence there will be no need to make the computation and give the exact amount that the resolution would carry. I have not had the time to do it; and while I recognize that there is much

force in the objection the gentleman makes to indefinite appropriations, yet I do not think it can apply to a case of this kind.

Mr. DOCKERY. Before the gentleman from Texas proceeds
I desire to know whether or not the same principle is not involved in the passage of the resolution now before the House that is involved in the contention between the House and the Senate on the amendment of the Senate to the urgent deficiency

Mr. RICHARDSON of Tennessee. I think not. In that case there was a vacation of over two months. Here, in this instance,

there was a vacation of over two months. Here, in this instance, we are running into the last month.

You take, for instance, the adjournment of Congress on the 4th of March, when this term of Congress expires; it has been the unbroken practice of the House, and of Congress, to pay the employes for the whole month, because they are kept here until the 4th, and frequently for days after the 4th, attending to the public business, and Congress has always appropriated for the entire month of March on the ground that it was just and equitable to allow it. table to allow it.

In this instance we keep these employés here until sometime in November, Mr. Speaker, and if there is ever a time it seems 3,

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to me when the members will need their clerical assistance, it to me when the medicers will need their clerical assistance, it will be during the few days of this recess. Many of these persons live too far away to go home, and they will have to remain here during the recess; and this resolution is only right and just under the circumstances.

I yield now to the gentleman from Texas as much time as he

desires.
Mr. SAYERS. Mr. Speaker, if the House will give me its attention for a few moments I wish to reply to the letter which has just be read at the request of the gentleman from Tennessee.
When I heard that the application of the Postmuster was be-

for the Committee on Accounts for an increased force, I asked the Postmaster-General to send the best in pector he had to inspect that office. That inspection was made and a report was spect that office. That inspection was made and a report was made that in the judgment of the inspector no increased force was needed in that office, that there was enough force in the office to do the work of the House, and that all that was needed during the se sion was a man at the city post-office to assist the large wagon, but as to the increased clerical force he said there was no necessity for it.

Now, sir, a word as to the resolution proposed by the gentle-man from Tennessee. I wish to call the attention of the House, and especially the gentlem in from Tennessee, to the fact that in the Fifty-first Congress, when the then majority in this House were proposing indefinite appropriations, it met with the bitter-est protest and remonstrance from every Democrat in the House at that time, not only in the first, but also in the second session of that Congress. But now here, when the tables have been turned, we find Democrats proposing to do the very same thing that they censured the Republicans for doing in the Fifty-first

Mr. REED. Do not they always do that?

Mr. SAYERS. Not always, by any means.
Mr. BOATNER. Does the gentleman consider this an indefinite appropriation?
Mr. SAYERS. I do.

Mr. BOATNER. Can the gentleman maintain that, when every salary covered by the resolution is fixed by law and when not a dollar more can be paid out under the resolution than the

Mr. BUNN. All fixed by law. Mr. SAYERS. My understanding of an indefinite appropri-Mr. BUNN. ation is anything in the shape of an appropriation that does not carry a specific amount on the face of the bill.

This carries the whole amount. That is sim-Mr. RYAN.

Mr. RYAN. This carries the whole amount. That is simply a play on words.
Mr. BUNN. It is only a question of calculation.
Mr. BOATNER. Let me ask the gentleman if the Committee on Appropriations makes provision in a bill "that an amount sufficient to pay the salaries of Members of Congress and Delegates, is hereby appropriated," whether it would be in his judgment as indefinite appropriation? ment an indefinite appropriation? Mr. SAYERS. It would.

Mr. BOATNER. Would it not be a mere matter of calcula-

Mr. SAYERS. I will explain to the gentleman the difference. When the sum total of the appropriation by Congress is to be made up the Clerk can only take the face of the bills and make up the aggregate from them. He can not go behind the bill and inquire as to the amounts that may be involved in the appropri-

Mr. KILGORE. Will my colleague allow me an inquiry?
Mr. SAYERS. Certainly.
Mr. KILGORE. I would like to know what class of employés

Mr. KILGORE. I would like to know what class of employes are provided for by this resolution?

Mr. SAYERS. I do not understand exactly what it provides.

Mr. BUNN. Only the session employés.

Mr. KILGORE. Will the gentleman-from Tennessee who offered the resolution enlighten the House as to the purpose of the resolution?

Mr. RICHARDSON of Tennessee. The session employés. Mr. KILGORE. Does that include clerks to members of the

Mr. RICHARDSON of Tennessee. It does. It says so in so many words. It says, in so many words, the clerks to members. Mr. KILGORE. Then I am not in favor of that. Mr. BOATNER. You do not need to employ a clerk if you do

not want one

Mr. SAYERS. I ask the gentleman from Tennessee [Mr. Richardson] to change that indefinite appropriation to a fixed amount, to be carried on the face of the bill.

Mr. RICHARDSON of Tennessee. Will the gentleman support the resolution then? Mr. SAYERS. It requires about \$30,000 each month to pay

for the clerks to members. As to the amount that will be

for the clerks to members. As to the amount that will be necessary in order to pay the session employes, I can not say.

Mr. RICHARDSON of Tennessee. I want to ask my friend [Mr. SAYERS] if he considers an appropriation to pay the salary of the gentleman from Texas, we will say, which is fixed by law, without specifying the amount, an indefinite appropriation.

Mr. SAYERS. The gentleman seems to misunderstand the meaning of an "indefinite" appropriation.

Mr. RICHARDSON of Tennessee. Well, I do, if the gentleman says that is an indefinite appropriation.

Mr. SAYERS. When the clerks of the Committees on Appropriations of the two Houses come to make up their sum total, as they are required to do under the law of the amount of the are

they are required to do under the law, of the amount of the appropriations for any Congress, they take the appropriations as they appear on the face of the bills that have passed and have become laws. They do not go behind the face of the bill in order to ascertain how much an appropriation involves. That

Mr. HOLMAN. It must appear upon the face of the bill?
Mr. SAYERS. I so understand it.
Mr. RICHARDSON of Tennessee. This will not be an indefinite appropriation. It may not be fixed on the face of the resolution, but it is fixed by law, and can not be increased or diminished. I would not favor an indefinite appropriation. I have never done so. By that I mean an appropriation in which you never done so. By that I mean an appropriation in which you leave the amount open to be increased or diminished at the option of some departmental officer. But here is a case in which the amount is fixed in every instance by law, and can not be increased nor lessened. Will the gentleman give me the amount?

Mr. SAYERS. Will the gentleman inform the House how can the clerks of the Appropriations Committees of the two

Houses, should this resolution become a law, tell how much this

bill carries or appropriates? Mr. RICHARDSON of Tennessee, They can not tell from the face of the resolution. Unless they sit down and make the cal-

culation they can not tell.

Mr. SAYERS. I desire that not only the House, but the country should know by reading the bills just how much Congress appropriates during this present session. That is what I de-

Mr. KILGORE. Will the gentleman from Tennessee [Mr. RICHARDSON] allow me a word or two?

Mr. RICHARDSON of Tennessee. Yes. How much time

Mr. KILGORE. Not over two minutes.
Mr. RICHARDSON of Tennessee. Certainly.
Mr. KILGORE. I understand this resolution proposes to do for the members of the House that which the House refused last night to do for the Senate; that is, to pay for their clerk hire during the vacation. The proposition is to increase the force, pay employés whose services and pay ends with the adjournment to-day a salary during the vacation, and this includes members' clerks.

I can not assent to that proposition. The argument which was made in favor of the resolution to allow each member a clerk during the session was based on the idea that the member has a great deal of extra work to perform growing out of his general duties as a Representative—going to the Departments, attending to correspondence, etc. Besides that he is charged with the duty of sending out documents, seed, and other public plunder furnished by the Government with which to electioneer, and that he had no time for preparation on the work in the House and in committee. In fact, that he had no time to think; that while he was engaged in doing all the drudgery which the law and long usage imposed on him, meditation on finance, and tariff, and bankruptcy, and other grave and intricate problems was out of the question. It was contended that he ought to have a clerk to do this drudgery to the end that he might have an oppor-tunity to think. That appeared to be the purpose of the reso-

The only chance a member had to think under the old régime was while en route to and from his boarding house.

Mr. REED. I would suggest to the gentleman from Texas, if

that was the object, the experiment is evidently a failure in this

Congress.

Mr. KILGORE. The gentleman from Maine suggests that the whole scheme has been a blooming fallure, if that was the purpose. That was the sole purpose, as I understand, to take purpose. That was the sole purpose, as I understand to take the drudgery off members that they might be able to think a little. [Laughter.] Ego cogito sum—I think, so I exist. Thinking is necessary to existence. [Laughter.] Now, I say this Congress is threatening to adourn at a very early hour—

Mr. REED. I like the word "threatening."

Mr. KILGORE (continuing). And the purpose of this adjournment is to relax the stringency of the thinking machinery of

each member, and turns him loose unencumbered by any obligation to cogitate; and, being thus unhindered, he can send out his tion to cogitate; and, being thus unfindered, he can send out his own books, seeds, and documents. He can write his own letters and attend to his duties at the various Departments and bureaus. The reason for the clerk does not exist during the vacation, hence the clerk ought not to exist. If I need a clerk during the vacation to help me to think and perform other light duties I ought to pay him myself, not call on the Government to do so. If I need a clerk to attend to my duties while off frolicking over the country and taking in the various shows and the various fairs the country and taking in the various shows and the various fairs and performances, then I ought to pay him myself out of my own pocket. I can not agree to the passage of this measure unless a quorum should happen to be present and voting. That observation is meant as a prediction and not as a threat. [Laughter.]

Mr. HOLMAN. Mr. Speaker, on yesterday I urged—

Mr. HOLMAN. Mr. Speaker, on yesterday I urged— The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. RICHARDSON of Tennessee. I ask the gentleman what time he requests?

Mr. HOLMAN. Five minutes. I just want to call attention

to an incident that occurred yesterday.

Mr. RICHARDSON of Tennessee. I yield five minutes to the

gentleman from Indiana.

Mr. HOLMAN. On yesterday when the subject of the adjournment of the House was under consideration, I urged the propriety of a recess, especially upon the ground that by that means all the committees of the House that were prepared to continue their work could do so, and have their bills, especially appropriation bills controlled by the several committees having appropriations in charge, ready when Congress met in Decem-

ber.

The argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was that it was a measure of the argument made against this was the argument made against the argumen extravagance, because you would have to pay the session em-I presume some gentlemen were influenced in the inter-

ployés. I presume some gentlemen were influenced in the interest of economy in voting against a recess instead of an adjournment. That is all I have to say, sir. On yesterday the argument was that it would get rid of the payment of these clerks, and today a resolution is brought in so that the clerks may be paid.

Mr. RICHARDSON of Tennessee. Mr. Speaker, as I understand the statement of the gentleman from Texas, it is that he thinks the resolution ought to fix a limit upon the amount beyond which it shall not go for the payment of the clerks to members, and he suggested \$30,000 as the amount it would take to pay for one month. I have prepared a little amendment which I will offer, providing that the amount for the payment of clerks to members shall not exceed \$30,000. The gentleman made no other objection. Now I understand the gentleman's objection to go beyond that. yond that

Mr. SAYERS. Will not the gentleman state the amount carried by the resolution?

Mr. RICHARDSON of Tennessee. I can not do that, because

If do not know what it is.

Mr. SAYERS. If the gentleman is not able to inform the House what the amount is, he ought not to have brought the resolution in

Mr. HOLMAN. The Clerk of the House can estimate what

the amount will be in ten minutes.

Mr. CANNON of Illinois. Why not change the joint resolution and make it a House resolution, and make the payment of session employés and for clerical assistance to members from the contingent fund? If that is done the contingent fund can be utilized, and if there is any deficiency that would be provided for in the regular way.
Mr. RICHARDSON of Tennessee.

I would be content to do this in any other way, but I do insist these employes should be paid for the month of November. I understood that my friend did not put his objection on the merits, but on the technical

ground

Mr. BLAIR. Will the gentleman from Tennessee yield to me

for a moment?

Mr. RICHARDSON of Tennessee. Certainly.

Mr. BLAIR. Mr. Speaker, I listened with much interest to the suggestion of the gentleman from Texas [Mr. Kilgore] that the suggestion of the gentleman from Texas [Mr. KILGORE] that the object of this movement to have clerks for the assistance of members was in order that he might "think." I did not understand that that was the object. I think that would require perhaps an act of creative power [laughter]; and that the Supreme Being would have to try again in some cases. [Laughter.] My idea, perhaps, if I were to search for a recondite and almost unanswormhle source of argument in favor of this resolution would

unansworable source of argument in favor of this resolution would be this idea, that we might continue to do the drudgery, and pay someone who had capacity to think for us. [Laughter.] But now, Mr. Speaker, the truth is just this, this drudgery has been upon us all through the session, and it will be upon us to a greater extent during the vacation. If these clerks are permitted to remain and to do any duty at all it will take them

about two weeks to finish up the drudgery which has accumulated during this session, and they are required all the remaining time. These clerks will have to work harder during this month than during any other portion of the time they have been in the service of the members of the House; so that I think, on every account that can be urged, these clerks ought to be halved out. helped out.

If it is for the benefit of members at all, I think these clerks

should be paid.

Mr. KILGORE (to Mr. BLAIR). Mr. Speaker, I understand you to say that you "think." Has there been any authority, either divine or human, for you to think in this matter? [Laugh.

Mr. BLAIR. I assume the authority. I think the gentleman from Texas would do well to "think" more. [Laughter.]

FINAL ADJOURNMENT.

Mr. HOLMAN. Mr. Speaker, I ask for the present consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That a committee of three members be appointed to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that unless he may have some further communication to make, the two Houses of Congress have finished the business before them, and are ready to adjourn.

The resolution was adopted, and the Speaker appointed as a committee on the part of the House, Mr. HOLMAN, Mr. TURNER and Mr. DINGLEY

PAY OF PER DIEM AND SESSION EMPLOYÉS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I have conferred with the gentleman from Texas [Mr. SAYERS], and I have also had some figures made here hurriedly by the best expert in the employ of the House on such a subject, the clerk of the Committee on Appropriations. It is estimated that it will not take exceeding \$40,000 to provide for the appropriation made under this joint resolution. I will therefore offer a proviso that the amount appropriated shall not exceed \$40,000. The gentleman from Texas is satisfied with that, and I hope it will be entitief to the House. e satisfactory to the House. Mr. JOHNSON of Indiana.

I want to ask the gentleman from Tennessee and the gentleman from Texas whether or not they are satisfied that this simple form of resolution will carry the are satisfied that this simple form of resolution will carry the appropriation and fully justify each member in expending money in the employment of a clerk during the month of November?

Mr. SAYERS. Unquestionably. This is a joint resolution.

Mr. JOHNSON of Indiana. I did not understand that; I thought it was a simple House resolution.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask for a late.

The SPEAKER. The amendment offered by the gentleman from Tennessee will be read.

The Clerk read as follows:

After "appropriated" insert the following: "Provided, The amount appropriated in this resolution shall not exceed \$40,000."

The SPEAKER. Without objection the amendment will be considered as agreed to.

There was no objection.

The SPEAKER. The question is upon the resolution as amended.

Mr. HUTCHESON. Mr. Speaker, I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.
The SPEAKER. Upon ordering the yeas and nays, Il gentlemen have risen in the affirmative. There has been no vote this morning, so the Chair will count the other side. Those opposed will rise. [After the count.] Upon this question 11 gentlemen have risen in the affirmative and 128 in the negative. The year

and nays are refused.

Mr. HUTCHESON. Mr. Speaker, I make the point that no

quorum has voted. The SPEAKER. It does not require a quorum. One-fifth of the members present, whether the number be more or less than a quorum, may demand the yeas and nays.

Mr. HUTCHESON. I understand that; but I make the point

that there is no quorum present to transact this business.

Mr. COGSWELL. The point is too late.

The SPEAKER. What is the point of the gentleman from

Mr. HUTCHESON. I make the point of order, Mr. Speaker-I do not claim to be a parliamentarian and I may be in error—I make the point of order that there has been a vote, which goes on the record, and which discloses the fact that there is not a quorum of the members of this House present.

A MEMBER. What vote?
Mr. HUTCHESON. The vote just taken.
Mr. COGSWELL. That was not a vote. That was a count upon ordering the yeas and nays.

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Mr. HUTCHESON. I submit to the Chair whether the point is well taken or not.
The SPEAKER. Of course on the question of the adoption

The SPEAKER. Of course on the question of the adoption of the result there must be a quorum voting if the point made. Mr. HUTCHESON. Whenever anything transpires that goes upon the record and shows there is no quorum voting—

The SPEAKER. The gentleman from Texas should understand the point. The Constitution of the United States provides that one-fifth of the members present may have a yea-and-nay or record vote. Even if there were not more than twenty or twenty-five members present, one-fifth of them could order the yeas and nays upon any question, and there must always be a quorum voting for the transaction of business. The adoption of that resolution is business, and if the gentleman makes the point that no quorum votes upon the resolution, the Chair has just made was upon the question of ordering the yeas and nays, just made was upon the question of ordering the yeas and nays, and not upon the question of agreeing to the joint resolution.

Mr. HUTCHESON. That is all right, Mr. Speaker.

The SPEAKER. The joint resolution will be read a third

time.
The joint resolution was accordingly read the third time.
The SPEAKER. Shall this joint resolution pass?
Mr. KILGORE. Mr. Speaker, I submit the point of order that there has been no vote on the second reading.
The SPEAKER. The joint resolution has been ordered to a third reading, and it has been read the third time.
Mr. KILGORE. But it was not ordered by a vote of the

Mr. SPEAKER. The Chair stated that if there was no objection the amendment would be agreed to. That was done without a vote. Then, as the Chair understood, without objection, the resolution was ordered to a third reading. Then the gentleman from Texas [Mr. HUTCHESON] demanded the yeas and nays, and they were refused. Now the question is: Shall the resolu-

Mr. KILGORE. Ithink the Chair is in error if he will pardon

me.
The SPEAKER. Of course, if the Chair is in error he wants

to be corrected Mr. KILGORE. Before the question was submitted my colleague from Texas [Mr. HUTCHESON] demanded the yeas and

The SPEAKER. Oh, no; not before the question was submitted.

Mr. KILGORE. Well, before it was voted on by the House I was on the floor to demand a division on that question when I was interrupted

The SPEAKER. Why, there was a division—that is the Chair thinks there was; there may be a mistake. But according to the recollection of the Chair there was a division, and then a demand was made for the yeas and nays; and the Chair stated that the point of "no quorum" could not be made on a demand

for the yeas and nays.

Mr. HUTCHESON. I would like to appeal to the notes of the

stenographer on this point.

The SPEAKER. The point is not at all material, because the vote will now come on the passage of the resolution. [A pause.] The stenographers state that the Chair has correctly

given the position of the question.

Mr. HUTCHESON. Then I withdraw the point of order.

The SPEAKER. The question is now, Shall the joint resolu-

Mr. HUTCHESON. On that question I demand a division.

The question being taken there were—ayes 138, noes 22. Mr. HUTCHESON. I make the point that no quorum has voted

Mr. RICHARDSON of Tennessee. I demand the yeas and

The yeas and nays were ordered.
The question was taken; and there were—yeas 149, nays 53, not voting 151; as follows:

	YI	EAS-149.	
Adams, Alexander, Apsley, Arnold, Avery, Babcock, Baker, N. H. Barwig, Berry, Bingham, Biack, Ill. Blair, Boatner, Bower, N. C. Brawiey, Bretz,	Brickner, Broderick, Brosens, Brown, Bryan, Bunn, Bynum, Cabaniss, Cadmus, Caldwell, Campbell, Cannon, Ill. Caruth, Catchings, Causey, Clarke, Ala.	Cobb, Mo. Cockrell, Coffeen, Cogswell, Cooper, Fla. Cox, Crain, Cummings, Curtis, Kans. Daniels, Davey, De Forest, Denson, Dingley, Donovan, Doolittle,	Durborow, Ellis, Oregon English, Epes, Epes, Erdman, Fleider, Fletcher, Gardner, Geary, Geissenhainer Goldzier, Gorman, Grady, Hainer, Hammond,

Harmer, Hartis, Harter, Harter, Hartman, Heard, Hermann, Hilborn, Hilborn, Houk, Ohio Houk, Tenn, Hutcheson, Ikirt, Johnson, Nn. Dak. Johnson, Ohio Joy. Kieler, Lapham, Layton, Leiever, Linton,	Lisle, Lockwood, Magnire, Mahon, Marsh, Martin, Ind. McCleary, Minn. McCreary, Ky. McDannold, McGann, McLaurin, McNagny, Menagny, Meiklejohn, Mcreer, Meyer, Milliken, Money, Money, Money, Money, Money, Mores, Morgan, Oates, Patterson, Payne,	Pearson, Pendleton, W. Va. Pendleton, W. Va. Pendleton, W. Va. Pigott, Powers, Price, Ray, Rayner, Reed, Refily, Reyburn, Richards, Ohio Richardson, Tenn Ritchie, Robertson, La. Ryan, Seranton, Settile, Shaw, Sibley, Siple, Smith, Somers,	Stevens, Stone, C. W. Stone, Ky. Sweet, Md. Talbott, Md. Thomas, Tracey, Wanger, Warner,
	NI A	VS_53	

	NA	YS-53,		
Bailey, Baker, Kans. Baldwin, Barnes, Bell, Tex. Black, Ga. Blanchard, Bland, Boen. Branch, Brookshire, Cannon, Cal. Clark, Mo. Cobb, Ala.	Cooper, Tex. Cooper, Wis. Crawford, Davis, De Armond, Dinsmore, Dockery, Fithian, Forman, Fyan, Hall, Minn, Hall, Mo. Henderson, N. C. Holman,	Hudson, Kilgore, Lane, Lynch, Maddox, Mallory, McDearmon, McRae, Montgomery, Moses, Neill, Robbins, Sayers, Shell,	Snodgrass, Stockdale, Strait, S. C. Tarsney, Tate, Taylor, Ind. Terry, Turner, Wasnington, Williams, Ill.	,

	NOT VO	TING-151.	
Abbott, Aitken, Aitken, Aiderson, Aidrich, Aidrich, Ailen. Bankhead, Barthett, Beiten, Beiten, Beiten, Beiten, Beiten, Beiten, Betten,	Edmunds, Ellis, ky. Enloe, Everett, Fellows, Fitch, Gear, Gillett, N. Y. Gillett, Mass. Goodnight, Graham, Gresham, Grossenor, Grout	ring—151. Lacey, Latimer, Latimer, Lawson, Lester, Lilly, Livingston, Loud, Loudenslager, Lucas, Magner, Marshall, Marvin, N. Y. McAleer, McCulloch, McDowell, McEturick, McKaig, McKeighan, McMillin, Meredith, Morse, Murray, Mutchler, Newlands, Northway, O'Ferrall, O'Neil, Mass, O'Neil, Mass, O'Neil, Mass, O'Neil, Mass, O'Neil, Page, Page, Page, Paschal, Paynter, Penee,	Post, Randall, Richardson, Mich. Richardson, Mich. Robinson, Pa. Rusk. Russell, Ga. Schermerhorn Sherman, Sicides, Simpson, Stallings, Stephenson, Stallings, Storer, Strong, Swanson, Tawney, Taylor, Tenn. Tucker, Turpin, Tyler, Updegraff, Van Voorhis, Ohio Wadsworth, Walker, Wever, Wheeler, Ala, Wheeler, Ill. Wilson, Ohio Wise, Wolverton,
Daizen, Dolliver, Draper, Dunn,	Jones, Kem, Kribbs, Kyle.	Pendleton, Tex. Perkins, Phillips, Pickler.	Woodard, Woomer, Wright, Mass.

So the joint resolution was passed.

Mr. COX. My colleague [Mr. McMillin], who is paired on this question, is absent from the House because engaged on a conference committee.

The following pairs were announced:

Until further notice: Mr. McMillin with Mr. Burrows.

Mr. BRECKINRIDGE of Arkansas with Mr. HOPKINS of Illinois.

Mr. HENDERSON of Illinois with Mr. WOODARD. Mr. SCHERMERHORN with Mr. MARVIN, Mr. CAMINETTI with Mr. BOWERS of California.

Mr. SIMPSON with Mr. GILLETT of Massachusetts. Mr. ENLOE with Mr. BOUTELLE.

Mr. Russell of Georgia with Mr. Bartholdt, Mr. O'Ferrall with Mr. Hepburn, Mr. Conn with Mr. Childs.

Mr. GOODNIGHT with Mr. STEPHENSON.

Mr. PAGE with Mr. PICKLER. Mr. COFFEEN with Mr. LACEY

Mr. BRECKINRIDGE of Kentucky with Mr. O'NEILL of Pennsylvania.

Mr. Lester with Mr. Northway. Mr. Lawson with Mr. Taylor of Tennessee. Mr. Abbott with Mc. Walker.

Mr. BRATTAN with Mr. HAGER.

For this day: Mr. O'NEIL of Massachusetts with Mr. Cogswell.

Mr. EDMUNDS with Mr. WRIGHT of Massachusetts, Mr. McEttrick with Mr. Wever.

Mr. WISE with Mr. STRONG

Mr. ELLIS of Kentucky with Mr. Dalzell. Mr. Graham with Mr. Van Voorhis of Ohio. Mr. Hooker of Mississippi with Mr. Grosvenor.

Mr. HAYES with Mr. COUSINS. Mr. HARE with Mr. LOUD.

Mr. HATCH with Mr. HULL. Mr. JONES with Mr. HULICK. Mr. Tuoker with Mr. Perkins. Mr. McCulloch with Mr. Haugen. Mr. PAYNTER with Mr. DOLLIVER.

Mr. Alderson with Mr. Wadsworth. Mr. Rusk with Mr. Gear.

The result of the vote was announced as above stated.
Mr. RICHARDSON of Tennessee. I move to reconsider the
vote just taken and move to lay that motion on the table.
Mr. HUTCHESON. Pending that, Mr. Speaker, I move that

the House take a recess until 4 o'clock. [Laughter.]
Mr. MONEY. We are going to adjourn at 3 o'clock.
The SPEAKER. What motion does the gentleman from

Texas submit?

Mr. HUTCHESON. That the House take a recess until fif-Mr. Holleson. That the House take a recess that he teen minutes before 3 o'clock.

Mr. SPRINGER. Would it be in order to move to suspend

the rules and pass this resolution?

The SPEAKER. There is a motion pending for a recess. Mr. RICHARDSON of Tennessee. I rise to a parliamentary

inquiry

The SPEAKER. The gentleman will state it.
Mr. RICHARDSON of Tennessee. As I understand it, the
Senate has agreed to the resolution to adjourn at 3 o'clock today, which resolution was passed by the House. Now, I move to suspend the rules and lay the motion to reconsider on the

The SPEAKER. But the gentleman from Texas has a motion pending for a recess which must be disposed of first.

The question is on the motion of the gentleman from Texas The question was taken, and on a division (demanded by Mr.

HUTCHESON) there were—ayes 4, noes 143.
Mr. HUTCHESON. Mr. Speaker, I make the point that no quorum has voted.

The SPEAKER appointed Mr. HUTCHESON and Mr. RICH-

ARDSON of Tennessee as tellers.

Mr. SHAW. Mr. Speaker, I rise to a parliamentary inquiry, for the purpose of saving time, and possibly giving some information to the gentleman from Texas. The Chair decided that

the resolution was passed.

The SPEAKER. The vote by yeas and nays adopted the resolution.

Mr. SHAW. I understand that, Mr. Speaker. Whereupon a motion is made to reconsider that vote and lay it on the table. Pending that the gentleman from Texas moves to take a recess. Now, I would like to have the Chair state to the gentleman if

this filibustering should continue until 3 o'clock, whether it would in any way affect the resolution itself?

The SPEAKER. That is not a parliamentary inquiry. The Chair will state, however, that this being a joint resolution, of course in order to be operative it must be agreed to by both the

House and Senate.

Mr. SHAW. But has it not already passed the House?

The SPEAKER. It has, but a motion to reconsider is pend-

Mr. SHAW. Would any filibustering proceedings continued up to the hour of adjournment defeat that action of the House? The SPEAKER. But the resolution will not be sent from the House while the motion to reconsider is pending.

Mr. SHAW. I understand that, but I wanted the information for the benefit of the gentleman from Texas to show that we are

losing time by this proceeding.

The SPEAKER. The tellers will take their places.

Mr. RICHARDSON of Tennessee (one of the tellers). I with-

draw the motion to reconsider and lay on the table.

Mr. HUTCHESON. And I renew it.

Mr. RICHARDSON of Tennessee. Now, I move to suspend the rules and lay on the table the motion to reconsider the vote

by which the resolution was passed.

Mr. HUTCHESON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HUTCHESON. The motion before the House is the mo-

Mr. RICHARDSON of Tennessee. Oh, no; the gentleman withdraws that motion when he submits another.
Mr. HUTCHESON. I beg pardon; I did not. The gentleman's proposition to withdraw his motion is very witty, but it

has no significance parliamentarily. It is not in order to submit his new motion while mine is pending.

his new motion while mine is pending.

Mr. TRACEY. But you withdrew it.

The SPEAKER. The gentleman states that he did not.

Mr. HUTCHESON. No, sir; I did not. I beg the gentleman's pardon. Does the Chair understand me to withdraw the

The SPEAKER. The Chair understood the gentleman to state that he did not. Why does the gentleman ask such a question. Mr. HUTCHESON. I understood the Chair to ask me it I withdrew my motion. The SPEAKER.

The gentleman stated himself that he had not withdrawn it. Mr. HUTCHESON. I am glad the Chair and myself agree. Mr. RYAN. But he has made a motion to reconsider the vote

Mr. BOATNER. Mr. Speaker, I rise to a parliamentary in

quiry.
Mr. RICHARDSON of Tennessee. Will the Chair please state
the parliamentary status of the question?
The SPEAKER. The status of the question is, first, a vote on the pending motion for a recess, on which no quorum has

Mr. RICHARDSON of Tennessee. Will the Chair indulge me

a moment?
The SPEAKER. If there is any question of fact on which the gentleman wishes to be heard, the Chair will of course recognize him.

Mr. RICHARDSON of Tennessee. When I withdrew the motion to reconsider and lay on the table, the gentleman from Texas then made another or renewed the motion that I had withdrawn. Now he abandons his motion for a recess when he makes another which is independent, separate, and apart from the motion for a recess. The motion to reconsider and lay on the table, the two motions combined together as one, is the pending motion, and the gentleman can not make that motion while the motion for a

recess is pending. Therefore he must have withdrawn the mo-tion for a recess in order to submit the other.

The SPEAKER. Of course, the Chair would not hold any gen-tleman to any technical rule. The gentleman made the point that no quorum had voted upon the motion for a recess. Tellers were appointed. The tellers had taken their places. The House was dividing. In that state of the cess the gentleman from Tenwas dividing. In that state of the case the gentleman from Tennessee [Mr. RICHARDSON] withdrew his motion—not the motion

for the recess, but the motion that was pending to reconsider and lay upon the table.

Mr. RICHARDSON of Tennessee. That is correct.

The SPEAKER. The gentleman from Texas [Mr. HUTCHESON] then stated that he renewed the motion. Any gentleman who voted in the affirmative, of course, had the right to renew who voted in the affirmative, of course, had the right to renew the motion to reconsider, and that could be entered, the Chair will state, pending any business, because it must be entered under the rules, within a limited time.

Mr. REED. Did the gentleman from Texas [Mr. HUTCHESON vote with the majority?

Mr. HUTCHESON. I did, sir.

The SPEAKER. The Chair understood that the gentleman

Mr. SMITH of Arizona. Mr. Speaker, is it in order now for me to ask the gentleman to withhold the motion long enough for me to make a report from a committee and get it onto the Calendar? I am afraid the opportunity will be lost if that action is not now taken. If the gentleman will be kind enough to allow me to do that, it will save the trouble of calling for the regular

The SPEAKER. No quorum has voted on the motion for a recess. The tellers will take their places.

Mr. POWERS. Mr. Speaker, I understand that the resolu-

tion proposed by the gentleman from Tennessee has passed the House'

The SPEAKER. It has,
Mr. POWERS. And that a motion to reconsider and to lay
that motion on the table was made by the gentleman from Tennessee [Mr. RICHARDSON], and is now withdrawn.
The SPEAKER. It has been renewed by the gentleman from
Texas [Mr. HUTCHESON].
Mr. POWERS. Now, in the event that 3 o'clock is reached

before any vote on the motion to reconsider, does not that leave the resolution as passed by the House. The SPEAKER. Passed by the House, undoubtedly.

The SPEAKER. Passed by the House, undoubtedly.
Mr. RICHARDSON of Tennessee. But this is a joint resolution, which requires the action of the Senate.
The SPEAKER. As many as favor the motion that the House take a recess until fifteen minutes before 3 o'clock will pass between tellers and be counted.

The House divided; and the tellers reported—ayes 3, noes 177.

So the motion was rejected. Mr. RICHARDSON of Tennessee. I move to suspend the rules and lay upon the table the motion to reconsider.

The SPEAKER. The Chair will put the motion of the gentleman from Tennessee [Mr. RICHARDSON].

Mr. HUTCHESON. Mr. Speaker, what is the motion of the gentleman

gentleman?
The SPEAKER. To suspend the rules and lay upon the table the motion to reconsider. Under the rules, during the last six days of a session a motion to suspend the rules is in order.
Mr. HUTCHESON. I move that the House do now adjourn. The SPEAKER. That motion is in order. Pending a motion to suspend the rules, one motion to adjourn is in order. The gentleman from Texas [Mr. HUTCHESON] moves that the House do now adjourn. do now adjourn.

The question was taken, and the Speaker announced that the

pes seemed to have it. Mr. HUTCHESON. I call for a division on that, Mr. Speaker. The House divided; and there were—ayes 4, noes 150. Mr. HUTCHESON. I make the point of no quorum.

The SPEAKER. It does not require a quorum to refuse to adjourn. The question now is on the motion of the gentleman from Tennessee [Mr. RICHARDSON] to suspend the rules and lay upon the table the motion to reconsider entered by the gentleman from Texas [Mr. HUTCHESON].

The question was taken; and on a division (demanded by Mr.

HUTCHESON) there were—ayes 165, noes 17.

The SPEAKER. Two-thirds having voted in favor thereof, the rules are suspended and the motion to reconsider is laid upon the table. [Applause.]

ORDER OF BUSINESS.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to

offer a resolution.

Mr. HUTCHESON. Mr. Speaker, I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. HUTCHESON. My point of order is that a motion was pending to reconsider the vote by which a resolution was passed.
That has never been acted upon.
The SPEAKER. The gentleman from Texas entered a metion to reconsider the vote by which the House agreed to a resolution was passed.

the to reconsider the vote by which the House agreed to a resolution, and the gentleman from Tennessee moved to suspend the rules and lay that motion upon the table—

Mr. HUTCHESON. And that was the vote just taken.

The SPEAKER (continuing). And two-thirds having voted in favor thereof, the rules were suspended and the motion to lay on the table prevailed. The gentleman from Tennessee desires to submit a resolution.

Mr. HUTCHESON. I have to thank my followers, and I hope,

Mr. Speaker

Mr. BROWN. Regular order.
The SPEAKER. The House will be in order.
Mr. HUTCHESON. I ask that I may have an hour-The SPEAKER. The gentleman is not in order.
Mr. HUTCHESON. To state my side to the House.
The SPEAKER. The gentleman will be in order; and the

House will be in order.

Mr. CARUTH. Regular order.
The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports, and the Clerk will call the committees.

CASH ENTRIES OF OFFERED LANDS.

Mr. SOMERS, from the Committee on the Public Lands, submitted a report on the bill (H. R. 4244) confirming cash entries of offered lands

Mr. SOMERS. Mr. Speaker, I desire to reserve the question

of privilege on that bill.

The SPEAKER. The gentleman from Wisconsin claims that this bill has some degree of privilege, by reason of the fact that it had been recommitted by the House with instructions. The gentleman reports it now; and, without objection, the question as to its privileged character will not be considered as waived

as to its privileged character will not be considered as waived by reporting it, but will be determined whenever the matter is called to the attention of the House at the next session.

Mr. WELLS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WELLS. I wish to ask the gentleman from Wisconsin whether the bill is amended so as to include more than the three States mentioned in the original bill?

Mr. SOMERS. I think it comprises only the three States.

The information called for is furnished in the report.

The SPEAKER. The bill will be ordered printed, and referred to the Committee of the Whole House on the state of the Union.

ADMISSION OF ARIZONA.

Mr. SMITH of Arizona, from the Committee on Territories reported the bill (H. R. 4393) as a substitute for the bill (H. R. 3332) to provide for the admission of the State of Arizona into the Union, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

The SPEAKER. The original bill will lie on the table.

SALE OF INTOXICATING LIQUORS IN THE DISTRICT OF CO-LUMBIA.

Mr. COBB of Alabama, from the Committee on the District of Columbia, reported back the bill (H. R. 3740) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia;" which was referred to the House Calendar, and, with the accompanying report, ordered to be

SATURDAY HALF HOLIDAY IN EXECUTIVE DEPARTMENTS.

Mr. HEARD. Mr. Speaker, I report back for reference the joint resolution (H. Res. 84), making Saturday a half holiday for the Executive Departments in the District of Columbia. The title of the bill indicates that it should go to the Committee on the District of Columbia, but on examination it would appear

that it should go to the Committee on the Judiciary.

The SPEAKER. Without objection, the Committee on the District of Columbia will be discharged from the consideration of this bill, and it will be referred to the Committee on the

Judiciary.

There was no objection.

The call of committees for reports were resumed and con-

EASTERN JUDICIAL DISTRICT OF FLORIDA

Mr. BOATNER, from the Committee on the Judiciary, reported the bill (H. R. 51) creating the eastern judicial district of

Florida, with amendments.

The title of the bill was reported.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent for the present consideration of that bill. It is merely a change in the boundaries of the judicial district in the State of Florida.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to consider the bill just reported by the Committee of the Indicator.

The Clork will reserve the bill with the committee of the Indicator.

on the Judiciary. The Clerk will report be no objection the House will consider it. The bill was read, as follows: The Clerk will report the bill, and if there

Be il enacted, etc., That a judicial district, called the eastern district of Florida, is hereby created, composed of the following counties of the State of Florida, to wit: Alachua, Baker, Bradford, Brevard, Clay, Columbia, Dade, Duval, Hamilton, Lake, Madison, Marlon, Nassau, Orange, Osceola, Putnam, Saint John, Sumter, Suwanee, and Volusia.

SEC. 2. That terms of the district and circuit courts for said district shall be held at Jacksonville, Fla., beginning on the first Monday of December of sach year.

Sec. 3. That the district judge for the southern district of Florida shall be the district judge for the eastern district of Florida, and he may exercise at any place in either of said districts any and all powers which are or may be vested in him for either or both of said districts which can be exercised out

Vested in that to treat the content of term.

SEC. 4: That a district attorney and a marshal for said eastern district of Florida, and a clerk for said district court, a clerk for the circuit court for said district, and all other officers pertaining to or provided by law for district or circuit courts shall be appointed for said courts for said eastern district of Florida as prescribed by law.

The SPEAKER. Is there objection?
Mr. OATES. I desire to ask my colleague on the committee a question. Does this provide for an additional district attorney and judge for the same district?

Mr. BOATNER. No, sir. Mr. Speaker, I desire to make a statement about the bill which will take but a moment. The Committee on the Judiciary reports the bill back with amendment. The bill as reported merely provides that certain counties in the State of Florida which have heretofore been attached to the pathbach distribute and at to the northern district be detached from that district and attached to the southern district. It creates no new offices, and entails not a dellar of expense, but merely reorganizes the lines of the two judicial districts to meet the convenience and wants of the people. There is no possible objection to the bill.

Mr. OATES (to Mr. BOATNER). Your report is a substitute

for the original bill?

Mr. BOATNER. Practically it is.
Mr. OATES. The Clerk read just now, probably from the original bill, a provision for the creation of two offices, clerk and district attorne

Mr. BOATNER. We have struck that all out.

The amendments recommended by the committee were read, as

Strike out in lines 3 and 4 of section I the words "a judicial district called the eastern district of Florida is hereby created composed of," and insert at the end of section I the following: "be and the same are hereby detached from the northern judicial district of said State, and attached to the south-ern judicial district thereof."

In line 2 of section 2, after the word "said," insert "southern," and add to said section the following: "In addition to the terms at Key West and Tampa as now provided by law."
Strike out sections 3 and 4, and add the following as section 3:
SEC. 3. And be if Jurther endeted, That all cases or proceedings pending in the circuit court for the northern district of Florida, at Jacksonville, Fla., or filed in the office of the clerk of said circuit court, at Jacksonville aforesaid, and all records of said court at Jacksonville aforesaid, are hereby transferred to said circuit court for the southern district of Florida, to be proceeded with therein as if originally instituted in said court. And all cases or proceedings pending in the district court for the northern district of Florida, at Jacksonville, Fla., or filed in the office of the clerk of said district court, at Jacksonville aforesaid, and all records of said court at Jacksonville aforesaid, are hereby transferred to said district court for the southern district of Florida, to be proceeded with therein as if originally instituted in said court.

The amendments were adopted.

The amendments were adopted.

The bill as amended was ordered to a third reading; and it was

accordingly read the third time, and passed.

Mr. BOATNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.
The title was amended so as to read: "A bill to change the boundaries of the judicial districts of the State of Florida.

DAMS ACROSS KANSAS RIVER.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the deak.

The title of the bill was read, as follows: A bill (H. R. 340) to authorize the construction and maintenance of a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas

Mr. BYNUM. Mr. Speaker, pending the request of the gentleman from Kansas, I desire to present a conference report. I wish to present it at this time in order to give an opportunity for the bill to be engrossed.

The SPEAKER. A conference report is, of course, privileged. REMISSION OF DUTIES ON GOODS EXHIBITED AT CHICAGO.

The conference report was read, as follows:

The connected report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

W. D. BYNUM,
BENTON MOMILLIN,
SERENO S. PAYNE,
Managers on the part of the House. JUSTIN F. MORRILL, ISHAM G. HARRIS, Managers on the part of the Senate.

The conference report was agreed to.

Mr. BYNUM moved to reconsider the vote by which the report was agreed to, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGRESSIONAL RECORDS FOR MEMBERS.

The SPEAKER. The Chair lays before the House a House resolution with Senate amendments. The Clerk will report the amendments.

The Clerk read as follows:

Line 4, strike out "twenty-two" and insert "fifteen."
Line 5, strike out all after "Congressional Record" down to "extraor-mary," lines 11 and 12, and insert "during the first;" so that the resolution

Line 5, Strike out at a tell dinary. Ilnes 11 and 12, and insert "during the first;" so that the resolution will read:

*Resolved by the House of Representatives (the Senate concurring), That the Public Printer be directed to furnish to each Representative and Delegate 15 additional copies of the CONGRESSIONAL RECORD during the first session of the Fifty-third Congress.

Mr. RICHARDSON of Tennessee. The effect of this amendment is simply to give members of the House and Delegates 37 copies of the CONGRESSIONAL RECORD instead of 44, as provided for in the resolution passed by the House. Senators get only 37 copies each, and they do not think they ought to agree to give members of the House a larger number than they get them-elves, as that has never been done in the distribution of any public document. Gentlemen will understand that this applies only to the present session. The permanent increase of 8 additional copies will be provided for in the printing bill which has passed the House and is now pending in the Senate. I move that the House concur in the Senate amendment

The amendment was concurred in.

DAMS ACROSS KANSAS RIVER.

The SPEAKER. The Clerk will now report the bill presented by the gentleman from Kansas [Mr. CURTIS].

The bill (H. R. 340) was read, as follows:

Be it enacted by the Senats and House of Representatives of the United States of America in Congress assembled, That the Chicago-Topeka Light, Heat, and lower Company, a corporation organized under the laws of the State of LOM.

Illinois, its successors and assigns, be, and they are bereby, authorized and empowered to construct and maintain a dam or dams across the Kansas River, at any suitable place or places within the county of Shawnee, in the State of Kansas.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read. as follows:

as follows:

Strike out section 2 and insert the following:

"Provided, That on notice by the Secretary of War that said dam or dams are material obstructions to navigation, said dam or dams shall be at once removed, or suitable lock or locks provided by the owner or owners thereof at his or their expense, so as not to interfere with navigation: And provided further. That if after due and sufficient notice in such case the owner or owners of said dam or dams shall neglect or fail to provide suitable lock or locks, or otherwise modify or remove said obstructions, in such manner as the Secretary of War may direct, the said Secretary is hereby authorized and directed to cause suitable lock or locks to be provided, or said obstructions to be removed or modified at the expense of the United States, and to institute proceedings against the person or persons or corporation owning or controlling said dam or dams for the recovery of the expense thereof before the circuit court of the United States in and for the district in which said dam or dams may be located.

"Sec 2. That the dam or dams herein provided for shall be commenced within one year from the date of approval of this act and completed within three years, under penalty of the forfeiture of the franchise herein granted, "Sec 3. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. BRETZ. Mr. Speaker, that bill is too important to reserved.

Mr. BRETZ. Mr. Speaker, that bill is too important to pass under a unanimous consent.

The SPEAKER. Objection is made.

Some time subsequently:

Mr. BRETZ. Mr. Speaker, I desire to withdraw my objection to the consideration of the bill called up by the gentleman from Kansas

The SPEAKER. The gentleman from Kansas asks un inimous consent for the consideration of this bill. The gentlem in from Indiana objected, but now withdraws the objection. Is there further objection?

There being no objection the bill was considered, the amendments recommended by the committee were agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

On motion of Mr. CURTIS of Kansas, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that gentlemen desiring to print remarks upon the pending bill to establish a uniform system of bankruptcy may be permitted to

do so.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. COBB of Alabama. Mr. Speaker, I desire to offer a resolution for immediate consideration.

Mr. MEYER. I call for the regular order.

The SPEAKER. The regular order is called for, which is equivalent to an objection.

Mr. HENDERSON of North Carolina. Mr. Speaker, I desire

to present a privileged report.

Mr. MEYER. I withdraw the demand for the regular order. The SPEAKER. The gentleman from North Carolina [Mr. HENDERSON] states that he desires to present a privileged report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the following resolu-

Resolved by the Senate and House of Representatives, That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 3d day of November present, at 3 o'clock p. m.

The message also announced that the Senate still further insists upon its amendment, numbered 6, to the bill (H. R. 4177) to provide for further urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1894, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives, and had appointed Mr. Cockrell, Mr. GORMAN, and Mr. CULLOM as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved. That a committee of two members of the Senate be appointed to join a similar committee on the part of the House of Representatives to wait on the Fresidevt of the United States and inform him that the two Houses of Congress are ready to adjourn, and respectfully inquire if he has any further communication to make to them.

In compliance with the foregoing resolution the Presiding Officer appointed as said committee Mr. RANSOM and Mr. CUL-

The message also announced that the Senate had passed without amendment the bill (H. R. 4015) in aid of the World's Fair Prize Winners' Exposition to be held at New York City.

PAY OF LETTER-CARRIERS.

The resolution was read, as follows:

The resolution was read, as ionows:

Resolved. That the Postmaster-General be, and is hereby, requested to inform the House of Representatives whether the claims of letter-carriers for form the House of Representatives whether the claims of letter-carriers for compensation in excess of eight hours per day, under the act of May 20, 1888, as decided by the Court of Claims March 7, 1892, are being received, or can be received, adjusted, and paid, or certified to Congress for appropriation, without the intervention or services of attorneys.

The Committee on the Post-Office and Post-Roads having con-

sidered this resolution, recommend its passage.
Mr. HENDERSON of North Carolina. Mr. Speaker, this is merely a formal resolution calling on the Postmoster-General for

Mr. McMILLIN. Will the gentleman from North Carolina [Mr. HENDERSON] be kind enough to state the purpose of the

Mr. HENDERSON of North Carolina. The purpose is to ascer tain from the Postmaster-General whether it is necessary that letter-carriers having claims for extra service under the eight-hour law are required to employ attorneys.

Mr. BINGHAM. It carries with it no appropriation; it simply

calls for information.

Mr. McMILLIN. It imposes no additional charge on the Government?

Mr. HENDERSON of North Carolina. None whatever.

Mr. BINGHAM. It simply asks for information whether it is necessary for these carriers to pay fees to attorneys, or whether the Department will settle the claims without the intervention of attorneys.

There being no objection, the resolution was considered and adopted.

PAYMENT FOR CLERICAL SERVICES TO MEMBERS.

Mr. SAYERS. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, directed to use any money to the credit of miscellaneous items of the contingent fund in the payment of Members and Delegates the amounts which they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties during the month of October, and to and including the 3d day of November, 1893, as authorized by the joint resolution approved March 3, 1893.

Mr. SAYERS. Mr. Speaker, I am informed by the Clerk of the House that of the specific appropriation made for the pay-ment of clerk hire there is not a sufficient amount remaining to make payment for the month of October and for the portion of the present month which has already expired, but that if the general contingent fund be used for this purpose he will have enough for the purpose. He believes that without a resolution of this kind he has the authority to make such payment; but I am apprehensive that on the presentation of his accounts at the ury Department they would not be allowed by the accounting officers without such provision as is embraced in this resolution. Therefore, out of abundance of caution, I ask the adoplution. tion of the resolution.

Many MEMBERS. All right.
There being no objection, the resolution was considered and adopted.

PAYMENT TO WIDOW OF REV. S. W. HADDAWAY.

Mr. COBB of Alabama, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House of Representatives be authorized and directed to pay out of the contingent fund of the House of Representatives to Mary E. Haddaway, widow of Samuel W. Haddaway, deceased, late Chaplain of the House of Representatives, a sum equal to one year of the salary paid to the chaplain, and he be further directed to pay out of the contingent fund to said Mary E. Haddaway the expenses attending the last filness and funeral of the deceased Chaplain, not to exceed in amount the sum of \$500.

DIPLOMAS FOR DESIGNERS, INVENTORS, ETC.

Mr. SPRINGER. I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk. I desire to explain that this resolution embraces one of the sections of the urgent deficiency appropriation bill which is about to fail—the portion which has been unanimously agreed to at this session by both Houses of Congress. Unless this provision be adopted in a separate resolution, it must fail along with

the deficiency bill.

The SPEAKER. The joint resolution sent to the desk will be read, after which there will be opportunity for objection.

The Clerk read as follows:

Joint resolution (H. Res. 77) conferring diplomas upon designers, inventors, and expert artisans.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That a diploma of honorable mention may be conferred upon designers, inventors, and expert artisans who have assisted

in the production and perfection of such exhibits as are awarded diplomas in the World's Columbian Exposition or are formally commended by the Director-General thereof; and authority is hereby given to the Board of Lady Managers of the World's Columbian Commission, acting in conjunction with the Associated American Exhibitors, to present said diplomas of honorable mention to said designers, inventors, and expert artisans whenever a certificate is filed with said Board of Lady Managers by an exhibitor who has received a medal and diploma or the formal commendation of the Director-General setting forth the name or names of designers, inventors, and expert artisans who have assisted in the production and perfection of the exhibits for which said medals and diplomas were awarded or commendation made, the expense thereof to be paid from the sum of \$100,000 appropriated by an act approved March 3, 1833, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes, for the payment of judges, examiners, and members of the committees to be appointed by the Board of Lady Managers as authorized by section 6 of an act approved April 25, 1800, authorizing the World's Columbian Exposition and appropriating money therefor.

The SPEAKER. The amendments proposed to be adopted as a part of this resolution will be read.

The Clerk read as follows:

On page 1, after the word "commission," in line 9, strike out the words acting in conjunction with the Associated American Exhibitors," On page 2, line 18, after the word "the," insert "aggregate." In line 18, after the word "thereof." insert "not to exceed \$5,000."

Mr. SPRINGER. The object of these amendments is to make Senate in connection with the urgent deficiency bill. The gentleman from Texas [Mr. SAYERS] understands this matter, and will make any further explanation which may be necessary.

Mr. KILGORE. I object to the consideration of the joint

resolution.

Mr. SPRINGER. I hope the gentleman will not object. [A pause.] Will the Chair recognize me to move to suspend the rules and pass this resolution? The proposition does not involve any expense to the Government, and has already been agreed to harbor the ungarnery deliciency. by both Houses unanimously as a part of the urgency deficiency bill. I move to suspend the rules and pass this joint resolution. The SPEAKER. The gentleman from Illinois moves to sus-

pend the rules and pass the resolution as read with the amend-

The SPEAKER proceeded to put the question on the motion

to suspend the rules.

Mr. CULBERSON. I make the point that the motion to suspend the rules has not yet been seconded.

The SPEAKER. Nobody called for a second upon the mo-

Mr. CULBERSON. We are entitled to have that question submitted. We do not know what the proposition is.

The SPEAKER. It has been read, and, as the Chair understands, is the same as a provision in the urgent deficiency bill

now pending between the two Houses.

Mr. McMILLIN. It strikes me, Mr. Speaker, that while this resolution may be entirely proper, the House can not be deprived of the right to have the question taken upon seconding the motion to suspend the rules. I submit that, without the point being raised by any member, the Chair should put the question, "Is a second demanded?"

The SPEAKER. That is usual. The Chair will put that question now. Is a second demanded on the motion to suspend

the rules?

Mr. CULBERSON. I demand a second, because I want to understand what this bill is.

The SPEAKER. The Chair will appoint tellers.
Mr. SPRINGER. I hope the gentleman from Texas [Mr. SAYERS] may be permitted to explain this matter.

Mr. CULBERSON. I am willing that a second may be considered as ordered.

The SPEAKER. In the absence of objection, a second will be considered as ordered.

There was no objection.

Mr. CULBERSON. Now, as I understand, there is opportunity under the rules for fifteen minutes debate on each side.

The SPEAKER. There is. The Chair recognizes the gentleman from Illinois [Mr. SPRINGER] to control the time in favor of the proposition, and the gentleman from Texas [Mr. CULBER-

SON] to control the time in opposition.

Mr. SPRINGER. I yield to the gentleman trom Texas [Mr.

SAYERS] as much time as he may desire.

Mr. SAYERS. Mr. Speaker, the provision of the resolution is the same as a Senate amendment to the urgent deficiency

bill which has been agreed to by the House.

It only provides that out of the sum of money heretofore ap of Lady Managers may use the sum of \$5,000, or so much thereof as may be necessary, for the issuance of diplomas to the workmen who made the different fabrics that have been exhibited at the World's Fair and which have taken premiums. It contains no additional appropriation, but simply authorizes the issuance of the diplomas to these workingmen.

Mr. CULBERSON. Where would the money go if this authority were not given as proposed here?

Mr. SAYERS. I do not know whether it would be expended

or not.

Mr. CULBERSON. But that is just the point.
Mr. BLANCHARD. It would not go back into the Treasury,

you may be sure of that.

Mr. CULBERSON. I wish to know, if this bill does not pass, where the money would go? I think it is a pertinent inquiry.

Mr. SAYERS. But we do not know whether there is any

money on hand or not.

Mr. CULBERSON. Well, if there is?
Mr. BRECKINRIDGE of Arkansas. If there is any on hand, and this provision was not enacted, it would be used for other expenditures already authorized by law, would it not?
Mr. SAYERS. Certainly.
Mr. SAYERS.

Mr. SPRINGER. It would be used for expenditures which are

already authorized.

Mr. KILGORE. They say it will be used to pay other expenses. Now, I think it is about time to call a halt on this kind

Mr. SAYERS. But this does not appropriate a dollar.

Mr. SPRINGER. Not a cent.
Mr. KILGORE. Oh, I understand that. This provides for the payment of \$5,000 for these medals, and if it passes that much money is taken out of the appropriations already provided for, and there will be necessarily a deficiency in these other appropriations, so that they will come to Congress sometime hereafter and ask us to make the amount good.

Mr. SPRINGER. Not at all.
Mr. SAYERS. It will not involve a dollar of appropriation.
Mr. CANNON of Illinois. I think there will not be any demand on Congress for such purpose. But suppose there is.
There is great equity and justice in giving the compliment of a diploma to the men whose brains originated and whose hands wrought out many of these wondrous works of art which have been exhibited at Chicago; and it seems to me that it is a graceful thing for the American Congress to do.

Mr. KILGORE. Well, I am very sorry the gentleman from Illinois said that. I do not think it is a graceful thing.

Mr. SPRINGER. It is for the workingmen exclusively. It has been petitioned for by the workingmen's organizations all over the country.

over the countr

Mr. KILGORE. I understand that is the allegation. We hear that constantly said about such things, but it is not always true. Mr. SPRINGER. But in this case it expressly provides that

it is for them. Mr. KILGORE. That is the story, that it is for the benefit of the workingman; but there are plenty of workingmen down in my country who have no such benefits conferred upon them.

Mr. SPRINGER. It will not cost a dollar of appropriation.

The SPEAKER. The question is on the motion of the gentleman from Illinois to suspend the rules and pass the bill.

Mr. KILGORE. Well, the gentleman will probably have a

Mr. Kildovice. Well, the gentleman will probably have a quorum for that purpose.

Mr. SPRINGER. I hope the gentleman from Texas will not intervene at this hour to call for a quorum. I have stated several times that this is a proposition in the interests of the workingmen's organization in Chicago

Mr. KILGORE. The gentleman from Illinois is wasting his

Mr. SPRINGER (continuing). And these organizations all over the country have petitioned for the resolution. It is to

give a diploma to the workingmen.

Mr. KILGORE. I understand that. If the gentleman had been willing to extend this session as it should have been extended we would have had plenty of time to examine this mat-

ter and understand it thoroughly.

Mr. SPRINGER. It has already twice passed the House.

The SPEAKER. The question is on the motion to suspend the rules and pass the joint resolution.

The question was taken: and on a division, demanded by Mr.

KILGORE, there were—ayes 126, noes 6.
So, no further count being demanded, the rules were suspended and the joint resolution passed.

REPORT OF COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. HOLMAN. Mr. Speaker, the committee appointed, to join the committee appointed by the Senate, to wait on the President of the United States and inform him that Congress had finished its labors, have performed that duty and report that the President informed the committee that he had no further communication to make at this time to Congress. He further expressed the wish for the safe return of the members of the House and Senate to their respective homes.

ENROLLED BILLS SIGNED,

Mr.PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the

A bill (H. R. 4015) in aid of the World's Fair Prize Winners' Exposition, to be held at New York City.

Joint resolution (H. Res. 22) to amend the act approved April 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition; and A bill (H. R. 4186) to regulate the fees of the clerk of the United

States court for the Indian Territory.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment join resolution (H. Res. 36) to pay session and per diem employés and other employés, and that they be retained during the coming session, in which concurrence of the House was requested.

SESSION EMPLOYÉS.

Mr. RICHARDSON of Tennessee. I desire to lay before the House a House joint resolution with Senate amendments.

The SPEAKER. The Clerk will report the title of the reso-

lution.

The Clerk read as follows:

Joint resolution (H. Res. 86) to pay session and per diem employés and other employés, and that they be retained during the coming recess.

The SPEAKER. The clerk will report the amendment of the Senate.

The Clerk read as follows:

In line 16, after the word "dollars," insert: "And the sum of \$22,088 is nereby appropriated for contingent expenses of the Senate, namely, for misellaneous items exclusive of labor, for the fiscal year 1891."

Mr. RICHARDSON of Tennessee. I move to suspend the rules and concur in the amendment of the Senate.

Mr. BLANCHARD. I would like to inquire if the Senate amendment is not exactly the amendment that the House voted

down yesterday in the conference report?

Mr. RICHARDSON of Tennessee. I am not informed on that,
Mr. BLANCHARD. I ask the gentleman from Texas [Mr.

SAYERS] if that is not true?

Mr. SAYERS. It is, in another form.

Mr. RICHARDSON of Tennessee. M Mr. Speaker, I move to suspend the rules and concur in the Senate amendment.

Mr. SAYERS. I desire to make a statement to the House which affects the amendment under consideration. ferees on the part of the House have had a fourth conference with the Senate conferees and have declined to advise the House to recede. I am authorized by the chairman of the Committee on Appropriations of the Senate to say to the House that no deficiency bill of whatever kind or for whatever purpose shall pass the Senate until the session clerks and Senators' clerks shall be paid for the months of October and November, 1890. I think it is due to the House, in view of what has transpired at the present session and also in former sessions, that I should make this statement

Mr. RICHARDSON of Tennessee. I hope there will be no

objection to concurring in the Senate amendment.

Mr. JOHNSON of Indiana (to Mr. SAYERS). Will not that involve a failure to pass the deficiency bill whereby the House clerks will receive their October salary?

Mr. SAYERS. No, sir; the October salaries of clerks will be paid out of the contingent fund of the House. There is money sufficient to pay them.

ufficient to pay them.

Mr. CARUTH. But the item for the elevator employes and the deficiency appropriation for lighting and heating public buildings will fail to pass.

Mr. SAYERS. We have just passed a resolution authorizing the clerks to be paid out of the contingent fund of the House.

Is not this the same appropriation that has

Mr. McMILLIN. Is no failed in former sessions?

Mr. SAYERS. Yes.
Mr. HOLMAN. Three sessions in succession.
Mr. McMILLIN. And Senators have heretofore allowed other appropriations to be made, notwithstanding this was not agreed

Mr. SAYERS. Yes.
Mr. McMILLIN. And now they propose to say that appropriations shall fail unless this is allowed to pass?

Mr. SAYERS. I did not say that the Senators so proposed. I only state that the chairman of the Committee on Appropriations of the Senate has authorized me to state the fact to the House. Mr. McMILLIN. He is their mouthpiece? Mr. SAYERS. I do not know.

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Mr. McMILLIN. He has authorized you to give that infor-

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mation to the House?
Mr. SAYERS. Yes.
Mr. REED. What special interest did there seem to be behind this?

Mr. SAYERS. I can not say.
Mr. REED. I would like to get at the secret of it if I could.
Mr. BLANCHARD. I would like to ask the gentleman if this amendment, incorporated by the Senate in the pending resolution, is not the very one that the gentleman from Texas [Mr. olution, is not the very one that the gentleman from Texas [Mr. SAYERS] opposed yesterday, and in which opposition the House by an overwhelming majority sustained him?

Mr. SAYERS. By a vote of 120 to 4, though in another form. Mr. McMILLIN. How different is it?

Mr. COGSWELL. It increases their contingent fund.

Mr. BLANCHARD. It comes out of the Treasury all the

The SPEAKER. The question is upon the motion of the gen-emen from Tennessee [Mr. RICHARDSON] to concur. Mr. HUTCHESON. I move that the House take a recess un-

til five minutes to 3 o'clock. Mr. RICHARDSON of Tennessee. I make the point of order against that motion that I have moved to suspend the rules, and pending that motion a motion to take a recess is not in order. The SPEAKER. The Chair did not understand the gentleman's motion to be to suspend the rules.

Mr. RICHARDSON of Tennessee. Yes, I twice stated that on

The SPEAKER. Did the gentleman move to suspend the

Mr. RICHARDSON of Tennessee. Yes. Mr. JOHNSON of Indiana. That motion was made. The SPEAKER. The gentleman from Tennessee [Mr. Rich-ARDSON] states that he moved to suspend the rules and concur in the pending amendment. Pending a motion to suspend the

in the pending amendment. Fending a motion to suspend the rules, a motion for a recess would not be in order.

Mr. HUTCHESON. Mr. Speaker—

Mr. BLANCHARD. I demand a second on his motion.

Mr. HUTCHESON. I demand a second on the motion.

The SPEAKER. The Chair will appoint tellers. The gentleman from Texas [Mr. HUTCHESON] and the gentleman from Tennessee [Mr. RICHARDSON] will please take their places.

Mr. BICHARDSON of Tennessee. Mr. Speaker I ask upanis

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask unanimous consent that a second be considered as ordered. [After a pause.] I want to make point of order against the demand for a second. The matter has already been debated for five or ten minutes; and after debate I insist that the demand for a second can not be made

The SPEAKER. The practice is to ask, Is a second demanded? Mr. RICHARDSON of Tennessee. I submit that is not in

order after debate has been had on the question.

The SPEAKER. The debate proceeded, as the Chair understood, on the motion to concur, and not on the motion to suspend the rules

The House again divided, and tellers reported 143 in the affirm-

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its secretaries, announced that the Senate had passed a concurrent resolution extending the time for adjournment until half past 4

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed on November 3, 1893, the following bills and joint resolutions:

A bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892;

A bill (H. R. 2799) to provide for the time and place of holding the terms of the United States circuit and district courts in the

the terms of the United States circuit and district courts in the State of South Dakota;

A bill (H. R. 3571) to increase the number of officers of the Army to be detailed to colleges;

Army to be detailed to colleges;

A bill (H. R. 3297) providing for the construction of a steam revenue cutter for service on the Great Lakes;

A bill (H. R. 4015) in aid of the World's Fair Prize Winners' Exposition, to be held at New York City;

Joint resolution (H. Res. 83) donating an abandoned cannon to the committee in charge of the national encampment of the Grand Army of the Republic at Pittsburg, Pa., in 1894;

Joint resolution (H. Res. 22) to amend the act approved April 25, 1890 relating to the admission of articles intended for the 25, 1890, relating to the admission of articles intended for the World's Columbian Exposition; A bill (H. R. 2821) for the relief of W. W. Rollins, late collector

Fifth district North Carolina for value of stamps destroyed by

fire at Winsten, N. C., on November 30, 1892;
A bill (H. R. 4186) to regulate the fees of the clerk of the United States Court for the Indian Territory;
A bill (H. R. 2002) to amend an actentitled "An act to provide the times and places for holding terms of United States Courts in the States of Idaho and Wyoming, approved July 5, 1892; and A bill (H. R. 3545) to amend section numbered 2324 of the Revised Statutes of the United States relating to mining claims.

PAY OF PER DIEM AND SESSION EMPLOYES.

The SPEAKER. Tellers will report.
Tellers reported that nine had voted in the negative.
The SPEAKER. One hundred and forty-three gentlemen have passed through the tellers seconding the demand, and nine

have passed through in opposition.

Mr. HUTCHESON. I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum Mr. SPRINGER. Would it not be in order to agree to the

resolution received from the Senate?
The SPEAKER. It would not be at this time, as the point of

no quorum has been made on the pending matter.

Mr. SPRINGER. I suggest that the gentleman from Tennes-

see withdraw his proposition.
Mr. RICHARDSON of Tennessee. I withdraw the motion to

suspend the rules.

Mr. KILGORE. I make the point that the gentleman can not do that, as the matter is being voted on, and it has not been seconded.

onded.

The SPEAKER. The Chair thinks the gentleman can withdraw the motion at any time before the second is ordered. It is not in the possession of the House until it is seconded, and when it is seconded it is out of the charge of the gentleman.

Mr. HUTCHESON. I move to take a recess for two minutes. The SPEAKER. The Chair recognizes the gentleman from

Mississippi [Mr. CATCHINGS].

FINAL ADJOURNMENT.

Mr. CATCHINGS. I move to suspend the rules and pass the resolution which has just been sent to the House from the Sen-

The resolution was read, as follows:

Resolved by the Senate and House of Representatives, That the time for the final adjournment of the present session of Congress be extended to half past 4 o'clock p. m.

Mr. HUTCHESON. I move that the House do now adjourn. The SPEAKER. The gentleman from Texas moves that the House do now adjourn. That motion is in order.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. HUTCHESON. Division.

The House divided; and there were—ayes none, noes 100.

Mr. HUTCHESON. I now demand a quorum. The SPEAKER. The noes have it, and the House refuses to adjourn. The question is on the motion to suspend the rules and pass the resolution.

Mr. HUTCHESON. I demand a second to that.
The SPEAKER. The gentleman demands a second. The gentleman has that right.

Mr. CATCHINGS. I ask unanimous consent that a second be

Mr. CATCHINGS. I ask disaminate consent that a second of considered as ordered.

Mr. HUTCHESON. I object, Mr. Speaker.

The SPEAKER. The Chair will appoint tellers. The gentleman from Mississippi [Mr. CATCHINGS] and the gentleman from Texas [Mr. HUTCHESON] will please take their places as

Mr. KILGORE. I make the point of order— The SPEAKER. The Chair will hear no debate.

The House proceeded to divide, and after some time spent in

The SPEAKER said: The House will please be in order, and gentlemen will please suspend. The hour of 3 o'clock having arrived, in accordance with the terms of a concurrent resolution heretofore adopted, the Chair now declares the first and extra session of the Fifty-third Congress adjourned without a day. [Applause.]

PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the fol-

lowing titles were introduced and severally referred as follows:

By Mr. SMITH of Illinois (by request): A bill (H. R. 4388) authorizing and directing the Secretary of State, the Secretary of the Treasury, the Secretary of the Navy, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the

Postmaster-General, and the Attorney-General to execute printing and engraving by special contract-to the Committee on

By Mr. CARUTH: A bill (H. R. 4389) to amend an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890-to the Committee

on Ways and Means.
Also, a bill (H. R. 4390) to amend an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways

By Mr. HUTCHESON: A bill (H. R. 4391) to provide means to retire the \$25,000,000 past-due bonds, and a currency adequate to the present exigencies of Government, and a sound, sufficient,

and stable currency—to the Committee on Ways and Means. By Mr. McMILLIN: A bill (H. R. 4392) to repeal the tax on

the circulation of banks other than national banks—to the Committee on Banking and Currency.

By Mr. STOCKDALE: A joint resolution (H. Res. 87) inquiring the number and residence of each employé of the Government in the District of Columbia—to the Committee on Reform in the Civil Service.

Also, a resolution inquiring about the residence of employés of the Government in the District of Columbia-to the Committee on Reform in the Civil Service.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following

titles were presented and referred as follows:

By Mr. CURTIS of Kansas (by request): A bill (H. R. 4394) for the relief of the Pottawatomie Indians—to the Committee on Indian Affairs.

By Mr. McMILLIN: A bill (H. R. 4395) for the relief of Hiram

Poston—to the Committee on War Claims.

Also, a bill (H. R. 4396) for the relief of the Presbyterian Church of Granville, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4397) for the relief of Jackson County, Tenn. to the Committee on War Claims.

Also, a bill (H. R. 4398) for the relief of Willis Cornwell—to the Committee on War Claims.

Also, a bill (H. R. 4399) for the relief of Miles F. West, of Macon County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 4400) for the relief of George W. Conatzer-

Also, a bill (H. R. 4401) for the relief of Howard Female College, Tennessee—to the Committee on War Claims.

Also, a bill (H. R. 4402) for the relief of S. R. Doxey, as addison, a bill (H. R. 4402) for the relief of S. R. Doxey, and the relief of S. R. Doxey,

ministrator of J. L. Doxey, deceased—to the Committee on War

By Mr. McNAGNY: A bill (H. R. 4403) granting a pension to Victor Cavalier, of Allen County, Ind.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4404) providing for the payment of a claim of Charles S. Bash for paying streets adjacent to the United States court-house and post-office in Fort Wayne, Ind.—to the Committee on Claims.

Also, a bill (H. R. 4405) to correct the military record of and grant an honorable discharge to Capt. William Lyne—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COVERT: Papers on the matter of the application of Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, to United States Congress for pension, to accompany House bill 4348—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of the honorary commission of

the United States to Antwerp, in relation to Joint Resolution No. 74—to the Committee on Foreign Affairs.

By Mr. HERMANN: Petition of citizens of Coos County, Oregon, for free coinage of silver—to the Committee on Coinage,

Weights, and Measures.

By Mr. HOOKER of New York: Memorial of the residents and taxpayers of the city of Jamestown. N. Y., asking that no change be made at this time in the tarif—to the Committee on Ways and Means.

Also, petition of the workingmen and voters of the Jamestown Worsted Mills of Jamestown, N. Y., protesting against any change in the tariff laws—to the Committee on Ways and Means.

By Mr. TURPIN: Resolutions of the Birmingham Typographical Union, of Birmingham, Ala., relevant to the employment of laborers in constructing a new printing office for the United States—to the Committee on Public Buildings and Grounds.

